



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317140-23

<b>Development</b>	Construction of free-range poultry unit and all associated site works.
<b>Location</b>	Corratober, Kingscourt, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22393
<b>Applicant(s)</b>	Annalitten Foods Limited.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brendan Cunningham Gary Gunn Aileen & Vincent Owens
<b>Observer(s)</b>	No Observers.
<b>Date of Site Inspection</b>	21 <sup>st</sup> of June 2024.
<b>Inspector</b>	Elaine Sullivan



## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	8
3.4. Third Party Observations .....	8
4.0 Planning History .....	9
5.0 Policy Context .....	9
5.1. Meath County Development Plan 2021-2027 (as varied) (MCDP) .....	9
5.2. Natural Heritage Designations .....	12
5.3. EIA Screening .....	12
6.0 The Appeal .....	13
6.1. Grounds of Appeal .....	13
6.2. Applicant Response .....	14
6.3. Planning Authority Response .....	18
6.4. Observations .....	18
7.0 Assessment .....	18
8.0 AA Screening .....	36
9.0 Recommendation .....	36
10.0 Reasons and Considerations .....	36
11.0 Conditions .....	37
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Form 2: EIA Preliminary Examination Form	

Appendix 3 – AA Screening

Appendix 4 – EPA PIP Map

## **1.0 Site Location and Description**

- 1.1. The site is located in the rural townland of Corratober, north County Meath and is approximately 4.5km to the south-east of the town of Kingscourt. The site is currently in agricultural use and is accessed from a private agricultural lane that connects with the L74021 local road. It comprises a number of fields which are defined by hedgerows and the topography of the site slopes downwards from south-east to north-west. The surrounding land is characterised by agricultural use and agricultural buildings with dispersed rural housing along local roads.
- 1.2. There are no defining landscape features within the site and it is not designated as a visually sensitive site.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of a new free-range poultry house of 170m x 19.2m and a height of 6.2m, with additional manure loading canopies along the eastern elevation. Two meal silos of 11.5m in height would also be installed along the western elevation and storage tanks for soiled water would be located on either end of the house. The poultry house would facilitate 32,000 egg laying birds, whose range will extend to the surrounding field.
- 2.2. Additional works would include the removal of sections of hedgerow and field boundaries, the installation of a swale and an onsite wastewater treatment system. A new site entrance and access road is proposed from the L74021.
- 2.3. The poultry farm will be for the production of free-range eggs. The spent poultry litter will be removed from the farm by specialist contractors. Soiled water from washing down the facility will be spread on the applicant's lands.
- 2.4. The development was significantly altered by FI to include a revised site entrance and new access road. The amended location was moved approximately 40m to the west of the existing location.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority (PA) decided to grant permission subject to 15 planning conditions.

- Condition No. 2 restricts the maximum stocking density at any one time to 32,000 birds.
- Conditions 3, 4, 5 & 6 relate to information to be contained in the Construction and Environmental Management Plan (CEMP).
- Condition No. 11 relates to the disposal of poultry manure and the storage of carcasses on the site.
- Condition No. 12 relates to the collection of uncontaminated roof water from buildings and clean yard water.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The decision of the Planning Authority was informed by two reports from the Planning Officer (PO). The first report dated the 20<sup>th</sup> of May 2022 recommended a request for further information (FI). The second report dated the 20<sup>th</sup> of April 2024 recommended a grant of planning permission subject to conditions.

The first report of the PO noted that the site is zoned '*RA – Rural*' and is currently in agricultural use. It is in the North Meath Lakelands landscape character area which has a moderate landscape character value and a low sensitivity to development. Whilst the capacity of this landscape type to absorb large scale agricultural developments is categorised as medium, the PO considered that a landscape and visual impact assessment was required. Reference was made to the report of the Transportation Department and the PO recommended that FI was requested with regard to the provision of adequate sightlines for the development and facilitating HGV access by setting back the entrance by 17m from the edge of the road.

The PO found the results of the soil characterisation test and the proposal to install an effluent treatment system and soil polishing filter to be acceptable. It is noted in the report that the development will be served by the Meath Hill Water Group Scheme, which was acceptable. However, the Water Services Department was not satisfied that the surface water management system proposed was adequate. The report also finds that some details regarding the waste management of the site require clarification. Further information was requested on 6 points which relate to –

- The visual impact of the proposal,
- Finished floor area of the building and external finishes,
- Revised access arrangements to accommodate HGV access and unobstructed sightlines,
- The provision of a SUDS compliant surface water management system,
- The management of waste on site including how waste will be stored prior to collection by contractors, and the storage of wastewater prior to land spreading,
- Measures to be applied to protect watercourses within the boundary of the free-range area.

The applicant's response to FI included significant alterations to the initial proposal including the provision of a new entrance and access road. Revised access to the site would be approximately 90m to the west of the original proposal and would involve the construction of a new road across the field to the south of the building and within the 'range area'. A new entrance to the public road was proposed and would involve the setting back of the roadside boundary and the removal of c. 140m of hedgerow, of which c. 90m would be replaced. Amendments to the layout of the areas around the building were also proposed to accommodate HGV movements.

The second report of the PO found the response to FI to be sufficient to address the concerns raised and recommended a grant of planning permission subject to conditions.

### 3.2.2. Other Technical Reports

- Water Services – Recommendation that FI requested regarding surface water drainage. The applicant's response to FI broadly met the requirements of the PA. Conditions were recommended.
- Environment Department – No concerns regarding flood risk.
- Environment Department – The report of the PO states that FI was requested by the Environment Section with regard to the location and type of storage to be provided for poultry litter, clarification of the location and capacity of the storage for wastewater from the unit and details of how the watercourses would be protected. This report was not forwarded with the paper file and is not available in the public record online.
- Transportation Department – Recommendation that FI requested regarding HGV access arrangements and sightlines. FI response considered to be acceptable.

### **3.3. Prescribed Bodies**

- Uisce Éireann – No objection.
- Health Service Executive (HSE) – The applicant's response to FI was referred to the HSE for comment. No observations were made by the HSE.

### **3.4. Third Party Observations**

The PA received 24 submissions during the public consultation phase of the application process and a further 2 on foot of the applicant's response to FI. The issues raised can be grouped under the following headings,

- Procedural issues regarding site notice / application
- Visual impact
- Scale of the proposal
- Nuisance from noise and smell
- Atmospheric emissions (ammonia / nitrogen)
- Groundwater / surface water contamination



- HGV traffic / road capacity
- Impact on wildlife
- Poor drainage capacity of the land
- Devaluation of property
- Health concerns for residents
- Health concerns for livestock in neighbouring farms

On foot of the FI response two further submissions were received.

- The first submission stated that there was no site notice at the location of the new entrance.
- The second submission raised concerns about the location of the new entrance, directly opposite a house and the robustness of the visual impact assessment and the viewpoints selected. Other issues raised include procedural issues regarding notification of observers by the PA, the capacity of the road and safety for road users and the measures proposed to prevent access to watercourses.

## 4.0 Planning History

No recent planning history for the site.

## 5.0 Policy Context

### 5.1. Meath County Development Plan 2021-2027 (as varied) (MCDP)

**Zoning Objective** – The subject site is zoned ‘RA – Rural Areas’, the objective of which is *‘To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage’*.

