



An  
Bord  
Pleanála

## Inspector's Report ABP308660-20

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### Development

Demolition of 2 existing broiler chicken houses with a population of 24,000 birds and the construction of 1 replacement broiler chicken house with a population of 40,000 birds together with all ancillary site works.

### Location

Greenwood, Ballyhaunis, County Mayo.

### Planning Authority

Mayo County Council.

### Planning Authority Reg. Ref.

19/174.

### Applicants

Western Brand Group

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party.

### Appellant

Niall Kelly.

### Observers

None.

### Date of Site Inspection

8 March 2021

### Inspector

Paul Caprani.

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## 1.0 Introduction

ABP308660-20 relates to a single third-party appeal against the decision of Mayo County Council to issue notification to grant planning permission for the demolition of two existing broiler chicken houses with a population of 24,000 birds and the construction of 1 replacement broiler chicken house with the potential to accommodate a population of 40,000 birds together with all site ancillary works including silos. Mayo County Council issued notification to grant planning permission subject to 20 conditions. This decision was the subject of a third appeal expressing concerns primarily in relation to the potential impact on residential amenity. An EIAR and an NIS accompanied the documentation.

## 2.0 Site Location and Description

- 2.1. The subject site is located in Central East Mayo equidistant (approximately 5.5 kilometres) between the towns of Knock and Ballyhaunis. It is located in an agricultural area on the southern side of a local third-class road which runs in a east-west direction between the aforementioned settlements. The local third-class road links up with the R323 Regional Route approximately 800 metres to the east of the site.
- 2.2. The existing two broiler sheds are located to the immediate west of a cluster of large farm buildings which form part of the overall site holdings. These buildings are located approximately 100 metres south of the local access road. Agricultural fields separate the farm buildings in question from the public local road. There are a number of dwellinghouses in the immediate vicinity of the subject site, the closest of which is located 80 metres north-east of the existing broiler houses. There are approximately 5 dwellinghouses within a 200 metre radius of the site all of which are located to the north-west and north-east of the site. There is an area of hardstanding, possibly associated with the farmyard are located approximately 100 metres to the east of the site directly fronting onto the local access road. Some outdoor building material/unused silo equipment has been placed on this hard standing. Began Lough is located further south of the site approximately 200 metres from the southern boundary of the site. This lake does not attract any natural heritage designations.

The nearest Natura 2000 site (River Moy SAC) (Site Code: 002298) is located at Mannin Lake and Island Lake (both seasonal lakes) which are located approximately 3 to 3.5 kilometres to the north-east of the subject site.

- 2.3. The site itself accommodates two elongated chicken broiler sheds located side by side. These sheds are of identical size and design and are 4.075 metres in height, 14.7 metres in width and just over 45 metres in length. They comprise of existing timber side sheeting placed upon plaster blockwork with a series of existing metal roof vents along the ridgeline.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the demolition of the two sheds and the construction of a new broiler house which rises to a maximum height of 6.838 metres (to roof vents). The ridge height of the structure is approximately 5.5 metres in height. The structure incorporates a width of just over 21 metres and a length of 92.5 metres. The external finishes are to comprise of selected metal cladding (green in colour) on a plaster finish plinth. A set of double doors are to be located on the northern elevation facing towards the public road. Two new silos are proposed adjacent to the north-western corner of the building. The larger of the silos rises to 12 metres in height. A new underground tank is proposed in the forecourt area to the front of the building which is to accommodate wastewater associated with the intermittent washing down of the broiler house between delivery batches. The tank would have a capacity of 8,000 gallons (c30,000 litres).
- 3.2. The proposed broiler house will have a capacity for 40,000 birds. The rearing period for each batch of birds is approximately 6 weeks followed by a downtime period of 2 weeks. The EIAR submitted states that there would be approximately 6.5 batches of less than 40,000 birds per year as the house would not be stocked to capacity. There would be approximately one truck journey for every batch delivery and one truck journey for delivery of bedding. There would be more infrequent deliveries for waste collection, feed deliveries, fuel deliveries and broiler collection. The EIAR indicates that there would be approximately 13.5 articulated truck journeys and 64 car journeys per 8 week batch equating to approximately 90 truck and 400 car journeys per year.

## 4.0 Planning Authority's Decision

### 4.1. Decision

Mayo County Council issued notification to grant planning permission for the proposed development subject to 20 conditions on the 20<sup>th</sup> October, 2020.

### 4.2. Documentation Submitted with the Planning Application

4.2.1. The planning application was lodged on the 14<sup>th</sup> March, 2019 and was accompanied by planning application, drawings and fees etc.

### 4.3. Initial Assessment by Planning Authority

4.3.1. A report from the Senior Archaeologist recommended further information in relation to archaeology.

4.3.2. The initial planner's report dated 3<sup>rd</sup> May, 2019 recommended further information in relation to the following:

- Details of site visibility lines available at the vehicular entrance.
- Submit documentary evidence to prove that all existing developments as constructed on site have the benefit of planning permission.
- Submit a report in accordance with Schedule 7A of the Planning and Development Regulations which includes a detailed environmental report assessing the potential impact on the development on the environment.
- It is stated that Mayo County Council have concerns regarding the proposed development because of the cumulative effect arising from other broiler units in close proximity to the proposed development.
- The applicant is also requested to submit a screening for appropriate assessment and in the case where a Stage 2 Appropriate Assessment is required to submit a full appropriate assessment. T

This request for further information was dated 7<sup>th</sup> May, 2019.

#### **4.4. Additional Information Submission**

- 4.4.1. Further information on behalf of the applicant was received by Mayo County Council on the 5<sup>th</sup> February, 2020.
- 4.4.2. Detailed maps are provided illustrating site visibility in both directions. The drawings indicate that sightlines of 120 metres can be provided in each direction.
- 4.4.3. An archaeological assessment was submitted. It notes that the nearest archaeological monuments (both enclosures) are located to the west and south. These enclosures are described it is noted that the first enclosure (RMP No. MA092-075) is located c.30 metres away from the proposed development site while the second enclosure (RMP No. MA092-094) is located over 30 metres away from the proposed development. Both buffer zones associated with the sites are contiguous to the south boundary. It concludes that due to the distances involved and the disturbed nature of the site, the proposed development should not impact on the archaeology of the area. Thus, no further assessment is necessary.
- 4.4.4. With regard to the legal status of existing development on site, documentary evidence regarding the existing broiler house states that the two broiler houses in question were exempt from planning permission (at the time they were constructed). With regard to adjacent agricultural buildings/structures, the applicants can confirm that they will be lodging a planning application to regularise development as they could not confirm that they have the benefit of planning permission.
- 4.4.5. Also enclosed is an EIAR and a Natura Impact Statement. An appropriate assessment has been advertised as part of the revised notices. Both these documents are detailed and assessed further on in this report.

#### **4.5. Further Assessment by the Planning Authority**

- 4.5.1. A report from the Claremorris Municipal District Engineer states that there is no objection subject to four conditions.
- 4.5.2. A report from Roads Design stated that there is no objection subject to four conditions.
- 4.5.3. A report from the Senior Archaeologist states that no further archaeological work is required.

4.5.4. A report from the Environmental Climate Action and Agricultural Section recommended that further information be submitted in respect of the proposed development.

#### 4.6. **Planning Authority's Request for Clarification of Further Information**

- The applicant is requested to submit information showing the location of all poultry farms within 10 kilometres of the proposed site distinguishing between those that have IPC licence and those that have not.
- The applicant is asked to comment on the proposal to transport and dispose of manure from the proposed development to Wexford.
- Further details are required in relation to the storage of manure facilities.
- Further details are required in relation to the amount of manure generated at the facility.
- Further information is required in relation to whether it is proposed to collect water by way of rainwater harvesting.
- A hydrogeological assessment to determine the hydraulic connectivity between Began Lough and the Greenwood Turlough including 'mass balance' calculations for water for the proposed facility.
- Submit specific assessment of measures to prevent or limit odour nuisance at each sensitive receptor within 500 metres of the proposed development.
- Further details for the safe removal of asbestos materials from the demolition from existing buildings.
- Finally, it is stated that the concentration of other similar facilities in the area is the main concern and this has not been adequately addressed in the in-combination section of the Natura Impact Statement.

#### 4.7. **Applicants' Response to Request for Clarification of Additional Information**

- The applicant submitted a map showing the location of all poultry farms within 10 kilometres of the proposed site differentiating between IPC licence facilities and those which are not.

- Details of nearby farmyards where storage facilities for manures are identified is also submitted including a letter of consent from the landowner confirming the use of storage facilities.
- Details of the volume of effluent generated by the adjoining agricultural buildings are also set out in a separate report by Barry Rogers Agricultural Consultant. It is stated that the existing development will not impact on effluent management measures for the proposed development.
- It is stated that the applicant will now be adopting rainwater harvesting measures details of which are provided.
- Following numerous consultations with the Environmental Section of Mayo County Council it was agreed that a hydrogeological assessment of the site was not required.
- Details of the drinking water and wash water required per annum to accommodate the proposed broiler house is indicated. The underground tank has a capacity of 36 cubic metres and will be emptied a minimum of twice per annum.
- A separate response in relation to air and waste were provided in separate reports by Panther Environmental Solutions. These reports set out a specific suite of measures to prevent or limit odour nuisance at sensitive receptors within the vicinity of the proposed development.