The Development Plan contains the following guidance on the RA zoning objective - *The primary objective is to protect and promote the value and future sustainability of*

*rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted.*

## **Chapter 8 – Cultural and Natural Heritage**

**HER POL 37** - To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

**HER POL 53** - To discourage proposals necessitating the removal of extensive amount of trees, hedgerows and historic walls or other distinctive boundary treatments.

**HER OBJ 49** - To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.

## **Chapter 9 – Rural Development**

**RUR DEV SO 1** – To support the continued vitality and viability of rural areas, environmentally, socially and commercially by promoting sustainable social and economic development.

**RD POL 12** – To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.

### **9.8 – Agricultural Development**

**9.8.1 – Agricultural Buildings** – The suitability of a given proposal will be determined by the following factors –

- The provision of buildings to a design, materials specification and appearance and at locations which would be compatible with the protection of rural amenities. Particular attention should be paid to developments therefore in sensitive landscapes as identified in the Landscape Character Assessment (Refer to Appendix 5);

- The availability of an effective means of farm waste management to ensure nutrient balancing between application of farm wastes to land and its balanced uptake by agricultural use of land;
- Whilst the Planning Authority recognises the primacy in land use terms of agriculture in rural areas and that the presence of individual housing should not impinge unduly on legitimate and necessary rural activity, regard should also be had to the unnecessary location of major new farm complexes proximate to existing residential development.

**9.8.2 – Intensive Agriculture** – The requirements of Section 9.8.1 will be applied to intensive agri-business in pig and poultry sectors. The Planning Authority recognise that the environmental qualities of the county are protected and the scale and intensity of intensive agriculture and the appropriateness of the activity in relation to the quantum of waste generated and its effect on the area is an important consideration in assessing development proposals.

#### **9.18.2 – Groundwater Protection and the Planning System**

**RD POL 44** – To ensure that new development meets the highest standards in terms of environmental protection.

**RD POL 14** - To ensure that new development meets the highest standards in terms of environmental protection.

#### **9.18.3 – Wastewater Disposal**

### **Chapter 11 – Development Management Standards and Land Use Zoning Objectives.**

#### **11.6.8 - Agricultural Buildings & Structures**

The design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment, (Refer to Chapter 9 Rural Development for further information.)

**DM OBJ 62:** All applications for agricultural buildings and structures shall address the following criteria as part of a planning application;

- To require that buildings are sited appropriately in order to minimise obtrusion on the landscape, having regard to the Landscape Character Assessment contained in Appendix 5.
- The use of dark coloured cladding, for example dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.
- Developments shall comply with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2014, (GAP Regs 2014).
- All planning applications for agricultural development shall be accompanied by comprehensive details of all land holdings and herd number(s), if applicable.
- All new and existing agricultural developments will be required to contain sufficient detail which demonstrates that all effluent, including yard run-off, is collected and stored within the confines of the development.
- In the case of new farm enterprises, a clear evidence base must be provided which demonstrates the need for the proposal and details of how any buildings proposed form part of a comprehensive business plan for the farm holding supported by Teagasc.

## **5.2. Natural Heritage Designations**

No designations apply to the subject site.

## **5.3. EIA Screening**

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Three third party appeals were lodged the main points of which are listed below.

Brendan Cunningham -

- Procedural issues – the site notice was erected when the road was closed for 3 weeks. No site notice was erected at the location of the amended entrance. Observers were not informed of a 3-month extension granted to the applicant to submit the FI.
- The access road is very narrow and unsuitable for heavy traffic.
- Consent from neighbouring landowners has not been submitted.
- The proposed building is excessive in scale and would have a significant visual impact. This impact was not considered in the visual impact assessment.

Gary Gunn -

- The access road is very narrow and increased traffic will be unsafe.
- Impact on residential amenity through nuisance and odour.
- Potential impact on the water supply.

Aileen & Vincent Owens –

- The development has the potential to impact water quality thorough the high levels of nitrate and phosphate runoff. The ground in the area is heavy clay with very little soakage.
- The existing access road has blind bends and is of insufficient width to allow two vehicles to pass.
- The second entrance proposed (and permitted) is a large, industrial sized entrance that will cater for 40ft trucks. This arrangement is unsafe as it is directly opposite a domestic entrance.

- The local national school is just 1km away from the site and encourage children to take part in Government sanctioned green initiatives such as walking or cycling to school. There is no capacity on the local roads to separate vehicles from pedestrians or cyclists.
- Two streams run adjacent to the site and flow to the Glyde rivers, which is a Priority Area for Action in the draft River Basin Management Plan. It is also a drinking water source and could be impacted by the development. The appellant has submitted a map showing runoff routes from the site and raised a concern regarding the elevated nature of the site and its impact on runoff to watercourses.
- The appellant submits that no site notice was erected at the location of the revised entrance and that observers were not notified of the 3-month extension of time to respond to FI which was granted by the PA.

## 6.2. Applicant Response

A response to the appeal was received from the applicant on the 12<sup>th</sup> of June 2023 and included the following,

- A new entrance off the existing road is proposed to provide unobstructed sightlines to the nearside road edges in accordance with TII document DN-GEO-03060. The proposed entrance has provision for a 10.5m HGV turning radius with a 17m setback from the existing road edge, which will allow a HGV to pull off the public road in its entirety.
- Traffic movements to and from the site will be low and are set out in the table below. Traffic movements will be intermittent and minimised by optimising load size. Additional traffic will not adversely affect the local road network and the ability to walk on the existing road will not be compromised by additional traffic.

Frequency	Purpose	Movements	Total
Daily			
2 cars	Staff	4	

1 small rigid lorry	Egg collection	2	<b>6</b> (6x365 = 2,190)
<b>Weekly</b>			
1 tractor and trailer	To transport manure	2	
1 van	Maintenance	2	
2 HGV (28 tonne capacity)	Feed deliveries	4	<b>8</b> (8 x 52 = 416)
<b>Fortnightly</b>			
1 small rigid lorry	Waste collection	2	<b>2</b> (2 x 26 = 52)
<b>Monthly</b>			
1 small van	Veterinarian supervision and deliveries	2	
1 small van	Pest control	2	<b>4</b> (4 x 12 = 48)

(Note – the traffic figures submitted by the applicant would result in a maximum of 52 traffic movements per week. This figure is a 'broad-brush' total and does not take into account holidays etc.).

- Water supply to the development will be from the Meath Hill group water scheme which have consented to supply. A letter of consent from the scheme was furnished along with confirmation that they have adequate capacity to supply the development. The applicant has also proposed to drill a deep bored well on the site to ensure that an adequate supply of water is available should capacity issues arise in the group scheme.
- The applicant states that the odour emitted will be minimal and would not cause any adverse impact outside of the site boundary. During the routine operation of the poultry unit, the odour emitted will be minimal due to the ventilation systems installed, the low stocking rates and the extensive nature of the enterprise.