#### **4.8. Final Assessment by Planning Authority**

- 4.8.1. A further planning report was prepared on 20<sup>th</sup> October, 2020. It assesses the further information submitted and the clarification of additional information request. It notes that approximately 234 tonnes of poultry manure will be produced each year. The applicant proposes to remove the waste and transport it to a licensed contractor (Walsh Mushrooms) in County Wexford therefore it is not proposed to landspread manure from this development in County Mayo. It notes that air dispersion modelling has been undertaken in the EIAR and this document concludes that all identified receptors in the vicinity of the proposed development would perceive an odour level less than the Irish EPA and UK EA Guidance on Odour Limits. It is noted that the EIAR predicts that there will be no significant impact on existing noise environment



during the operational phase. The Environmental Section of Mayo County Council is satisfied with the plans outlined in the planning application and have recommended approval subject to conditions. The report concludes on the basis of the information contained in the planning application and the further information received that the proposed development will not have a significant impact on residential amenities and the rural character of the area and therefore a grant of planning permission is recommended.

## 5.0 Planning History

- 5.1. No planning history files are attached. However, there is relevant planning history pertaining to the application and this is outlined below.

Under PL16.246323 (Planning Authority Ref. 15/92) Mayo County Council issued notification to grant planning permission for the construction of a new poultry house with a capacity of 38,000 places for broiler chickens together with a new silo and other site and ancillary works and services. The site on which the proposed poultry house was to be located on a contiguous site to the immediate north-east of the current appeal site. Planning permission was refused for a single reason which is set out in full below:

*Having regard to the nature and scale of the proposed development, its location and proximity to dwellings in the vicinity, the Board is not satisfied on the basis of the information on the file that the noise and odour resulting from the proposed development, would not seriously injure the amenities of property in the vicinity, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*On the basis of the appropriate assessment screening report submitted and the information contained on file, the Board is not satisfied that adequate information has been provided to conclude that a Stage 2 Appropriate Assessment of potential impacts on the River Moy Special Area of Conservation (Site Code: 002298) was not warranted. It is, therefore, considered that the Board is unable to ascertain, as required under Section 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development would not adversely affect the*

*integrity of European site and it is considered that the proposed development will be contrary to the proper planning and sustainable development of the area.*

- 5.2. Other applications pertaining to the site referred to in the planner's report include Reg. Ref. 02/1511 where permission was granted subject to conditions to construct farm equipment repair shop and septic tanks.
- 5.3. Two applications submitted under Reg. Ref. 13/641 and Reg. Ref. 14/611 both of which related to the construction of broiler chicken houses were withdrawn.

## **6.0 Grounds of Appeal**

- 6.1. The decision of Mayo County Council was the subject of a third-party appeal submitted by Mr. Niall Kelly a resident in the vicinity of the subject site. The grounds of appeal are set out below.
- 6.2. By way of introduction, it is stated that the applicant does not object in principle to some level of development on the subject site. However, the proposal currently before the Board is not acceptable and should not be permitted. Any new proposal on the site should be maintained within the existing cluster of structures with no increase in footprint or proximity to dwellings. It is stated that there are a number of legacy planning issues relating to proper road access, restoration of hardstanding area and comprehensive landscaping. The current application before the Board does not address all these legacy planning issues. It is stated that planning applications date back to 2013 in respect of the proposal. The local community and its residents should be entitled to some level of certainty and clarity rather than having to continually engage with repeated versions of essentially the same development in the area.
- 6.3. The Board are requested to have regard to its previous refusal of planning permission on adjoining lands in particular reference to "nature and scale of the proposed development, and its location and proximity to dwellings in the vicinity". While this proposal has been relocated slightly, it is of the same scale and is even closer to dwellings than the previous application.
- 6.4. The EIAR and application documents suggest that any buffer zone that the Board and local authority have previously imposed, is no longer applicable as it is

superseded by the 2017 EU Commission publication. However it is suggested that the EU 2017 documentation, does not supersede the previous EPA 1998 Guidance but in fact they should be read together<sup>1</sup>. Reference is made to another application (PL16.305970) where planning permission was refused for a poultry rearing farm for similar reasons.

- 6.5. The proposal represents an “quasi industrial activity” which represents a significant expansion over and above the existing scenario.
- 6.6. It is argued that the proposed development represents a significant intensification of use on site and represents a ‘very far cry’ from what would have been envisaged under the planning exemptions in the 1970s. It is stated that there is a haphazard proliferation of intensive poultry rear facilities in the area which has expanded over a number of years. Any intensification leads to more and more cumulative pressures on the local environment and infrastructure. A significant intensification of use such as this cannot rely on the presence of an existing use and should be considered from first principles.
- 6.7. It is argued that the proposed development is contrary to Section 56.3 of Volume 2 of the Mayo County Council Development Plan as it does not meet the various criteria set down in the Plan.
- 6.8. Reference is also made to precedent decisions. The Board have refused numerous similar applications in the vicinity including PL16.246323 and PL16.305970. It is argued that a grant of planning permission in this instance would be inconsistent with these previous decisions.
- 6.9. It also appears that the applicant was requested to submit further information on two separate occasions (May 2019 and March 2020). This would appear to be contrary to the Planning and Development Regulations which allow only one request for further information and one further information period over a period of 9 months. It is argued that this 9 month period elapsed in February, 2020 and there should not have been any scope to issue a fresh request for further information in March, 2020. The fact that the information related to an EIAR and NIS do not negate the requirements under Article 33 of the Regulations. It is argued therefore that from a procedural

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<sup>1</sup> Details of both documents are set out in section 8.2 and 8.3 below.

point of view there are substantive questions over the validity of any grant of planning permission.

- 6.10. It is also considered that the EIAR and AA have significant gaps in information. The EIAR and AA are absent in detail and do not adequately assess impacts relating to:
- The road and drainage works that have been conditioned.
  - The landscaping tree and hedge removal works.
  - And the noise assessment assumption for the closest property which is only 80 metres and not 120 metres as indicated in the EIAR.
  - It is stated that surface water drainage was a significant concern in the previous inspector's report (PL16.246323) and the regrading and reprofiling of the access road is a significant project in its own right and should not be addressed by way of condition.
  - It is also stated that Conditions Nos. 13 and 14 which relate to landscaping give great scope to the applicant to significantly alter the nature of the local landscape. It is suggested that the EIAR relies heavily on the assumption that there will be no loss of trees or hedgerows in the area which appears to be contrary to what is required under Conditions 13 and 14.
- 6.11. The public road is unsuited to quasi industrial development and cannot cope with existing activities notwithstanding the proposed intensification of use. The access road is already under structural strain notwithstanding the fact that it was strengthened and resurfaced in 2019. It is suggested that intensive operations such as poultry rearing and production should not be conflated with normal agriculture which have much different transportation patterns. The proposed development should be considered industrial rather than agricultural.
- 6.12. It is argued that many of the conditions attached by Mayo County Council are contrary to the guidelines for Planning Authority for development management. The guidelines offer substantial advice on planning conditions with regard to the preciseness, clarity, relevance and capability of being complied with etc. It is suggested that full compliance with Condition No. 14 may be impossible as the applicants' lands do not extend to facilitate sightline requirements.

- 6.13. It is argued that the planning application drawings have deliberately excluded lands to the east which are under the control of the applicant and currently constitute an eyesore.
- 6.14. Finally, the grounds of appeal argue that the proposed development constitutes a depreciation of property values due to the impact arising from the proposed development on surrounding residential amenity.

## 7.0 Appeal Responses

- 7.1. A response to the grounds of appeal was submitted by MKO Planning and Environment Consultants. The first section of the grounds of appeal set out details of the proposed development and the planning policy context pertaining to the site. Section 4 of the response specifically addresses the issues contained in the grounds of appeal.
- 7.2. In terms of the principle of development, it is stated that is substantial body of planning policy from national level to local level which support the delivery of the proposed development and this is set out in the planning policy context in Section 3 of the response. It is stated that the proposed development is appropriate to this location and does not contravene any development management standards.
- 7.3. With regard to the refusal of planning permission under PL16.246323 it is contended that this application was refused on grounds of insufficient information and not in respect of the acceptability of the principle of the development. The Board's decision clearly indicates that "*the Board is not satisfied on the basis of the information on file*". The current application fully addresses all the issues associated with the refusal for PL16.246323.
- 7.4. Any refusal of planning permission under PL16.305970 is not strictly relevant as it relates to a completely separate site. It is noted that one of the reasons for refusal in respect of the latter application related to access arrangements. The access arrangements on which the refusal was based do not relate to the current application before the Board. In the case of the current application before the Board, the applicant has submitted adequate and conclusive information pertaining to traffic and

roads issues. Furthermore, the appeal site forms part of a larger parcel of agricultural land with long established industrial agricultural uses in close proximity to the extant broiler chicken houses. The response to the grounds of appeal set out the various criteria contained in “Best Available Technique Reference Document for Intensive Rearing of Poultry or Pigs 2017 (BAT 2017)”. It is stated that each of the criteria set out has been successfully addressed in the current application. Any reference to the 1998 document has now been superseded and is not relevant in the context of the appeal.

- 7.5. The EIA concludes that all identified receptors in the vicinity of the proposed development would perceive an odour level less than the Irish EPA and the UK EA Guidance on Odour Limits. The main potential source of emissions relate to the storage and land spreading of odour litter; neither of which is proposed as part of this development. Furthermore, there is an established poultry use on site and therefore it would not be considered appropriate to apply separation distance requirements in the context of greenfield development proposals. Under the current application two substandard buildings are to be replaced by one superior quality building which results in a reduction in deliveries.
- 7.6. Notwithstanding the intensification of use, it has been adequately demonstrated that the proposal will not impact on the amenities of the area and this has been demonstrated in both the NIS and EIAR submitted.
- 7.7. The grounds of appeal go on to set out how it is considered that the proposed development fully accords with the criteria set out in Section 56.3 of the Mayo County Development Plan.
- 7.8. With regard to precedent, it is stated that a precedent has already been set with the established use of a permitted poultry farm on site.
- 7.9. With regard to procedural issues, it is stated that the applicant is conflating Section 33 and Section 108 of the Planning and Development Regulations 2001. It is stated that clarifications under the provisions of Section 108 are not subject to the same time limitations as the Section 33 further information requests. It is considered that the Planning Authority have observed the correct procedures in terms of the assessment of the planning application.