- Site notices were erected at the locations indicated on the drawings submitted and were in accordance with the criteria outlined in the Planning and Development Regulations 2001 (as amended).
- The Landscape and Visual Impact Assessment submitted under FI was prepared in accordance with guidance issued by the Landscape Institute of Environmental Management and Assessment and identified sensitive receptors and protected views and prospects. No viewpoints were taken from private properties in the area. The applicant submits that the massing of the building, the proposed colour scheme, topography of the site and the proposed finishes will have a low impact and will integrate with the environment.
- The applicant also notes that the location referenced in the appeal is a private property and the existing floor level of this house is at 85.06m, which is 1.081m higher than the proposed poultry unit.
- Regarding concerns of bird mortality, the applicant will store carcasses on the site in a close skip pending removal. It is a Department of Agriculture, Food and the Marine (DAFM) requirement and a Bord Bia Assurance compliance requirement that the applicant enter into a formal agreement regarding bird mortalities and collections prior to the operation of the unit.
- A programme for pest control will be put in place for the development upon operation of the site. Wildlife such as buzzards, foxes and pine-marten will not be categorised as vermin and will not be targeted by the pest control programme.
- The Appropriate Assessment carried out for the development considers the predicted emissions of ammonia from the development and the potential impact on Natura 2000 sites. The results found that, due to the separation distance of the Natura 2000 site and low intensity agricultural activity proposed on the range area the ammonia emission levels are negligible in comparison to the poultry unit building itself.
- Large volumes of chemicals will not be stored on the site.



- Poultry manure will not be spread on the adjacent lands. It will be transported to a storage facility in an existing farmyard on a weekly basis and will be spread on lands surrounding this farm in conjunction with an existing tillage operation, (herd number supplied). Storage space within the farmyard and lands can accommodate more than 12 months manure. The receiving lands can also accommodate the proposed poultry manure loadings and will comply with the criteria specified in the Nitrates Directive.
- Regarding concerns raised about the impact of the proposal on water quality, the applicant reiterates that no poultry manure will be spread on the lands surrounding the unit. The hen population will have 31.16 ha to utilise as their dedicated free range paddock area, which would allow for a density of 9.74m<sup>2</sup> per bird. At this density the applicant states that the potential runoff from existing lands would be low.
- The applicant argues that the potential runoff from the proposed development would be significantly lower than that of a typical cattle farming system. When expressed as net organic Nitrogen per hectare, (N/ha) this equates to 67.2 kg/ha. SI 605 / 2017, European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, permits up to 170 kg organic N/ha.
- When the stocking density is expressed as Phosphorus per hectare, (P/ha), equates to 14.4 kg. The applicant argues that this level is low when compared to the 20 kg/ha limit for fresh cut silage as per Table 15 of SI 605 / 2017.
- Therefore, the applicant contends that, the low levels of P and N per ha of range paddock area, together with the large land area involved, the risk of any potential runoff of negative impact on water courses is reduced when compared to that of a cattle farm. As an additional measure, all drainage ditches and watercourses will be fenced off with bird proof fencing with a setback of 1m from each side.

### **6.3. Planning Authority Response**

A response was received from the PA on the

- The PA considered the merits of the proposal with regard to principle, siting, design and location within a rural area, where agricultural development is permitted in principle.
- Comments regarding the site notice are noted. However, the site notice was observed in a conspicuous location by officers from the Planning Department during an inspection of the site and was deemed to be in accordance with planning legislation.
- The PA is satisfied that the matters raised in the observations were appropriately considered throughout the course of the assessment of the planning application.

### **6.4. Observations**

- No observations received.

## **7.0 Assessment**

7.1. There are three no. third party appeals and I consider it appropriate to address them jointly in my assessment. I consider the main issues in the appeal to be those that have been raised in the grounds of appeal and can be addressed in the headings below. Having

- Principle of Development
- Procedural Issues
- Impact on Residential Amenity
- Access and Traffic
- Impact on Water Quality

## 7.2. Principle of Development

- 7.2.1. The principle of the proposed development is acceptable for the site which is zoned 'RA- Rural Area'. The RA objective seeks *'To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage'*. Development Plan guidance on the RA objective states that the primary objective is to protect and promote the value and future sustainability of rural areas, and that a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted. Agriculture and agricultural buildings are listed as permitted uses in the RA zoning.
- 7.2.2. Regarding proposals for new agricultural development, Development Plan Objective DM OBJ 62 requires that, all applications shall address the following criteria,
- The appropriate location and siting of buildings to minimise obtrusion on the landscape, having regard to the Landscape Character Assessment contained in Appendix 5.
  - The use of dark coloured cladding for buildings
  - Compliance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2014, (GAP Regs 2014).
  - Comprehensive details of all land holdings and herd number(s), if applicable.
  - Sufficient detail which demonstrates that all effluent, including yard run-off, is collected and stored within the confines of the development.
  - For new farm enterprises, a clear evidence base must be provided which demonstrates the need for the proposal and details of how any buildings proposed form part of a comprehensive business plan for the farm holding supported by Teagasc.
- 7.2.3. The application provided information regarding the operation and management of the proposed development, which will be assessed in this report under the relevant headings. Whilst the poultry farm is a new enterprise, the applicant contends that it represents a diversification of an existing farm which was previously used for bovine farming. The PA accepted the proposal on this basis and did not query the need for

the development or how the buildings formed part of a comprehensive business plan for the farm holding as per DM OBJ 62. The application states that the site is part of a wider land holding and was previously used for harvesting silage. It is also stated that the wider landholding would be used in conjunction with the proposed enterprises through the spreading of soiled water. Whilst the development can be considered to be a diversification of the existing agricultural use, it is also an intensification of use and on that basis, will be assessed on its merits.

- 7.2.4. In consideration of the nature of the agricultural development and its location in a rural area, I am satisfied that the principle of the development is acceptable subject to the assessment of the planning and environmental issues arising.

### **7.3. Procedural Issues**

- 7.3.1. The grounds of appeal submit that the original site notice was erected at the time when the road was closed for three weeks, and this prevented people from seeing it. It is also stated that no site notice was erected at the location of the revised access which was submitted under FI. Furthermore, when the notice was erected, it contained dates that did not accord with the date the notice was erected and third parties were not notified of the time extension granted to the applicant to respond to FI.
- 7.3.2. In the response to the appeal from the PA, it is stated that the site notice was observed in a conspicuous location by officers from the Planning Department during an inspection and was deemed to be in accordance with planning legislation. Overall, the PA was satisfied that the matters raised in the observations were appropriately considered throughout the course of the assessment.
- 7.3.3. I note to the Board that the validation of planning applications, which are subject to appeal under Section 37 of the Planning and Development Act 2000, (as amended) is a function of the Planning Authority and is not a matter for the Board to consider within the remit of the appeal. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of the erection of the site notice, I note that both matters were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations.

The following assessment represents my de novo consideration of all planning issues material to the proposed development.

- 7.3.4. A query was raised in the appeal regarding the encroachment on third party land to achieve sufficient sight lines. In the revised access arrangement submitted under FI, the drawings show all of the land to be within the applicant's ownership. I am satisfied that this addresses the issue of encroachment on third party lands.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. Concerns were raised in the grounds of appeal regarding the impact of the proposal on the existing residential amenity of nearby houses. Reference was made to the visual impact of the proposal and the potential for nuisance in terms of odour and pests.