- 7.10. With regard to road safety and traffic issues an expert consultant has prepared a traffic report and road safety audit on behalf of the applicant to assess the impact of the development on the surrounding roads and to address any emerging issues.
- 7.11. All potential obstructions to the sightline triangle are located within lands which the applicant controls. Furthermore, the applicant is required to pay a special contribution to address any degradation in the local road network.
- 7.12. The applicant has not provided any evidence to support the claim that the proposed development would result in depreciation of property values in the area.
- 7.13. A separate report was submitted by Panther Environmental Solutions which specifically deals with EIAR issues in respect of odour, noise and visual amenity and appropriate assessment biodiversity. It sets out details of the various assessments undertaken and the mitigation measures to be employed to ensure that no adverse impacts arise in terms of noise, odour, visual amenity, appropriate assessment and biodiversity issues.

## **8.0 Planning Policy Context**

### **8.1. Mayo County Development Plan**

- 8.1.1. The 2021 to 2027 County Development Plan is currently still in draft format and has not been formally adopted by the Council. On this basis the operative statutory plan is the Mayo County Development Plan 2014 to 2020.
- 8.1.2. Objective E-04 seeks to facilitate agri-industry and other rural enterprise activities that are dependent on the locality in rural locations. Where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of the Natura 2000 network, residential amenity or visual amenity.
- 8.1.3. Objective AG-01 seeks to support the sustainable development of agriculture with emphasis on local food supply and diversification where it can be demonstrated that the development will not have a significant adverse impact on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.

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

- The availability of existing structures/buildings on the farmholding for development.
- Traffic safety.
- Pollution and waste control.
- Satisfactory treatment of effluents.
- Odour.
- Noise.
- Rise and form of the structure and integration with landscape.
- Visual amenity of the area.

8.1.5. Appendix 1 of the County Development Plan sets out access visibility requirements. In relation to regional and local roads where the design speed is 70 kph or over sightlines of 120 metres are required in each direction at a point 3 metres back from the public road.

## 8.2. **Commission Implementing Decision (EU) 2017 302**

8.2.1. This decision establishes 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. It is relevant to licensable facilities, with activity with more than 40,000 places for poultry. Under the Industrial Emissions Directive BAT is mandatory in permitting the on farm processes and activities. In particular the BAT conclusions cover the following on farm processes and activities.

- Nutritional management of poultry and pigs.
- Feed preparation (milling, mixing and storage).
- The rearing and housing of poultry and pigs.
- The collection and storage of manure.



- The processing of manure.
- Manure landspreading.
- Storage of dead animals.

8.2.2. The guidance also sets out measures in relation to good housekeeping and it states that in order to prevent or reduce the environmental impact and improve overall performance, the BAT is to ensure proper location of the plant/farm and spatial arrangements of the activities in order to:

- Reduce transport of animals and materials (including manure).
- Ensure adequate distances from sensitive receptors requiring protection.
- Take into account prevailing climatic conditions (e.g. wind and precipitation).
- Consider the potential future development capacity of the farm.
- Prevent the contamination of water.
- Measures to ensure the efficient use of water, control emissions from wastewater including by landspreading, to reduce ammonia emissions are set out in the document. Techniques are also provided for the reduction of noise, dust and odour emissions including emissions from solid manure storage.

### 8.3. **EPA Guidance Note for the Poultry Production Sector (Licensable Facilities) (Batneec Guidance Note for the Poultry Production Sector (February 1998))**

8.3.1. Section 4.3 specifically relates to the siting of poultry units. It is based on the following:

- A mass balance of nutrients within a controlled area.
- The protection of both surface and groundwater resources in the vicinity of the site and landspreading areas.
- Avoidance of nutrients due to malodours for dwellings in the vicinity of the site.
- Protection of the environment in the event of the destocking of the unit due to an emergency such as an outbreak of a Class A disease.

- 8.3.2. The management of poultry manure should be based on a mass balance of nutrients within the control area, whether the area be a farm, a group of farms or a region. Thus, poultry units should preferably be sited in close proximity to either mushroom compost production areas or suitable landspreading areas such as land to be used for tillage crop production in which they can operate as “back to back” enterprises to:
- Facilitate the utilisation of manure for mushroom compost or crop production.
  - Avoid surplus of manure prevailing within the regions.
  - Reduce manure transportation costs.
- 8.3.3. Poultry units should be sited a distance of preferably not less than 400 metres from nearest neighbouring dwellings 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 or significant interference with amenities or the environment beyond the site boundary.
- 8.3.4. Poultry units should be sited such that in the event of an outbreak of disease requiring destocking, there is an appropriate site available for the construction of a lined carcass disposal site for the disposal of all carcasses. The carcass disposal site should be appropriately constructed in order to avoid any detrimental impacts on both surface and groundwater quality in accordance with the provisions contained in “Class A Disease Outbreak – A Multidisciplinary Approach (1995)”.

#### 8.4. **Natural Heritage Designations**

The River Moy SAC (Site Code: 002298) is located to the north-west and north-east. At its nearest point to the north-east (Mannin Lake and Island Lake) both of which are seasonal lakes are located just over 3 kilometres from the subject site.

#### 8.5. **EIAR Screening**

An EIAR has been submitted with the application.

### 9.0 **Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the third-party appeal and the applicants' response to same. I consider that in determining the application the

Board can assess the proposal under the various headings set out in the grounds of appeal namely.

- Principle of Development
- Intensification of Use
- Material Contravention of Development Plan Policy
- Precedent Decisions
- Planning Application Procedure
- EIAR and AA Issues
- Traffic and Transport Issues
- Nature of Conditions
- Depreciation of Property Values

#### **9.1. Principle of Development**

9.1.1. The grounds of appeal argue that the principle of development is questionable on the subject site having regard to the Board's previous reason for refusal under PL16.246323. The Board's decision under PL16.246323 related to an application for a poultry farm on a greenfield site approximately 80 metres to the north-east of the subject site. I would argue that the proposed development in this instance is materially different than that previous refused by the Board on the basis that:

- (a) The previous application to the Board related to an application on a greenfield site where there was no established commercial agricultural activity in the form of a poultry unit existing on site.
- (b) The site proposed under the previous application fronted directly onto the road and was in much closer proximity to surrounding residential receptors particularly, those located to the north of the road. For instance, the proposed development under the previous application would have been located a mere 120 metres from the appellant's dwelling as opposed to 300 metres under the case of the current application.

- (c) The proposed development in this instance seeks to replace and intensify an established and extant use already located on the subject site in the form of two buildings with a capacity to accommodate 24,000 broiler chickens.
- (d) It appears from the inspector's report in respect of PL16.246323 that the proposed poultry unit under the previous application was to operate in tandem with the existing poultry unit on the subject site. This would obviously have implications for potential cumulative effects arising from both operations in such close proximity operating simultaneously. Under the current application it is proposed to intensify the existing use already established on site.

9.1.2. On the basis of the above arguments, I do not consider that the Board has already established that the principle of development on the subject site is inappropriate by reference to its previous decision under PL16.246323.

9.1.3. Furthermore, the subject site is located within a rural area where agricultural activity, including intensive agricultural activity such as that proposed under the current application is already well established. Intensive agricultural activities can, by their nature give rise to amenity problems such as noise and odour. However, there can be no doubt that such agricultural activities are best suited for agricultural areas because of the nature of the lands surrounding such sites which on the whole accommodate lower density development. It is my considered opinion that intensive agricultural such as that proposed are much more suited to rural areas where agricultural activity predominates as opposed to urban areas where there is a much higher density of development and therefore residential receptors.

9.1.4. Lastly in relation to this issue the Board will be fully aware that there is an established intensive poultry unit established on site which would support the conclusion that the principle of development is appropriate on the subject site. It is further noted that a major issue raised in the grounds of appeal under PL16.246323 (the third party appellant is the same in both appeals) related to the fact that the previous application was not located within an established cluster of agricultural buildings. The redevelopment of the subject site within the existing farmyard results in a more intensive poultry production activity being located within the existing cluster of farmyard buildings.

9.1.5. On the basis of the above therefore I consider the principle of development to be wholly acceptable on the subject site.

## 9.2. **Intensification of Use**

9.2.1. The grounds of appeal argue that any significant intensification of use such as that proposed should be sufficiently analysed and justified and where it cannot be justified permission should be refused. It is also argued that there is haphazard proliferation of intensive poultry rearing facilities in the area. What is proposed in this instance is the demolition of two existing structures and the construction of a higher specification facility to accommodate an additional 16,000 broilers over and above that which can be accommodated in the current units raising the overall numbers to be produced at the poultry rearing farm from 24,000 to 40,000. The applicant has indicated that while there is capacity for 40,000 chickens, it is unlikely that this capacity will be utilised in full. The appellant is correct in stating that this represents a 66% increase in production over and above that already established on site.

9.2.2. The fact that the proposal represents an intensification of use is not in itself reasonable justification to refuse planning permission in this instance. There are numerous policy objectives contained in the development plan including Objective EO1 which seeks to develop established and emerging sectors of the rural economy including agri-food activity. Objective EO4 states that it is the objective of the Council to facilitate agri-industry and other rural enterprise activities subject to qualitative safeguards and Objective AG01 also seeks to support the sustainable development of agriculture with emphasis on local food supply and agricultural diversification (e.g. agri-business and tourism enterprises). The intensification of the existing activities on site should not in itself provide justification for refusal of planning permission. Therefore, subject to qualitative safeguards and protection of surrounding amenity, the intensification of use in this instance would in my view be acceptable in principle.

9.2.3. Furthermore, the fact that there is an established intensive poultry rearing facility on the subject site is an important consideration in determining the application. Where the intensification results in unacceptable impacts on the environment or surrounding residential amenities. It is only in such situations that permission should not be forthcoming from the Board. This issue is dealt with in more detail below.