##### Visual Impact

- 7.4.2. In the Landscape Character Assessment for the Development Plan, the site is in the North Meath Lakelands area which is categorised as having a landscape character of 'Moderate Value' and 'Low Sensitivity'. Map 04 from Appendix A.05 of the Development Plan indicates that the landscape has a medium capacity to accommodate large farm buildings likely to be constructed using modern materials and colours. Massing and location are particularly likely to detract from visual quality.
- 7.4.3. A Visual Impact Assessment (VIA) was submitted by the applicant under FI. The VIA assessed the impact of the development when viewed from any nearby protected views and/or prospects. An additional eight views from points on the local road network were also included. One of the appellants queried the selection of the viewpoints and believed the proximity of their house to the development warranted inclusion in the assessment. In their response to the appeal, the applicant stated that the no viewpoints were taken from private property. I have reviewed the VIA and the closest viewpoints to the appellants property would be VP1 and VP2. Both viewpoints are taken from the public road to the east of the appellants property and both viewpoints are closer to the subject site than the appellants property. VP1 is described as 'View from South-West at break in hedge adjoining existing dwelling',

(i.e. the appellants house). The VIA concluded that the proposed building would have a 'Negligible' impact from VP1 and VP2 as the building would either not be visible or concealed by the topography and vegetation.

- 7.4.4. Having reviewed the VIA and visited the site, I would agree that the overall visual impact of the proposed development would not be significant. This would largely be because of the undulating topography of the area, the location of hedgerows and treelines and the distance from the site of any sensitive visual receptors. The nature of the agricultural building would not be out of character with the rural landscape which already has a number of agricultural buildings in place across the neighbouring fields.

#### Odour

- 7.4.5. The proposed development will produce ammonia which produces a distinctive smell associated with poultry farms and is released readily into the air. In response to queries regarding odour from the development, the applicant stated that due to the extensive nature of the enterprise the odour emitted will be minimal and would not cause any adverse impact outside of the site boundary. The response did not provide any specific details but also stated that during the routine operation of the poultry unit the odour generated will be minimal due to the ventilation systems installed (no details provided), low stocking rates and the extensive nature of the enterprise. The issue of odour was not substantively addressed by the PA.
- 7.4.6. The issue of odour from intensive agriculture is dealt with through EPA licensing when the agricultural practice meets a threshold of 40,000 birds, (Schedule 1, EPA Act 1992 (as amended)). A standard condition of EPA licences requires that no emissions such as odours shall result in an impairment of, or an interference with amenities or the environment beyond the installation boundary. The proposed development would accommodate 32,000 birds and whilst this does not meet the threshold for an EPA licence, I consider the enterprise to represent an intensive agricultural practice by virtue of its capacity for 32,000 birds and the level of intervention required in the subject site to accommodate it.
- 7.4.7. The MCDP does not require specific separation distances between odour generating activities that are sub-threshold for licensing. It is of note that previous EPA guidance in the 'BATNEEC Guidance Note for the Poultry Production Sector' (1998),

Section 4 states that, *‘Poultry units should be sited a distance preferably not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment or of significant interference with amenities or the environment beyond the site boundary’*. This Guidance note has since been superseded by the Commission Implementing Decision (EU) 2017/302 ‘establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs’, and the associated, ‘Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs’ (2017). This reference document does not include any specific separation distances to be adhered to for neighbouring dwellings but Section 4.1 of the document states that *‘Adequate distances are ensured between the house/farm and the sensitive receptors requiring protection, e.g. from neighbours to avoid conflicts arising from odour and noise nuisance, or from waters to protect them from the emission of nutrients. Requirements regarding the minimum standard distances vary by country, depending also on the type of sensitive receptor’*.

- 7.4.8. The proposed development would be subject to S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, which sets out specific requirements as to how the enterprise is managed. Whilst good site management would help with odour control no specific requirements are contained in the regulations that relate to odour management. The Clean Air Strategy for Ireland led by the Department of Communications, Climate Action and Environment (DCCAE) provides an opportunity to address air pollution in Ireland. Ammonia emissions are legislated for under the National Emissions Ceilings Directive (NECD). The DAFM Code of Good Agricultural Practice for reducing Ammonia Emissions from Agriculture was established under the NECD. In Ireland, there is a mandatory ammonia emission target since 2010 of 116 kilotonnes (kt), ammonia emissions must be reduced to 1% below 2005 levels by 2020 (112kt) and 5% below 2005 levels from 2030 onwards (107kt). The adoption and implementation of the good practice measures outlined in the DAFM Code will help to reduce the generation of ammonia from farm activities.

7.4.9. The DAFM, Code of Good Agricultural Practice for reducing Ammonia Emissions from Agriculture sets out a range of measures as to how ammonia, which is a significant contributor to odours in poultry farming, can be reduced. The proposed development will be subject to S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, which will set out specific requirements as to how the enterprise is managed, which would also help with odour management. I accept that the rural area surrounding the site would be subject to odour by virtue of the existing agricultural activities in the area. However, I consider the scale of the poultry housing unit to represent intensive agriculture and to be a significant intervention in the land. Whilst the agricultural development will be subject to separate legislative codes, I am not satisfied that the applicant has provided sufficient information on how they intend to address the issue of odour from the poultry housing unit. The application states that the housing unit will be naturally ventilated, but no other details have been provided. Given the proximity of the closest residential development which are c. 282m to the north-east and 295m to the south of the site, I do not consider this to be a satisfactory response to the issue of odour which was raised in the grounds of appeal. I recommend that, should the Board wish to grant permission for the development, that a condition be attached requesting the applicant to prepare and submit details of the ventilation systems proposed to demonstrate how the facility would not cause any adverse impact outside the site boundary as stated in the application.

#### Pest Control

7.4.10. Concerns were raised by third parties regarding the potential of the development to attract pests and rodents which would result in nuisance and health hazard for nearby residents. Third parties also queried how the pest control measures would be tailored to prevent mortality in protected species that may predate on the livestock such as pine marten, badger and buzzards which have been spotted in the area.

In response the applicant stated that there will be a programme in place for the control of vermin and pests on the site upon operation of the poultry unit. Wildlife such as buzzards, foxes and pine marten will not be categorised as vermin on the site and will not be targeted by the pest control plan. No further details were provided about how the pest programme would be implemented. In agricultural operations covered by EPA licences, the control of vermin is covered by the licence.



As noted above the development is sub-threshold and is not subject to licensing. However, the applicant has stated that the farm will be subject to the requirements of Bord Bia who have set out specific requirements for pest and rodent control, (ref. Section 3.12 of their Sustainable Egg Assurance Scheme 2017 and the Poultry Products Quality Assurance Scheme, as referenced by the applicant). The facility will also be required to register with the DAFM and will be subject to inspections. As the facility will be regulated by separate legislative codes, I consider that the issue of rodent and pest control will be adequately dealt with through compliance with the relevant codes.

#### Biosecurity & Human Health

- 7.4.11. Concerns were raised in the grounds of appeal regarding the potential for spread of disease such as botulism from the operation of the farm. The applicant has stated that an overall animal health and welfare policy in accordance with Bord Bia requirements, as per the Poultry Products Quality Assurance Scheme (EQAS), will be developed to cover the farm. The farm would comprise one free range poultry house with ancillary structures and would have capacity for 32,000 hens. The building would be constructed in accordance with S.I01 Minimum Specifications for the Structure of Agricultural Buildings, Department of Agriculture Food and the Marine 2006 (as amended), and the proposed facility will be in accordance with the requirements of S.I. No. 311/2010 - European Communities (Welfare of Farmed Animals) Regulations 2010. The stock for the farm will be brought in at the point of lay (c. 16 weeks of age) and will remain on the farm for the laying cycle which is 50 – 60 weeks on average. Stock will be replaced on an all-out / all-in basis to maintain a single age profile and good health status and houses will be cleaned down between flocks. Animals which die of natural causes will be kept on-site in a closed skip prior to removal to a rendering plant.
- 7.4.12. Poultry manure will be stored off site at the premises of the customer detailed in the application. The manure will be removed to the storage area by a registered contractor in accordance with the regulations set out in S.I. No. 605 of 2017 (as amended) - European Union (Good Agricultural Practice for Protection of Waters) i.e. the Gap Regulations. Information submitted by the applicant in their response to the appeal, states that the manure will be removed to the off-site storage facility once a week by tractor and trailer. The DAFM have introduced Statutory Instrument S.I. No.