### 9.3. **Material Contravention of Development Plan Policy**

9.3.1. The grounds of appeal suggest that the proposed development contravenes many aspects of the Mayo County Development Plan including the guidance/requirements for largescale agricultural development as set out in Section 56.3 of Volume 2 of the Plan. Section 56.3 of the Plan sets out development management guidelines in relation to largescale agricultural development and/or agricultural related industry involving processing farm produce. This section states that such development will generally be permitted subject to the proper planning and sustainable development of the area. While considering such proposals the following should be taken into account:

- The availability of existing structures/buildings on the farmholding for the development.
- Traffic safety.
- Pollution and waste control.
- Satisfactory treatment of effluents.
- Odour.
- Noise.
- Size and form of structure and its integration into the landscape.
- The visual amenities of the area.

9.3.2. Each of these issues are assessed below.

With regard to the available of **existing structures/buildings** on the farmholding for development, the grounds of appeal suggest that the existing structure/buildings on the farm could be reused and refurbished to maintain the same level of output. It would appear to be entirely reasonable in terms of animal welfare that a larger building would be provided in order to facilitate the greater capacity of broiler chicks to be accommodated. It also appears from my site inspection that the buildings used to house the chickens are somewhat antiquated. An important consideration is the fact that the site where the existing buildings are located is to be redeveloped with a larger building primarily within the footprint of the two existing buildings thereby

maintaining and consolidating the existing cluster of buildings associated with the farmholding.

- 9.3.3. In relation to **traffic safety**, I reiterate the point that there is an extant and established poultry rearing facility on site which is serviced by the existing road infrastructure. It is apparent from information contained in the EIAR that the trip generation to and from the site is modest amounting to approximately 88 truck movements and 400 car journeys per year which equates to less than 2 HGV movements per week and c.8 vehicle movements per week. Any intensification of trip generation will therefore be modest and having inspected the site I consider the road infrastructure including the private road leading to the development to be adequate to cater for such an increase (see photo's attached).
- 9.3.4. With regard to **pollution and waste control**, I consider this issue to be a key consideration in the Board's determining of the application and appeal. It is also a major concern expressed in the grounds of appeal. It is apparent from the information contained on file that all litter and manure generated by the proposed development poultry litter (including bedding material, feathers and manure) would be collected after each batch of broilers by licensed hauliers and transported to a mushroom composting facility in County Wexford. All wash water generated during the cleaning process will be held in a storage tank with a 36,000 litre capacity and would be spread on lands which would be held by the applicant. The arrangements to be implemented particularly in relation to the collection and the use off-site of the litter and manure would in my view prove to be a very effective pollution and waste control management measure so as to ensure that the proposal does not give rise to groundwater or surface water pollution threats through landspreading. Although transporting waste across the country to Wexford may not be desirable in transportation terms, it should not in my view be considered fatal to the overall application. It is anticipated that any landspreading associated with the wastewater/wash-water from the collection tank would be so dilute as to not pose any significant threat to surrounding groundwaters or surface waters. While the subject site overlies a regionally important karstic aquifer, the vulnerability of this aquifer is designated as being moderate therefore there is sufficient depths of subsoil to attenuate any of the wastewater percolating to groundwater. Landspreading would be required to be carried out in accordance with SI No. 605 of

2017. The intensification of the poultry farm therefore would not represent a significant threat in terms of pollution and waste control.

- 9.3.5. Based on the above I am satisfied that the applicant in collecting and transporting effluent off-site for use in a mushroom farm in County Wexford provides satisfactory treatment of effluents generated by the proposed development.
- 9.3.6. In relation to **odour**, it is acknowledged that odour can give rise to a significant amenity problem for residential receptors in the vicinity. The appellant in the grounds of appeal argues that the 400 metre buffer zone set out in the 1998 EPA Guidance needs to be adhered to. The applicant in his response to the grounds of appeal places greater emphasis on the more recent 2017 document entitled “Best Available Techniques Reference Documents for Intensive Rearing of Poultry and Pigs”, which does not set a prescriptive distance between source and receptor for the purposes of odour attenuation. There is no explicit guidance to suggest that the 1998 document is in fact superseded by the 2017 document referred to. I consider that both documents should be read together and that the Board should base its deliberation on the entirety of the information submitted with the application and in particular the odour modelling assessment which was undertaken as part of the EIAR. I again reiterate that there is an established intensive poultry rearing activity on the subject site and what is proposed in this instance is an intensification of this use. Ambient odour levels associated with the existing permission would exist in the baseline environment. In fact I noted from my site inspection that much of the odour emanating from the site is derived in the main from the adjoining agricultural units rather than the broiler houses that are in situ.
- 9.3.7. The key question before the Board is whether or not the intensification of use would result in odour levels which would be unacceptable at the nearest sensitive locations. It is not unusual or indeed inappropriate that intensive agricultural activities which can give rise to odour and other amenity problems would be restricted to and placed within rural areas where agricultural activity predominates. The odour dispersion modelling undertaken as part of the EIAR assessed all receptors in the vicinity of the proposed development and concluded that a cumulative ground level odour concentration under a worst case scenario would amount to 2.7 OuE/m<sup>3</sup> for the 98 percentile hourly average. Thus, under a worst case scenario, the odour dispersion modelling would indicate that the proposed development would comply with both



Irish EPA and UK EA Guidance Odour Limit of less than 3.0 OuE/m<sup>3</sup>. The fact that much of the odour generating material (manure, straw bedding, and poultry litter) are to be removed from the site would greatly assist in reducing the potential for odour emissions. Attachment 6.2 of the EIAR also sets out an environmental odour management plan to ensure that strict measures for the control of odour are adhered to.

9.3.8. As in the case of odour, intensive agricultural activities such as that proposed under the current application can have **noise** implications in rural areas, particularly in the case where ambient noise levels in the rural area are particularly low. The EIAR submitted argues that the subject site cannot be classified as a “quiet area” on the basis that it is located within 3 kilometres of local industry and 5 kilometres of a national primary route. The subject site is located within a rural area where ambient noise levels can be expected to be lower than that associated with a built-up area. As in the case of odour, when assessing noise levels, the Board should have regard to the fact that there is an established poultry rearing industry on site and therefore the key consideration in assessing the current application is whether or not the proposed intensification of use would give rise to noise levels over and above the existing background levels which would be unacceptable in amenity terms. To this end the applicant has carried out a detailed noise assessment in the EIAR for both the construction phase and operational phase. The noise output during the construction phase according to the modelling undertaken indicates that the predicted noise levels will rise between 14dB(A) and 26dB(A) above the background noise levels at noise sensitive locations. This is a considerable increase. However, it will remain below the NRA Guidance Limit of 70dB(A) for weekdays. Furthermore, any noise impact associated with the construction phase will be short-term and temporary (3 to 4 months). To refuse planning permission on this reason alone would in my view be disproportionate.

9.3.9. A similar modelling exercise undertaken during the operational phase where the ventilation system is running at maximum capacity during periods when ambient temperatures exceed 21 degrees celsius. This is likely to occur during limited periods between May and September. In any event the forecasted noise levels are predicted to comply with EPA Guidance (NG4) for both the daytime limit (45dB(A)) and the night-time guide limit of 35dB(A).

- 9.3.10. With regard to the issue of the distance between the proposed broiler house and the nearest noise sensitive location, the grounds of appeal correctly point out that the distance between these buildings is 80 metres. The applicant in the response to the grounds of appeal clarifies that the 120 metre distance referred to in the noise impact assessment (Attachment 7.1) refers to the distance between the nearest residence and the centre point of the proposed broiler house. As in the case of odour, the key issue is not the separation distance involved but whether or not the proposed development can adhere to and comply with statutory guidelines and limits. I consider that the EIAR, through the noise modelling exercise undertaken, has demonstrated that the proposed intensification of use of the subject site will not result in any material or significant impacts in terms of noise generation which could potentially exceed EPA Guidelines or adversely affect residential amenity.
- 9.3.11. With regard to the size and form of the structure and its integration into the landscape and potential impacts on the visual amenity of the area, this issue was also subject to detailed evaluation in the EIAR submitted. The fact that the proposed development is only marginally higher than the two existing structures on site and the fact that it is located at the edge of an existing cluster of farmyard buildings will in my view ensure that the proposal will not significantly alter the relationship of the structure with the existing landscape and will not be in anyway detrimental to the visual amenities of the area.
- 9.3.12. It is not accepted that the removal of hedgerows, trees and screening will significantly alter or damage the visual amenities of the area. While concerns are expressed with regard to the conditions attached by Mayo County Council which could impact on screening and biodiversity, this issue in my view can be adequately dealt with by way of revised conditions attached to any grant of planning permission.

#### 9.4. **Precedent Decisions**

- 9.4.1. The grounds of appeal argue that there is a significant concentration of this type of development in the surrounding area and that a grant of planning permission in this instance would be inconsistent with the pattern of decisions issued by the Board under PL16.246323 and PL16.305970.
- 9.4.2. In relation to the first decision, I have already referred to above that this decision related to a different greenfield site approximately 80 metres to the north-east of the

subject site. The development proposed under the previous application related to a greenfield site in closer proximity to surrounding sensitive receptors and would have resulted in an additional intensive poultry rearing unit in addition to the existing one which currently occupies the current appeal site.

9.4.3. In relation to PL16.305970 this application relates to a development on a completely different site which is informed by a completely separate set of planning determinants and therefore in my view cannot be used as justification to inform any decision on the subject site.

9.4.4. Furthermore, with regard to the Board's decision under PL16.246323 the Board stated in its reasons for refusal that it was "*not satisfied on the basis of the information on file that noise and odour resulting from the proposed development would not seriously injure the amenities of property in the vicinity*". The current application was accompanied by an EIAR which in my view adequately dealt with the issue of noise and odour to the extent that it is my considered opinion that the Board can be satisfied based on the information submitted that the proposal will not result in significant adverse noise and odour issues.

9.4.5. On this basis I do not consider that it is appropriate to refuse planning permission on the basis of precedent decisions.

#### **9.5. Planning Application Procedure**

9.5.1. The grounds of appeal suggest that the Planning Authority have erred in law and contravened the requirements of Article 33 of the Planning and Development Regulations 2001 and Section 34 of the Planning Acts in requiring the applicant to submit further information on two separate occasions, the latter of which was outside the statutory six months period. The applicant in his response to the grounds of appeal is in my opinion is correct in concluding that the appellant in this instance is conflating a request for additional information under Article 33 in respect of the original application whereas the clarification of additional information was quite clearly sought under the provisions of Section 108(2) of the Regulations which specifically relates to the request for further information in respect of the EIAR which was submitted under the original further information request. I would therefore conclude that appropriate procedures were followed in respect of requesting further information.

## 9.6. **EIAR and AA Issues**

9.7. A separate independent evaluation of the appropriate assessment undertaken by the applicant is assessed under Section 11 below. Also, in relation to the EIAR I refer the Board to Section 12 of my assessment which includes an independent evaluation of the contents of the EIAR where I concluded that the EIAR submitted complies with the statutory requirements under Directive 2014/52/EU. However, for the purposes of completeness I will briefly comment upon the perceived deficiencies in the EIAR set out in the grounds of appeal.

9.8. The concerns related to:

- The road and drainage works that have been conditioned (Conditions Nos. 16 and 17 of Mayo County Council's grant of planning permission). Conditions 16 and 17 relate to relatively minor issues. Condition No. 16 merely requires the applicant to comply with the requirements of the development plan in respect of appropriate gradients for access roads. Whereas Condition No. 17 relates to a standard condition in respect of surface water run-off from the site onto the public road. The imposition of these conditions do not in any way confer in an adequacy in the EIAR submitted.
- It is also suggested that the EIAR is incomplete on the basis that landscaping requirements are conditioned by way of Conditions Nos. 13 and 14 of Mayo County Council's notification to grant planning permission. Again, the said conditions relate to a standard compliance conditions associated with the development plan to ensure that requisite sightlines are afforded at the site entrance. They do not infer that the EIAR was either incomplete or inadequate.
- The third major concern related to the noise assessment where separation distances of 120 metres were referred to between the proposed development and the nearest noise sensitive receptor whereas the separation distance is in fact 80 metres. I fully accept that at the closest point the separation distance between the proposed broiler house and the nearest dwelling is in fact 80 metres and not 120 metres. This point was clarified in the applicant's response to the grounds of appeal where it is stated that the 120 metre distance was based on the distance between the façade of the dwellinghouse

and the centre of the broiler house. The key consideration is whether or not noise impacts arising from the intensification of use would have adverse impacts on the residential amenities of the area. I have already stated that based on the modelling exercise undertaken in the EIAR that the noise generated by the proposed intensification of use would fully comply with EPA Noise Guidance for Rural Areas as demonstrated in the documentation submitted.

## **9.9. Traffic and Transport Issues**

- 9.9.1. Having inspected the subject site and its surroundings and having regard to the fact that the access road currently serves an established intensive poultry rearing unit on the site together with other agricultural outbuildings, I am satisfied that the proposed intensification of use and the relatively modest additional traffic which will be generated from the intensification of use will not give rise to any road safety or traffic congestion issues. The local road serving the site the L1502, while narrow is of sufficient width to cater for the proposed development. I further note that there are a number of laybys located along the road which will allow vehicles, including HGV vehicles to pull in to allow the safe passing of vehicles in the opposite direction. The road also incorporates a relatively straight alignment which provides good forward visibility for oncoming traffic. While the applicant argues that intensive operations such as poultry rearings should be considered industrial uses and should not be conflated with normal agriculture enterprises, I would refer the Board to the traffic data contained in the EIAR. This data indicates that traffic to and from the site would be relatively modest amounting to approximately 2 HGV deliveries per week and 1 to 2 car journeys per week. The car journeys associated with the proposed development would be similar to that associated with a domestic dwelling along the road in question. Again, reference to decisions by An Bord Pleanála for other proposed poultry farm developments such as that referred to in the grounds of appeal (PL16.305970) are not germane or relevant to the current application before the Board as this development was served by a different road and it appears that the application referred to under Reg. Ref. 305970 did not have the benefit of an existing operating poultry farm on site.

## 9.10. **Nature of Conditions**

9.10.1. The grounds of appeal argue that a number of conditions attached namely Conditions 13, 14, 16 and 17 are contrary to the Development Management Guidelines for Planning Authorities on the basis that they are not precise and are unambiguous, are not enforceable and cannot be complied with. I consider the conditions in question are clear and unambiguous and can be complied with. Notwithstanding this point, the Board should it decide to grant planning permission for the proposed development, can implement its own conditions to address any perceived concerns in this regard.

## 9.11. **Depreciation of Property Values**

9.11.1. The dwellinghouses in the vicinity of the proposed development are all located in a rural area, where the agricultural industry predominates. It should be a reasonable expectation that agricultural activity including intensive agricultural activities should be permitted to exist in proximity to dwellinghouses. Furthermore, having regard to the established use on the subject site and the information contained in the EIAR submitted with the application it is my considered opinion that the proposed development is generally compatible with surrounding residential development and that the proposal will not give rise to significant or material amenity problems in terms of odour, noise or traffic and therefore I consider that the proposed development will not result in the depreciation of property in the vicinity.

## 10.0 **Conclusions and Recommendation**

Arising from my assessment above and having particular regard to the information contained in the EIAR and the established intensive agricultural use on the subject site I am satisfied that the proposed development is acceptable, and I therefore recommend that the decision of the planning authority be upheld in this instance and planning permission be granted for the proposed development.

## 11.0 Appropriate Assessment

11.1.1. The application was accompanied by a Natura Impact Statement. The Stage 1 Appropriate Assessment Screening identifies a total of 8 Natura 2000 sites within 15 kilometres of the subject site. These sites are all SACs and are listed on the table below.

Site Name	Site Code	Distance from Proposed Development
River Moy SAC	002298	3.1 km North-East
Lough Corrib SAC	000297	8.6 KM South
Urlaur Lakes SAC	001571	9.9km North-East
Errit Lough SAC	000607	10.1km North-East
Carrowbehy/ Caher Bog SAC	000597	11.8km.North-East
Derinea Bog SAC	000604	12.5km North-East
Drumalough Bog SAC	002338	14.3km North-East
Coolcam Turlough SAC	000218	15km South East

11.1.2. The screening report correctly in my view correctly assesses that the River Moy SAC due to the distance and potential hydrological connectivity is within the zone of influence of the SAC. The screening report also adopts a very precautionary approach and notes that the Corrib SAC, located 8.6 kilometres to the south and in a different catchment area to the subject site may be connected hydrogeologically on the basis that the site overlies a karstic aquifer and groundwater flow within such underlying aquifers can be unpredictable. For this reason, the Lough Corrib SAC was also screened in for the purposes of appropriate assessment. I consider that the AA screening report came to the reasonable conclusion that all other SACs listed in the table above cannot be potentially affected by the proposed development.

11.1.3. It is also considered appropriate that a Stage 2 Appropriate Assessment that a Stage 2 Appropriate Assessment be undertaken on the basis of the Board's previous decision under PL16.246323 which concluded in its reasons and considerations that on the basis of the appropriate assessment screening report submitted and the information contained on file, the Board is not satisfied that adequate information has

been provided to conclude that a Stage 2 Appropriate Assessment of the potential impacts on the River Moy Special Area of Conservation was not warranted.

11.1.4. On the basis of the above, I consider a Stage 2 Appropriate Assessment Screening is necessary.

## 11.2. Natura Impact Statement Submitted with the Application

11.2.1. The Natura Impact Statement in paragraph 6.4 came to the screening conclusion that the assessment undertaken, has determined that during the construction and operational phases, there is potential for the proposed development to impact upon the qualifying interests of the River Moy SAC and the Lough Corrib SAC due to the potential deterioration in water quality. The qualifying interests associated with both these Natura 2000 sites are set out below.

### **River Moy SAC**

*Active raised bogs [7110]*

*Degraded raised bogs still capable of natural regeneration [7120]*

*Depressions on peat substrates of the Rhynchosporion [7150]*

*Alkaline fens [7230]*

*Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]*

*Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]*

*Austropotamobius pallipes (White-clawed Crayfish) [1092]*

*Petromyzon marinus (Sea Lamprey) [1095]*

*Lampetra planeri (Brook Lamprey) [1096]*

*Salmo salar (Salmon) [1106]*

*Lutra lutra (Otter) [1355]*



## **Lough Corrib SAC**

*Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]*

*Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]*

*Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]*

*Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]*

*Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites) [6210]*

*Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]*

*Active raised bogs [7110]*

*Degraded raised bogs still capable of natural regeneration [7120]*

*Depressions on peat substrates of the Rhynchosporion [7150]*

*Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]*

*Petrifying springs with tufa formation (Cratoneurion) [7220]*

*Alkaline fens [7230]*

*Limestone pavements [8240]*

*Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]*

*Bog woodland [91D0]*

*Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]*

*Austropotamobius pallipes (White-clawed Crayfish) [1092]*

*Petromyzon marinus (Sea Lamprey) [1095]*

*Lampetra planeri (Brook Lamprey) [1096]*

*Salmo salar (Salmon) [1106]*

*Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]*

*Lutra lutra (Otter) [1355]*

*Najas flexilis (Slender Naiad) [1833]*

*Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]*

11.2.2. The NIS notes that during the construction work there is potential for water quality deterioration through the release of suspended solids during soil disturbance works. Any suspended solid laden discharge or water run-off could affect aquatic qualifying interests and through excess nutrient loadings and suspended solid release. This could lead to eutrophication and deoxygenation of waters. Another potential source of contamination would be the release of uncured concrete which could alter the pH values within local water bodies. The NIS identifies that these potential impacts could harm the aquatic species that form part of the qualifying interests associated with the SACs in question. Because of the separation distances involved it is stated that the proposed development has little or no potential to impact on any of the habitats associated with either Natura 2000 sites.