593, Avian Influenza (Biosecurity measures) Regulations 2021, which must be in place on all farms. The biosecurity measures outlined in Schedule 1 and Schedule 2 of the regulations are applicable in this instance.

7.4.13. The procedures for the disposal of dead birds from poultry farms is prescribed by the prescribed by the European Communities Regulation (EC) 1774/2002 and the European Communities (Animal By-products) Regulations, 2003. S.I. No. 252 of 2008. In respect of the requirements of these regulations good farming practice as set out by the DAFM states that carcasses must be safely stored in sealed barrels or wheelie bins while awaiting collection, which is proposed by the applicant in the operational plan.

7.4.14. It is not proposed to spread poultry manure on the subject site or the adjoining land. The movement and management of the poultry litter is regulated by a separate legislative code and is therefore outside the remit of this appeal. Specific legislation has been put in place for the management of poultry farms and the by-products associated with them. I am satisfied that adherence to the requirements of this legislation would ensure good levels of biosecurity.

## **7.5. Access and Traffic**

7.5.1. The original proposal was to provide access to the farm via an agricultural laneway from the L704021. However, the PA were not satisfied that adequate sightlines could be provided by the proposed arrangement and requested that the sightlines be reviewed through a request for FI. In response, the applicant put forward an alternative access route from the L704201. The revised location was moved approximately 40m to the west of the original proposal and the agricultural laneway. It would involve the removal of c. 140m of hedgerow and trees and the setting back of the roadside boundary and hedge by 1m. The entrance gate would be set back by 17m from the road edge and would have a timber post and rail fence on either side of the gate. The access road would cross the field to the south of the proposed farm area and would be approximately 250m in length. Drawings submitted under FI show that sightlines of 90m can be achieved along the L704201. The PA were satisfied that the revised arrangement was acceptable, and the PO believed the

proposed development would not significantly impact on the carrying capacity of the road or road safety subject to appropriate conditions.

- 7.5.2. The grounds of appeal raised concerns regarding the suitability of the rural roads to accommodate the additional traffic to and from the farm. It is argued that the roads are narrow with not enough room for two vehicles to pass and that the proposed entrance is directly opposite a domestic entrance which would be dangerous. The local primary school is just 2km from the site and concerns were raised in the appeal that additional HGV traffic on the local road network would result in a traffic hazard for children walking or cycling to school, which is encouraged by national policy.
- 7.5.3. In their response to the appeal, the applicant states that the revised access would have a 10.5m HGV turning radius with a 17m set back from the road edge. This would allow a HGV to pull off the road in its entirety without compromising the use of other road users while waiting to access or egress from the site. The location of the access was also designed to provide 90m forward and rear visibility conditions. It is also stated in the application that the level of traffic movements generated by the development would be low.
- 7.5.4. I have visited the site and the roads surrounding the site are single carriageway, rural roads with dispersed housing and agricultural development along them. On the occasion of the site inspection, which was during a weekday in June, there was very little traffic on the roads, and I observed a number of lay-by's or entrances where it would be possible to pull in should two vehicles meet on the road. The proposed would be positioned to the east and on the opposite side of the road to the nearest house on the L704201. It would not be directly opposite the existing domestic entrance and the access arrangement for the house would not change. However, the northern roadside boundary would be moved by 1m to provide adequate sightlines. I have reviewed the drawings submitted and I am satisfied that the access arrangement would be sufficiently set back from the roadside to provide the sightlines required, (Ref. document – TII document DN-GEO-03060), and that sufficient space would be afforded to allow HGVs to pull in from the road and prevent obstruction. I note that there are a number of agricultural developments in the surrounding area and along the L704201. Such developments are a feature of rural life and would also generate movements from large agricultural vehicles.

7.5.5. Details of the projected traffic movements to and from the site have been provided by the applicant who states that traffic movements to and from the site will be of low intensity. I have set out the information submitted by the applicant below in a table format for clarity.

<b>Frequency</b>	<b>Purpose</b>	<b>Trips / Movements</b>	<b>Yearly Total</b>
<b>Daily</b>			
2 cars	Staff	4	
1 small rigid lorry	Egg collection	2	<b>6</b> (6x365 = 2,190)
<b>Weekly</b>			
1 tractor and trailer	To transport manure	2	
1 van	Maintenance	2	
2 HGV (28 tonne capacity)	Feed deliveries	4	<b>8</b> (8 x 52 = 416)
<b>Fortnightly</b>			
1 small rigid lorry	Waste collection	2	<b>2</b> (2 x 26 = 52)
<b>Monthly</b>			
1 small van	Veterinarian supervision and deliveries	2	
1 small van	Pest control	2	<b>4</b> (4 x 12 = 48)
<b>Yearly</b>			
HGV	Bird deliveries – at the end of the stocking period	10-12 over a 5-day period	

- 7.5.7. Traffic figures submitted by the applicant would result in a maximum of 64 traffic movements per week (52 + 12 movements for restocking once a year), which, based on a 5-day working week would equate to 13 additional traffic movements per day. This figure is a 'broad-brush' and assumes that all projected activities, (including the re-stocking of the farm), will take place in the same week. It does not consider seasonal holidays. Overall, the additional traffic movements to be generated by the development would be low and would be mainly made by vans and rigid trucks. HGV and tractor & trailer traffic would generate a low number of movements to and from the site and would be infrequent. Concerns regarding the impact of the proposal on the local national school at St. Brigid's are noted. However, given the nature of the rural location, the lack of pedestrian and cycle facilities is characteristic to the area.
- 7.5.8. Notwithstanding the capacity of the rural road network, the HGV and tractor movements to and from the site are anticipated to be low and I am satisfied that additional traffic would not have a significant impact on the carrying capacity of the existing road network or impact on the opportunities for pedestrians or cyclists using the roads. The development would generate some additional HGV traffic on the road network. However, I would not consider the additional vehicles to be out of keeping with the agricultural vehicles that would service the additional agricultural activities in the rural area and I would not consider the level of additional traffic to be excessive during the operational phase.
- 7.5.9. I note that the proposed access would involve the removal of approximately 140m of the existing site boundary which would include hedgerow and trees. The drawings state that native hedging would be replanted along the revised site boundary. The MCDP contains policies that encourage the retention of hedgerows and trees, (HER POL 37 and HER POL 53). However, HER POL 37 also states that, *'Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required'*. As the removal of the site boundary and hedgerow is required in order to facilitate safe access and egress to the site, and will be replaced, I am satisfied that the proposal would be in accordance with Development Plan policy.