A series of mitigation measures are set out to address potential deterioration in water quality. This include:

- The requirement for the contractor to adhere to standard construction best practice taking cognisance of the construction industry research and information association guidelines “*Control of Water Pollution from Construction Sites Guidance for Consultants and Contractors (2001)*” and “*Control of Water Pollution from Construction Sites – Guide to Good Practice*” (2002) and the 2016 guidelines published by Inland Fisheries Ireland “*Guidance on the Protection of Fisheries During the Construction Works in and Adjacent to Waters*”.
- Demolition works will be undertaken on a phased basis.
- Excavation and earth moving activities will be planned outside periods of heavy rainfall to limit the potential for suspended solids to become entrained within the surface water run-off.
- Daily visual inspections of Began Lough which is downgradient of the development would be undertaken during construction works.
- Approximately 50 metres of silt fencing would be provided along the site’s southern boundary and would extend approximately 5 metres along the

eastern and western boundary. This fencing would be inspected on a daily basis.

- All spoil from earth moving activities would be stored in a designated area in the northern portion of the development site.
- All fuels, oils and chemicals would be stored in accordance with EPA Guidance and would be inspected on a regular basis.
- Where appropriate small construction plant equipment would be placed on drip trays, spill kits and spill clean up materials such as booms and absorbent pads would be readily available.
- All refuelling of construction plant will take place in a bunded area.
- Protocols would be put in place in respect of the use of concrete. An impermeable concrete washout area would be installed.
- In particularly dry weather wheelwash facilities will be employed.

11.2.3. During the operational phase of the development the following mitigation measures will be put in place.

- Drainage from the roof area will be directed to soakpits spaced along the perimeter of the proposed broiler house.
- Surface water run-off from the proposed concrete yard area to the front of the broiler house will be directed to a silt trap and oil interceptor prior to discharge to ground.
- No significant volumes of chemicals or materials which would pose a significant spill risk will be kept on site.
- Any fuels, oils or chemicals will be bunded.
- The litter would be moved directly from the house floor and placed in a covered trailer for removal off site.
- A preventive maintenance system would be put in place for the proposed water tank which would entail regular visual inspection and cleaning.
- The NIS also assesses in Section 9 potential in combination effects. Reference is made to six existing licensed facilities located within 15

kilometres from the development. The in-combination effects are assessed in respect of habitat loss/fragmentation.

- Disturbance to species.
- Air quality.
- Deterioration and water quality.

11.2.4. The assessment under each of these headings yielded no significant in combination effects. The NIS therefore concludes that subject to the recommended mitigation measures there would be no potential for significant impacts on European sites as a result of the proposed development either by itself or in combination with other developments.

### **11.3. Independent Assessment of Information Contained in the NIS submitted**

11.3.1. I am satisfied on the basis of the information submitted in the NIS that this document adequately explores and assesses in a detailed manner the potential impacts that could arise in respect of the proposed development on surrounding Natura 2000 sites in the vicinity. The NIS in my view reasonably concludes having regard to the separation distance between the site and the Natura 2000 sites in question that there is no potential for the proposal to impact either through disturbance or fragmentation on any habitats associated with the SACs in question. The SAC correctly identifies that the only potential impact which could occur is through potential hydrological connections. The development is located on the watershed between two catchments, the Moy Killala Bay catchment and the Corrib catchment. There are no watercourses or drains within the immediate vicinity of the development site.

11.3.2. Two key important considerations in assessing the potential impact on the Natura 2000 sites in question is the fact that there are no surface water drains, streams or rivers in the immediate vicinity of the site which provide a direct hydrological link to the Natura 2000 sites in question. Furthermore, there will be no processed effluent associated with the operation of the facility which would result on any landspreading which in turn could potentially pollute or contaminate surface waters and to a much lesser extent groundwaters. However, wash waters generated during the cleaning of the broiler house will be spread on land and this albeit to a much lesser extent has the potential to pollute groundwater bodies or result in the nutrient enrichment of

such bodies. The NIS notes that the spreading of wash water would be undertaken in accordance with Nitrate Regulations with the requisite setback distances from any surface water bodies being adhered to in order to minimise the risk of any pollution.

- 11.3.3. Groundwater presents a potential conduit for linkage between the subject site and the Natura 2000 sites in question. The fact that the subject site overlays a karstic aquifer environment does pose a potential threat to groundwaters as groundwater movements in such aquifers can be fast with a minimum potential for attenuation. However, this potential threat is in my view offset by the fact that the site is designated as being of moderate vulnerability due to the relative generous depths of soils and subsoils which will greatly assist in attenuating any potential pollutants from wash waters.
- 11.3.4. Therefore, while there is a potential for the proposed development to impact on qualifying interests associated with the SACs, this potential is in my view minimal. The NIS has in accordance with the precautionary principle, incorporated a suite of mitigation measures which would address any potential adverse impact during both the construction and operational phase.
- 11.3.5. In terms of cumulative and in combination effects. I am fully satisfied that the NIS has identified developments in the vicinity and potential in combination impacts. The NIS notes that any other poultry farms or other licensable activities in the area which give rise to landspreading would require such landspreading (either of mature or wash waters) to be in accordance with the Nitrates Directives. Any such landspreading in accordance with this Directive would ensure that no in combination effects arise.
- 11.3.6. Therefore, the proposed development has been considered in light of the assessment required under Section 177U and 177V of the Planning and Development Act 2000, as amended. Having carried out a screening for appropriate assessment of the proposed development, it was concluded that it would be possible to have a significant effect on the River Moy SAC (Site Code: 002298) and the Lough Corrib SAC (Site Code: 000297) and consequently an appropriate assessment was required of the implication of the projects on qualifying features of those sites in light of their conservation objectives.

- 11.3.7. Following an appropriate assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of (Site Code: 002298 and Site Code: 000297) or any other European site in view of the site's conservation objectives.
- 11.3.8. This conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable doubt as to the absence of adverse effects based on the nature of the activities to be undertaken on the subject site including the removal of waste by a licenced contractor, the separation distance between the subject site and the SACs in question, the absence of any hydrological connection in the vicinity of the subject site and the SACs in question, and the very limited potential for the proposed development to result in the pollution of underlying groundwaters.

## 12.0 ENVIRONMENTAL IMPACT ASSESSMENT

The application is accompanied by an Environmental Impact Assessment Report (EIAR). The EIAR was submitted in response to the planning authority's request for additional information on the 7<sup>th</sup> May 2019. I note that section 1.2 of the EIAR notes that the proposed development falls below the threshold prescribed in Schedule 5, Part 17 (a) of the Planning and Development Regulations 2001 (as amended), which requires mandatory EIAR's for the (a) "*Installations for the intensive rearing of poultry or pigs with more than 85,000 places for broilers, and 60,000 places for hens*". It suggests that a sub-threshold EIAR was requested by the planning authority under the provisions of Article 109(2) of the Regulations.

The EIAR does not appear to make reference to Schedule 5 Part 2 Class 1(e)(i) of the Regulations where an EIAR is required "*installations for intensive rearing of poultry not included in part 1 of this Schedule which would have more than 40,000 places for poultry*". The proposal in this instance seeks to replace 2 smaller broiler chicken houses with a combined capacity of 24,000 broilers with a single unit which has a capacity for 40,000 broilers. As the proposal seeks to accommodate a maximum of 40,000 broilers therefore falls marginally short of the threshold which refers to 'more than 40,000 places', the proposal would fall within the sub-threshold category.

The application was lodged subsequent to the provisions of Circular Letter PL1/2017 and PL05/2018, and therefore the subject application falls within the scope of the

amending 2014 EIA Directive (Directive 2014/52/EU). It also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018), as the application was lodged subsequent to these Regulations coming into effect on 1st September 2018.

This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements set out in the above legislation. In carrying out an independent assessment, I have examined the information submitted by the applicant including the submitted EIAR as well as the written submissions made by the 3<sup>rd</sup> Party appeal to the Board.

A single EIAR (together with a number of appendices) has been prepared in respect of the proposed poultry farm. A separate NIS has been submitted. This EIAR section of the report should where appropriate, be read in conjunction with the relevant parts of my Planning Assessment and the NIS submitted.

The structure of the EIAR is as follows:

- Non-technical summary
- Description of Development (including an investigation of alternatives)
- Environmental Impacts which is set out under 5 separate headings:
  - o Human Environment
  - o The Natural Environment
  - o Archaeological, Architectural and Cultural Heritage
  - o Material Assets
  - o Interactions and Inter-relationships

The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive.

Pages 14-32 contain details of the non-technical summary. The next section provides details of the methodology employed in drafting the document, EIAR legislation, process overview and the information to be in the EIAR including the methodology to be employed in identifying the likely significant impacts. Details of the report structure and the competencies of the experts are also set out.

The EIAR has been prepared on behalf of the developer by a multi-disciplinary team of competent and technical experts in accordance with the requirements of Article

5(3) of the amending Directive. The competencies and responsibilities of the experts are detailed in Section 1.7 and Table 1-3 of the EIAR. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and this is reflected in the information contained in the EIAR.

Part 1 of the EIAR provides a detailed description of the proposed development and the relevant planning history pertaining to the site. The production processes and management of the site are also set out. Details in relation to these issues are already set out in the main body of my report.

Section 3 Part 1 of the EIAR sets out details of the **alternatives** considered as part of the development. Part 2 of Annex IV of the EIA Directive requires that the developer sets out a description of reasonable alternatives studied and provide an indication of the main reasons for selecting the chosen option. The various reasons why the subject site had inherent advantages over other sites are listed and described in the EIAR. Alternative layouts were also considered from the point of view of energy efficiency and biosecurity. No other alternative processes were identified as being viable. Alternative management of litter/manure by-product is also examined. Poultry litter is to be delivered to a mushroom farm in Co. Wexford. Land spreading was considered. However, in the case of poultry litter, land spreading can give rise to the risk of botulism on both animal and human health and needs to be exercised subject to strict protocols. Where necessary and as a short-term solution, storage is available on site and the applicant has established relationships with tillage farmers in the wider area should land spreading be the only option available.

Section 4 of the EIAR sets out the baseline environment for **population and economic enterprise** in the area. Land use and settlement patterns and community facilities within 1 km of the site are described and set out. In terms of potential impacts, it is stated that the proposal would have a positive impact in terms of employment creation both during the construction and operational phase. Air pollution dust and odour are seen as potential negative impacts. The deconstruction of the existing units which contain asbestos could give rise to potential health issues. The operational phase could give rise to odour. Noise is identified as a potential adverse impact during the construction and to a lesser extent, the operational phase.



The ventilation system when operation is considered to be inaudible during the operational phase. There will be an increase in traffic volumes during the construction phase, however this will be temporary. Traffic movements during the operational phase are likely to be similar to that associated with the existing farm. Likewise, the visual impact is not considered to be that significant over and above that associated with the existing two structures. The proposal does not give rise to any potential impacts or risks in terms of major accidents and natural disasters. No major amounts of fuels and chemicals are stored on site and the site is not located in an area deemed as being of risk in terms of natural disasters. Each of the potential impacts on human beings and human health that are identified, are assessed in more detail in subsequent chapters of the EIAR.

I have considered all the information on file in relation to population and human health and the information contained in the EIAR, including the issues raised in the 3<sup>rd</sup> party appeal. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 5 of the EIAR relates to Air Quality. The main potential sources of air pollutants from the proposed development would be digestive processes, poultry litter, and the burning of fuel for heating. Emissions from digestive processes include primarily ammonia, nitrogen oxides and methane. A significant generator of dust from the facility would arise from dust. Comprising of feather fragments, faecal material, dander, feed particles, mold spores, bacteria, fungus fragments and litter fragments. Dust levels rise during clean-out and when birds are moved. Details of air quality legislation is set out. It is noted that the site is located in a region where air quality is classed as 3- 'Good'. And the site is located in zone D – Rural. The nearest Air Quality Station – Castlebar, recorded mean annual air quality values for NO<sub>2</sub>, NO<sub>x</sub> SO<sub>2</sub> and PM<sub>10</sub> which are below the parameters set out in the CAFÉ Directive<sup>2</sup>.

The annual production of air quality pollutants at the poultry farm would be minor in a regional context. The estimated annual emissions would be as follows:

- Ammonia (NH<sub>3</sub>) – 2917 kg/annum
- Methane (CH<sub>4</sub>) – 3,130 kg/annum

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<sup>2</sup> Incorporated in national legislation under SI 180 of 2011 Air Quality Standards Regulations

- Nitrous Oxide (N<sub>2</sub>O) – 302 kg/annum

The required heating energy input would be 23,856 kWh per batch. This equates to 2140 m<sup>3</sup> of natural gas per batch. The annual production of air pollutants would be typical for that associated with the farm and would be anticipated to have 'no significant' to 'slight' air quality impacts in the regional context. The cumulative impact is not deemed to be significant. Dust levels generated during the operational phase would be expected to be negligible. The level of dust arising within the broiler house would be controlled primarily through feed and the litter collection. A series of mitigation measures relating to litter storage and transport, dust suppression during construction and operation are set out in the EIAR.

I have considered all the information on file in relation to air quality and dust contained in the EIAR and the issues raised in the 3<sup>rd</sup> party appeal. I am satisfied that the potential for impacts in terms of air quality can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 6 of the EIAR relates to **odour**. The major generators of odour identified from the poultry farm are from the confinement buildings, manure storage structures, land-spreading and the disposal of dead animals. Previous guidance suggested that poultry houses should be sited about at least 400m from the nearest dwellings, however it is argued that the BAT Reference Document 2017 does not set any specific separation distances but refers to modelling techniques. It is noted that there are 3 additional poultry units within a 1.5 km radius of the subject site. A predictive odour model was undertaken assessing the cumulative odour impacts. Details of the odour modeling are set out in attachment 6.1 of the EIAR. The methodology adopted included the calculation of odour emission rates, the predicted ground level concentrations and the comparison between predicted ground level concentration and existing background concentration are set out. The predicted mass emission odour values for all 69 identified receptors located in the facility of the proposed facility will receive an order level below the guideline odour limit of 3.0O<sub>uE</sub> for the 98<sup>th</sup> percentile of worst-case hourly average, with a maximum predicted value of 2.70 O<sub>uE</sub>. Furthermore, the EIAR states that the air quality guidance limits in respect of particulates and ammonia at the nearest sensitive receptor was considerably below

the national standards. A suite of mitigation measures is set out to further suppress any potential odour impacts arising from the development.

I have considered all the information in the EIAR and the third-party appeal in relation to odour. I am satisfied that the potential for impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 6 relates to **noise**. Details noise legislation in Ireland is set out in the EIAR. Three noise monitoring locations were selected for the purposes of determining background noise levels. The subject site does not comply with all the criteria to be designated a 'Quiet Area' according to EPA NG4 Guidance as it is located in proximity to existing industry (other poultry farms) and within 3 km of a national route (N60). Background noise levels at the site ranged from 38 to 44 dB(A) L<sub>90</sub>.

The predictive noise level from the construction and operational phase using BS 4142 methodology and EPA noise limits was modelled. The modelling undertaken indicated that there would be a significant short-term impact during the construction phase, but noise levels would remain below the NRA guidance limit of 70 dB(A). Noise from the maximum ventilation system is anticipated to have no impact on the nearest noise sensitive location. All resultant noise levels from both the maximum and typical operation of the proposed development are predicted to comply with EPA (NG4) 2016 guidance for both daytime and nighttime limits. A series of mitigation measures are set out to minimize noise impacts during both the construction and operational phases. No vibration impacts are referred to in the EIAR. This in my view is acceptable as no significant impacts can be predicted during either the construction or operational phase.

I have considered all the information in the EIAR and the third-party appeal in relation to noise and vibration. I am satisfied that the potential for noise impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 8 relates to **Landscape and Visual**. The EIAR sets out the landscape assessment criteria methodology to be employed in assessing the visual impact. The existing character of the landscape is set out as well as the characteristics of the proposal. The proposed development is assessed from a total of 17 separate

vantage points. The proposal is also assessed in the context of various policy statements and objectives contained in the Mayo County development plan. It concludes that the proposed replacement structure will be in compliance with the various policy statements contained within the plan. The chapter concludes having regard to the nature, location and design features of the site and the proposed structure, the redevelopment of the existing buildings would have no significant overall long-term negative impact on the landscape. The proposal therefore would have no significant residual impact on the visual amenity of the landscape having particular regard to the fact that the proposed development would replace existing poultry houses at the site. A number of mitigation measures are proposed in relation to finishes and landscaping to reduce the potential visual impact.

I have considered all the information in the EIAR in relation to landscape and visual amenity. I am satisfied that the potential for impacts on can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent. I am also cognisant of the fact that the proposed new structure represents a replacement structure and this is an important consideration and mitigating factor in determining the visual impact on the landscape arising from the proposed development.

Section B of the EIAR assesses the potential impact arising from the proposal on the natural environment with specific emphasis on

- impacts on biodiversity,
- impacts on land (soils geology hydrology and hydrogeology),
- impacts on climate.

Section 9 addresses the issue of **biodiversity**. EIAR sets out the legislative context in relation to ecology and biodiversity. Reference is also made to the various policies contained in regional and local plans including the Mayo County Development Plan, as they relate to biodiversity. Both desktop research and field surveys were undertaken in establishing the baseline environment. These included:

- Habitat and Flora Surveys
- Fauna Surveys
- Bat Surveys

## - Bird Surveys

A number of surveys were scoped out including fish and reptile due to the nature of the receiving environment. Details of surrounding Natura 2000 sites are also set out. The field to the front of the proposed broiler house is described as being GA1 Improved Agricultural Grassland. The land on which the buildings are located comprise of BL3 buildings on artificial surfaces. The land to the rear of the buildings on which it is proposed to construct the new broiler house is described as ED 2 Spoil and Bare Ground and ED3 recolonising Bare Ground. All these habitats are considered to be of low ecological value. Furthermore, the EIAR concludes notwithstanding the presence of buildings on site there would be no loss of any known bat roosts. The existing buildings have low potential for bat roosts. No rare plant species or protected fauna under the Flora (Protection) Order 2015 were recorded within the proposed development area. No invasive species were recorded. Impact on fauna during the construction period could lead to some disturbance however it will be temporary in nature and not significant. Impacts in terms of air pollution will not be significant in terms of biodiversity. No significant impacts on water quality is anticipated stormwater from the site would comprise of clean rainwater runoff from the new broiler house roof which would be collected and discharged to ground. Stormwater from the hardstanding area to the front of the proposed broiler house will be collected and directed to a silt trap and oil interceptor prior to discharging to ground. There would be no process effluent discharge from the proposed development either to surface water or groundwater's. Wash waters generated during the cleaner off the broiler house would be stored in a new underground storage tank.

The site does not propose to store significant volumes of any chemicals or materials that could pose a significant spill risk to the aquatic environment. Surface water quality during the construction phase would be protected through standard construction mitigation measures. No cumulative impacts are anticipated with other enterprises in the area references made to other EPA licence facilities within 15km of the subject site. A range of mitigation measures are set out for both the construction phase and the operational phase to protect habitats flora fauna, bats and water quality arising from the proposed development. The chapter concludes therefore that

there will be no envisaged impacts upon biodiversity on foot of the proposed development.