## 7.6. Impact on Water Quality

- 7.6.1. The potential for the development to cause contamination of groundwater and/or surface water was raised in the ground of appeal. Third parties noted that the soils in the area have poor drainage and there is a concern that nutrients in surface water runoff would enter the watercourses and cause pollution. Information submitted with the appeal included data from the EPA [www.catchments.ie](http://www.catchments.ie) website which show potential flow paths from the site to the nearby drains and watercourses.
- 7.6.2. No poultry manure would be stored on the site. The manure would be removed from the site and storage on a separate farm for eventual use as an organic fertiliser. These processes would be carried out by a registered contractor in accordance with the regulations set out in S.I. No. 605 of 2017 (as amended). There would be no land spreading of the poultry manure on the site, or the adjoining lands and land spreading of the poultry manure would be regulated by a separate legislative code.
- 7.6.3. Soiled water from washing the poultry house and the manure loading area would be stored in two tanks, one at either end of the house and each with a capacity of 15.9m<sup>3</sup>. This capacity would be sufficient to store 26 weeks' worth of water from the housing. A third storage area would be provided at the manure loading area and would have a capacity of 50m<sup>3</sup>. The application states that the soiled water would be applied to the adjacent farmland within the applicant's ownership in accordance with S.I. 605 of 2017 (as amended), i.e. the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2017, (as amended). The applicant estimates that the soiled water will amount to c. 60-80m<sup>3</sup> per annum which would have an estimated nutrient content of 1.37 Kg N and 0.29 Kg P. Storm water from roofs and paved areas will not be permitted to flow over soiled areas and will be channelled to a swale in the northeast corner of the site where it will be discharged via land drainage to the adjoining watercourses at a flow-controlled, greenfield rate.
- 7.6.4. I note the concerns of the appellants regarding the issue of contaminated runoff entering the drainage system. In the outset, for the purposes of clarity, the Board should note that land spreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising

from agricultural sources. This includes, inter alia, no spreading of organic fertiliser or soiled water within 5 metres of any surface waters with this distance doubled in for a period of two weeks preceding and two weeks following the periods set out in Schedule 4 of the Regulations.

- 7.6.5. As the transporting and storage of poultry manure, and the land spreading of soiled water would be regulated and managed under the S.I. 113 of 2022 (as amended), the potential for contamination of surface water from the organic manure deposited in the range area is considered. Potential paths to pollutants entering the watercourses would be from nutrients in surface water run-off from the open range area. The development proposal also includes an onsite wastewater treatment system, (WWTS), which would comprise a soil polishing filter.
- 7.6.6. The applicant responded to the concerns regarding surface water runoff and stated that the birds will be allowed to access the outside range area at a stocking rate of 1,000 birds per hectare or a total of c. 32 ha – subject to DAFM approval. This would result in a density of 9.74m<sup>2</sup> per bird. In order for the term ‘free-range’ to be applied to eggs the maximum stocking density on the farm, (Teagasc).
- 7.6.7. The applicant’s response also notes that the Nitrates Directive (91/676/EEC) is in place to protect water quality from pollution from agriculture. For the purposes of the Nitrates Directive not more than 170 Kg Organic N (Nitrogen) from animal/poultry manure can be applied per hectare of net area. In this case, the net area would be the range area available to the birds. The stocking rate of animals / birds per hectare of agricultural area is calculated as kg Organic N/ha. In calculating the projected output of N and P the applicant used the figures in the GAP Regulations to get the amount of N and P excreted by 1 bird per annum, which would be 0.56kg N and 0.12kg P. Figures taken from the DAFM state that birds deposit c. 12% of the total manure production outside. When this is applied to the stocking rate for the farm, the applicant extrapolates that the total level of organic N deposited outside would equate to 67.2 kg and the total level of P deposited in the range area would be 14.4 kg. The applicant notes that S.I. 605 / 2017, (Article 20(1)) currently permits up to 170 kg organic N and that the level of P permitted for first cut silage, as set out in Table 15 of S.I. 605 / 2017, allows for 20 kg/Ha.

- 7.6.8. The applicant argues that based on the foregoing, with the low levels of P and N (as highlighted per Ha of paddock area), together with the large land areas involved, the risk of any potential runoff to watercourses is significantly reduced when compared to that of a typical cattle farm. All drainage ditches would also be fenced off with a setback of 1m from each side of the drain or watercourse.
- 7.6.9. I accept the argument put forward by the applicant that the potential nutrient load from the outdoor deposits would be low when compared to an alternative agricultural use. The figures submitted by the applicant did not include the nutrient load from the soiled water, which would be managed under separate legislation. Based on the information submitted by the applicant the soiled water would have a nutrient content of 1.37kg N/ha and 0.29kg P/ha. When both nutrient loadings are combined the expected output would be in the order of 68.57 kg N/ha and 14.96kg P/ha, which would still be well within the maximum loading limits. Whilst the projected nitrate levels for the range areas would be well within the maximum levels permitted in the regulations, the overall site conditions should also be considered.
- 7.6.10. The site is within the Glyde\_030 catchment area, which currently has a 'Good' status under the Water Framework Directive. Drainage ditches follow the field boundaries within the site and drain to two tributary streams, one approximately 267m to the west of the site and the other approximately 218m to the north of the site, which then flow to the Glyde. Reference was made in the appeal to surface flow paths on the site as shown on the EPA website, [www.catchments.ie](http://www.catchments.ie). I have reviewed the publicly available EPA maps which show surface water flow paths from the north and east of the poultry house, along the western site boundary and within the range area. The points where the flow paths enter the nearby watercourse are also shown on the EPA maps, with several points along the tributary stream to the north of the site and one along the western site boundary. A set of Pollution Impact Prediction (PIP) Maps were also generated by the EPA and can be accessed on [www.catchments.ie](http://www.catchments.ie). The PIP maps show the highest risk areas in the landscape for losses of Nitrogen (N) and Phosphorus (P) to waters. Background information on the maps state that they include flow paths and delivery points but do not indicate specific areas that have a problem. However, they can be used to target measures in catchments where monitoring data have indicated that there is a problem. The PIP models



estimate the annual nutrient losses from agricultural land at specific locations, using spatial data on farm management, soils and hydrogeology.

- 7.6.11. High risk areas for phosphorus loss typically have poorly draining soils and dominant overland flow pathways. Whereas with freely draining soils and substantial groundwater pathways are high risk for nitrogen losses. High risk areas for phosphorus loss typically have poorly draining soils and dominant overland flow pathways. Whereas with freely draining soils and substantial groundwater pathways are high risk for nitrogen losses. In the PIP Phosphorus (PIP-P) maps – a ‘High PIP’ (Rank 1, 2 or 3) is typically due to the presence of poorly draining soils and moderate/high livestock intensity. The PIP-P model for the site and the surrounding area gives a Rank of 4 for Phosphorus, and the PIP-N model gives a Rank of 7 for Nitrogen.
- 7.6.12. PIP Focused Delivery Flow Paths are also shown on the EPA maps. These are the areas of converging runoff that results in an increasing accumulation of flow. Where these cross High PIP areas, higher P losses can be expected. The map can highlight areas to target phosphorus pathway interception actions e.g. hedgerows. An extract from the EPA PIP maps is shown in Appendix No. 4 attached to the end of this report. There are a number of ‘Medium’ PIP Flow Delivery Paths within the range area of the farm, with some in close proximity to the location of the poultry housing unit. There are also two ‘High’ PIP-P Flow Delivery Paths within the range area and directly adjoining the application area to the east of the poultry housing building and another directly to the north of the building. The northern flow path also contains a ‘High’ PIP-P Flow Delivery Point.
- 7.6.13. The National Soils Database describes the soil on the site as ‘Acid Deep Poorly Drained Mineral’, with a soil type that is ‘Deep poorly drained mineral – Derived from mainly non-calcareous parent materials’. The soil group is ‘Surface water Gleys, Ground water Gleys’. This soil type covers the entire site and extends to the wider area around the site. Groundwater Gleys can experience water-logging due to a high-water table and Surface water Gleys can experience water-logging due to impermeable horizons with the downward movement of water impeded. Information obtained from the Geographical Survey of Ireland (GSI) maps also indicate that the site has poor drainage, with the permeability of the subsoil on the site categorized as ‘Low’.