I have considered all the information in the EIAR in relation to ecology and biodiversity. I am satisfied that the potential for impacts on biodiversity can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Chapter 10 relates to **land- soils, geology hydrology and hydrogeology**. It sets out the legislative framework and a detailed description of the existing environment. The site is underlain by glacial limestone till, which is in turn underlain by limestone. The site overlies a Regionally Important Aquifer in an area of moderate groundwater vulnerability. There are no water abstractions, source protection zone, or group water schemes within the vicinity of the site.

Potential impacts were assessed using source-pathway-receptor model. During the construction phase soil excavation and compaction may occur. Silt laden surface runoff is also a potential issue. Mitigation measures and good general housekeeping practices will be put in place to address any potential impacts. The controlled storage of manure and litter and the separate tanks will be available to accommodate wash-down water during cleaning periods. Residual and cumulative impacts are considered to be negligible.

I have considered all the information in the EIAR in relation to lands, soils, hydrology and hydrogeology including the information submitted by the third party in the grounds of appeal. I am satisfied that the potential for impacts on lands soils and geology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section 11 relates to **climate change**. Details of the existing climate in which the site is located is set out in the EIAR. If the proposed development proceeds, it would marginally increase the volume of greenhouse gas emissions through the accommodation of more birds and the presence of construction machinery on site. Due to the relatively small footprint of the proposed site, there would be no significant impact on the microclimate of the area. Hence no significant direct impacts are predicted on climate or climate change. Mitigation measures will be employed in order to reduce energy inputs.

I have considered all the information in the EIAR in relation to climate and climate change. I know that no issues were raised by the third party all this matter. I am satisfied that the potential for impacts on climate and climate change can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Section C of the environmental impact assessment report specifically relates to **archeological, architectural and cultural heritage**. Details of the various legislative and policy requirements are set out at the beginning of section 12 of the EIAR. A desktop study was undertaken and no less than 17 RMP's were recorded within one km radius of the site. There are no protected structures within 1 km of the site. Saint Mary's church at Began which is located circa 700 meters to the South of the site is included on the National Inventory of Architectural Heritage. In respect of the RMP's, details of previous archaeological excavations pertaining to these sites are set out in the EIAR. Two of the sites are located in close proximity - MA092-075 – an enclosure, located 56m to the west of the site and MA 092-094 – an enclosure located 90m to the south west of the site. Due to the distances involved to the nearest recorded monuments and the disturbed nature of the site, the proposed development should not impact on the archaeology of the area. The site has been completely disturbed during the initial development period, on this basis it is argued that the proposed development will have no impact on the culture heritage of the area and therefore no mitigation measures are required.

Section D of the environmental impact assessment report related to **material assets**. In terms of agriculture, they stated that no other agricultural Holdings would be directly impacted through the loss of land by the proposed development. Furthermore, there will be no loss of residential commercial recreation are other non-agricultural assets due to the proposed development. There would be no changes in land use as a result of the proposal.

It is predicted that there will be no significant increase in traffic volumes using the local road infrastructure as a result of the operation of the proposed development. In terms of traffic generation, it is estimated that the proposal would result in 88 truck and 397 car journeys per year. Under a worst case scenario, it is stated that many delivery services would occur in tandem with the deliveries of other poultry units in the area and therefore the proposal in itself is unlikely to give rise to significantly

additional traffic in the wider area. An assessment of all the junctions were undertaken using modeling software for both the AM and PM peaks (Junction 9 Picardy software). It indicates that all junctions analysed (3 junctions in the vicinity) will operate well within capacity.

In terms of use of natural resources, no significant effects are expected. No significant changes in energy consumption are water consumption is expected over and above that associated with existing operations on site. Water supply is provided by public mains. No significant residual impacts are anticipated.

I have considered all the information in the EIAR in relation to material assets. I am satisfied that the potential for impacts can be avoided, managed and/or mitigated by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

The final section of the EIAR relate to interactions on Inter relationships a summary of the potential interactions on Inter relationships are set out in Table 16.1 of the report.

#### **12.1. Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above in the EIAR submitted by the applicant, I would conclude the following in relation to significant effects:

It is not anticipated that that significant adverse impacts will arise as a result of the proposed development. The proposal in this instance relates to an intensification of an established use comprising of a poultry housing unit on site. The application currently before the Board relates to the demolition of the existing two building which have a combined capacity to accommodate 24,000 birds in order to construct a new building with the capacity to accommodate 40,000 birds. Any potential impact which might arise should be assessed in the context of the baseline environment where there is an established poultry farm on site.

The most likely potential impacts are associated with amenity impacts on surrounding residential receptors primarily through noise and odour. I would again reiterate that any such assessment of impact would be required to be assessed in



the context of the established poultry farm use on the site. In terms of noise that EIS provides a comprehensive noise impact assessment in the EIAR which indicates that the operation of a larger facility will, due to the nature of the existing environment and the separation distances to the nearest sensitive receptors, there will be negligible change in terms of noise generation as a result of the intensification of use on site.

In terms of odour, as part of the EIAR, the applicant also undertook an odour modelling exercise which again demonstrated that odour levels at the nearest sensitive receptors were even under a worst case scenario, less than 3OU<sub>E</sub> at a 98<sup>th</sup>ile limit. In terms of olfactory guidance, this value is barely detectable. The fact that all mature and litter waste is to be removed from the facility and used in a compost mushroom facility by a licenced contractor will mitigate against many potential impacts in terms of odour. I am satisfied on the basis of the information submitted that odour problems will not present as a significant impact.

Impacts in terms of other aspects of potential impacts on human health and amenity such as air quality, landscape impacts and traffic, it is not considered that the proposal will have a material impact over and above that associated with the existing operations on site.

With regard to the natural environment, I am likewise satisfied that the proposal will not impact on biodiversity water or climate to any significant extent. The proposal is also deemed to be acceptable in terms of its potential impact on architectural and cultural heritage of the area and will not present any major problems in terms of material assets.

Finally, I consider that the EIAR has considered that the main significant direct and indirect and cumulative effects of the proposed development on the environment and potential impacts would be primarily mitigated by environmental management measures, as appropriate. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors would remain. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the environment during the construction or operational phase, particularly in the context of the existing poultry development already established on site.

I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. Overall, I am satisfied that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

### **13.0 Decision**

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

### **14.0 Reasons and Considerations**

Having regard to the rural location of the proposed development and the established and existing broiler chicken houses on the subject site and Objective AG01 where it is the objective of the Council to support the sustainable development of agriculture with emphasis on local food supply and agricultural diversification together with the pattern of development in the vicinity, it is considered that subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity by way of odour nuisance or noise, would not be prejudicial to public health and would be generally 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.

### **15.0 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 to the planning authority on the 5<sup>th</sup> day of February, 2020 and on the 28<sup>th</sup> day of August, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to be discharged into foul effluent drains, foul effluent or to the public road.

**Reason:** In the interest of environmental protection and in order to ensure the capacity of storage tanks is reserved for their specific purposes.

3. All soiled wash water from the proposed development shall be directed to a storage tank proposed and shall not be discharged into existing drains, streams or soakpits.

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

4. Manure, poultry litter and bedding generated by the proposed development shall be disposed of by collection by a licensed contractor and transported off site. The waste generated shall not be used for the purposes of landspreading.

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

5. Any soiled water collected and stored in the storage tank shall be applied on land in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters Regulations, 2017) (SI No. 605/2017) (as amended).

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

6. Details of the finishes of the poultry house and the proposed feed silo shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In order to allow the planning authority assess the impact of these matters on the visual amenity of the area before development commences.

7. The site and its boundaries shall be landscaped to the written satisfaction of the planning authority. Prior to the commencement of development, a landscaping scheme shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the provision of screen planting, consisting of native or naturalised species and varieties only, which shall be protected from grazing animals by appropriate fencing. Any trees which within the period of five years from the first use of the proposed development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar species unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

8. Records of poultry manure movements and/or disposal and all soiled water disposal, including dates and volumes disposed of and the location of the disposal facility shall be maintained. Such records shall be kept up to date and made available to the planning authority on request.

**Reason:** In the interest of orderly development and public health.

9. All poultry manure moved off farm shall conform with the requirements of the Department of Agriculture, Food and Marine, animal by-products legislation requirements and all local authority guidance on the protection of

sensitive waters including water supply sources.

**Reason:** In the interest of public health.

10. There should be no increase in the numbers of poultry being accommodated at the overall development without a separate planning permission first having been obtained.

**Reason:** In the interest of orderly development.

11. The transport of manure and wash water via the public road shall be carried out in covered tankers so that no spillage or odour nuisance occurs.

**Reason:** In the interest of public health.

12. Any proposals to store poultry manure generated by the proposed development shall be temporary and shall be the subject of prior written approval with the planning authority.

**Reason:** In the interest of public health.

13. A construction environmental management plan shall be submitted to and agreed with the planning authority prior to the commencement of development. This plan shall include a schedule of works, proposals for decommissioning of the existing broiler units and the disposal of construction and demolition waste.

**Reason:** In the interest of public health.

14. Surface water and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

15. Site distance triangles shall be maintained and kept free from vegetation or other obstructions details of which shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of road safety.

16. The developer shall pay to the planning authority a financial contribution of €7,413 (seven thousand four hundred and thirteen euro) 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. The application of any indexation required by this condition 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.

**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.

17. The developer shall pay the sum of €23,250 (twenty three thousand two hundred and fifty euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of works carried out to the L1502 in 2019. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may

facilitate. The application of indexation required by this condition 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.

**Reason:** To preserve road infrastructure of the area.

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Paul Caprani,  
Senior Planning Inspector.

16th March, 2021.