- 7.6.14. An on-site wastewater treatment system (WWTS) is also proposed for the site and a Site Characteristic Form (SCF) was submitted with the application and demonstrated that the site could accommodate the WWTS proposed. The subject site forms part of an undulating landscape. Drawings submitted with the application show the site at a slightly elevated level with the contours sloping gently to the north-east and north-west. The SCF states that the site is overlying a Locally Important (Lm) Aquifer with High Vulnerability. The Groundwater Protection Response (GWPR) in this instance is R1. The soil type is derived chiefly from Namurian Rocks and the subsoil is 'Till' derived from Namurian sandstones and shales. The trial hole for the SCF was dug to a depth of 2.1m and the water table was encountered at a depth of 1.7m. The topsoil found in the trial hole comprised clay, gravel and boulders. It had a crumb structure and was firm. The subsoil was found to comprise clay, gravel and boulders with structureless single grain and a firm density.
- 7.6.15. The subsurface percolation (T) tests returned a value of 64.14 mm per minute and the surface percolation (P) tests returned a value of 18.67mm per minute. Table 6.3 of the EPA CoP sets out the minimum unsaturated soil or subsoil requirements for an onsite percolation area where the GWPR is R1. A minimum of 1.2m of unsaturated soil and/or subsoil is between the point of infiltration and the bedrock and the water table is required for percolation trenches or polishing filters following septic tanks. Although groundwater was encountered at a depth of 1.7m, the SCF considered that the site had a high water table and for this reason proposed to install an effluent treatment system and pump the effluent to a soil polishing filter. A soil polishing filter would be constructed to ensure a minimum depth of 1.2 m of suitable percolating material between the base of the lowest part of the percolation area/soil polishing filter and winter groundwater level/bedrock at all times. At its closest point, the soil polishing filter area would be 10m from the nearest drainage ditch to the west. This separation distance is in accordance with the requirement of the EPA CoP 2021, Table 6.2. I note that the proposed percolation area has been sized for a maximum population of 4 persons working on the site, which is low. Based on the information contained in the SCF, I am satisfied that the WWTS for a PPE of 4 can be accommodated on the site.
- 7.6.16. Third party submissions to the PA noted the poor drainage qualities of the land and raised the issue of contaminated surface water runoff entering the drainage system

from the range area. This issue was raised by the PA in FI, and the applicant responded with a proposal to provide fencing in the range area which would allow a separation distance of 1m from the surface water drains and/or watercourses. This approach was accepted by the PA and is reiterated in the response to the appeal.

7.6.17. As noted above, the applicant submitted projected outputs for N and P from the range area based on figures obtained from the GAP Regulations and the DAFM. The applicant projects that the stocking rate of 32,000 birds would produce 67.2kg of N/ha and 14.4kg of P/ha per year. Which is within the maximum levels of 170kg N/ha for livestock and 20kg P/ha for first cut silage. The applicant argues that based on the low levels of P and N (as highlighted per Ha of paddock area), together with the large land areas involved, the risk of any potential runoff to watercourses is significantly reduced when compared to that of a typical cattle farm. All drainage ditches will be fenced off with a setback of 1m from each side of the drain or watercourse.

7.6.18. No poultry manure would be spread on the land from the development. Instead, it would be moved off site for storage and distribution in accordance with the S.I. 605/2017 (as amended). Any additional nutrients that would be applied to the land would result from the spreading of soiled water and from organic manure deposited in the range area. The spreading of soiled water would also be in accordance with S.I. 605/2017 (as amended) and the total level of nitrates to be deposited on the land is governed by the Nitrates Directive. I note that the GAP Regulations also require a Nitrates Management Plan to be prepared for each farm. Notwithstanding the separate legislative requirements, the applicant provided the projected levels of nitrates, (N and P), that would be generated by the birds in the outdoor range area. The projected levels from Nitrogen and Phosphorus were both within the maximum levels as set out in S.I. 605/2017. Based on the stocking levels proposed, which are fixed by governance guiding free-range egg production, and the level of nutrients projected to be deposited in the outdoor range area, I am satisfied that the applicant has demonstrated how the development would be in accordance with the separate legislative codes. However, given the soil characteristics of the site and the drainage pathways identified in EPA maps, I would be concerned about the adequacy of the 1m set back proposed for the watercourses adjacent to the northern and eastern site boundaries. I note that these areas would contain a swale and the percolation area

for the onsite WWTS and as such are unlikely to include a range area. However, should the Board be minded to grant permission for the development, they may consider it appropriate to attach a condition that a set back of 5m be provided along the northern and eastern site boundaries to provide adequate separation between the watercourse and any range area. This distance accords with the set-back from watercourses required in the GAP Regulations, S. I. 605/2017(as amended) for the spreading of organic manure.

## **8.0 AA Screening**

8.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

8.2. This conclusion is based on:

- Objective information presented in the Screening Report
- Distance from European Sites,
- The absence of meaningful pathway to any European site.

8.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **9.0 Recommendation**

I recommend that permission is granted for the development.

## **10.0 Reasons and Considerations**

Having regard to the size, scale and agricultural nature of the proposed development which is located in an area which is zoned 'RA – Rural Area', in the Meath County Council Development Plan 2021-2027, and in consideration of Development Plan

Policies RUR DEV SO 1 and RD POL 12, it is considered that subject to compliance with the conditions set out below, the proposed development would not have an adverse visual impact, would not seriously injure the amenities of the area by way of vermin, odour or noise nuisance, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 22<sup>nd</sup> of February 2023, except as may otherwise to be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development shall provide no more than 32,000 places for poultry hens.

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

3. Prior to the commencement of development, the developer shall submit a detailed Odour Management Plan for the written agreement of the planning authority, to demonstrate how odour will be managed within the site and to ensure that emissions and odours do not result in significant impairment of, or significant interference with amenities of the environment outside the site boundary.

**Reason:** In the interest of residential amenity and orderly development.

4. The developer shall retain a separation distance of 5m between the drainage watercourses along the northern and eastern site boundaries and any free-range areas for birds.

**Reason:** To protect the watercourses from contamination from surface water runoff containing nutrients.

5. The landscaping scheme shown on drawing number A1-01- Amended Site Layout Plan, as submitted to the planning authority on the 22<sup>nd</sup> day of February, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

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

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

6. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.

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

7. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The landspreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** In order to avoid pollution and to protect residential amenity.

8. Details of the finishes of the poultry house and manure loading canopies, the location of fencing of paddocks and other areas and the design, scale and finishes of the proposed feed silo and external storage tanks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

**Reason:** In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

10. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, the Planning Authority and Inland Fisheries Ireland, shall be notified as soon

as is practicable. A copy of the clean-up plan shall be submitted to the Planning Authority.

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

11. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

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

12. The building shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

13. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of orderly development and the amenities of the area.

14. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

15. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures



during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of residential amenities, public health and safety and environmental protection.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Elaine Sullivan  
Senior Planning Inspector

26<sup>th</sup> of July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-317140-23		
<b>Proposed Development Summary</b>	Construction of free-range poultry unit and all associated site works.		
<b>Development Address</b>	Corratober, Kingscourt, Co. Meath		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>	X	Part 1, Schedule 5 - The development is within Class 17(a) – Installations for the intensive rearing of poultry or pigs with more than –	The development proposal does not meet threshold of 60,000 places for hens which would

		(a) 85,000 places for broilers, 60,000 places for hens.  The application is for a free-range poultry house that would accommodate 32,000 laying hens, associated with free range egg production.	require mandatory EIA.	
--	--	---	---------------------------	--

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-317140-23	
<b>Proposed Development Summary</b>	Construction of free-range poultry unit and all associated site works.	
<b>Development Address</b>	Corratober, Kingscourt, Co. Meath.	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	<p>The development is agricultural in nature and would be located in a rural area. It is therefore not considered to be exceptional in the context of the existing environment.</p> <p>The development will result in the production of organic poultry manure and soiled water. It will also result in air borne emissions. However, given the scale of the proposal and the separate legal codes governing the agricultural use of the development, the production of waste and pollutants would not be significant in the environment.</p>	<p>Yes</p> <p>No</p>
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?	<p>The scale of the poultry housing unit is not exceptional in the context of other agricultural buildings in the area.</p>	<p>No</p>

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	The site is surrounded by other agricultural activities which could lead to a cumulative impact regarding emissions. However, agricultural activity and emissions from agricultural activity are governed by EU Directives which have been transposed into Irish law. Therefore, each activity is bound by thresholds for emissions from agriculture. Adherence to separate legal codes would prevent cumulative impacts.	No
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The development site is not located in an ecologically sensitive site.  There is a significant separation distance between the site and the closest designated EU site. The site is within the Glyde River catchment which has 'Good' status in the Water Framework Directive. Any agricultural emissions are restricted by separate legal codes.	No  No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 –AA Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

I have considered the [title of project] in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The application was accompanied by a Screening Report which concluded that, *'In view of the best scientific knowledge and on the basis of objective information, it can be concluded that this application, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites.'*

A full description of the site and the development is set out in Section 3 of the Screening Report. A summary of the project is set out below.

The subject site is approximately 3.3 hectares in area and is located in a rural area in the townland of Corratober, in north Co. Meath. It is approximately 4.5km to the east of Kingscourt, Co. Cavan and would be accessed from a local road. The site is currently greenfield and the land uses surrounding the site are agricultural in nature, with improved and semi-improved grasslands the dominant habitat.

The site comprises a number of fields which are bounded by hedgerows, some of which will need to be removed, including a large section along the public road.

The fields are bounded by drains which lead to the Corratober stream, approximately 264m to the west of the site. This stream flows northwards until its confluence with the River Glyde at a point 2km to the north of the site. The River Glyde flows east until it flows into the sea near Annagassau, approximately 44km downstream of the site. Under the Water Framework Directive, the Corratober Stream, its tributaries and the River Glyde, are classified as having good ecological status, which must be maintained.

The proposed development is for a free-range poultry house to house 32,000 free range, egg laying birds whose range would extend to the fields around the site. Additional construction works would include the construction of a concrete apron around the house, a new access and access road, an onsite wastewater treatment system, storage containers for soiled water and a swale.

In terms of impacts on habitats, third parties raised concerns regarding the potential for contamination of surface and/or groundwaters, biosecurity and emissions.

The site is not within, or adjacent to a Natura 2000 site. The closest European sites are,

- Kilconny Bog SAC (000006) – c. 19.6km to the west of the site
- Stabannan-Bragganstown SPA (004091) – 18.4km to the east
- The River Boyne and the River Blackwater SAC (002299) – c. 19.2km to the south-west of the site



- The River Boyne and the River Blackwater SPA (004232) – c. 19.2km to the south-west of the site

The subject site has no direct pathway to any of the closest European sites.

## Step 2: Potential impact mechanisms from the project

The proposed development would not have any direct impacts on the closest European sites.

Indirect impacts may arise from activities during the construction and operational phases. Potential impacts during the construction phase would include / relate to –

- Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Human disturbance/ noise/ lighting - resulting in disturbance and displacement effects to QI species.

Potential impacts during the operational phase would include -

- Surface water or ground water pollution through the discharge of nutrients in soiled water and/or organic manure.
- Emissions to air and land such as ammonia.

## Step 3: European Sites at risk

**Table 1 European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of habitats and species through the deposition of phosphorus, ammonia and nitrogen.	Air borne emissions	Kilconny Bog SAC	Active Raised Bogs Degraded Raised Bogs still capable of natural regeneration.
Deterioration of habitats and species through the deposition of phosphorus, ammonia and nitrogen.	Air borne emissions	Stabannan-Bragganstown SPA	Greylag Goose (Anser anser)

Deterioration of habitats and species through the deposition of phosphorus, ammonia and nitrogen.	Air borne emissions	The River Boyne and the River Blackwater SPA	Kingfisher (Alcedo atthis)
Deterioration of habitats and species through the deposition of phosphorus, ammonia and nitrogen.	Air borne emissions	The River Boyne and the River Blackwater SAC	Alkaline fens  Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i> , <i>Salix albae</i> )  <i>Lampetra fluviatilis</i> (River Lamprey)  <i>Salmo salar</i> (Salmon)  <i>Lutra lutra</i> (Otter)

#### Step 4: Likely significant effects on the European site(s) 'alone'

The closest European sites to the proposed development are at between 18 – 20km from the development site. As there is no hydrological connection between any the subject site and any of the European sites, any potential impacts on the conservation objectives of the sites from the project alone, would result from the deposition of air borne emissions such as ammonia.

**Table 2: Could the project undermine the conservation objectives 'alone'**

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/N)?			
		Air borne emissions			
Kilconny Bog SAC	To restore the favourable conservation condition of Active Raised Bogs in the SAC.	N			

Stabannan-Bragganstown SPA	To maintain the favourable conservation condition of Kingfisher	N			
The River Boyne and the River Blackwater SPA	To restore the favourable conservation condition of the Greylag Goose	N			
The River Boyne and the River Blackwater SAC	To maintain the favourable conservation condition of Alkaline Fens	N			
	To restore the favourable conservation condition of Alluvial Forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	N			
	To restore the favourable conservation condition of River Lamprey	N			
	To restore the favourable conservation condition of Salmon	N			
	To maintain the favourable conservation condition of Otter	N			

The agricultural activity is required to operate within the legislation defined in S.I. 605 of 2017 (as amended) / S.I. 113 of 2022, regarding manure storage, storage and disposal of soiled water and good agricultural practice. A Nutrient Management Plan for the farm is required under S.I. 605 (2107).

The nature of the proposed development would generate air borne emissions in the form of ammonia (NH<sub>3</sub>) and nitrogen, which can result in significant changes to the structure of ecosystems such as bogs. Ammonia deposition has the potential to impact on water borne species through eutrophication from high levels and Alkaline fens sensitive to changes in nitrogen levels. Impacts from airborne emissions can impact on Qualifying Interests of SPA's through deterioration of habitats.

Recently published EPA guidance document for the assessment of impacts of emissions on European sites, (*Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations*, EPA 2022), contains a step by step assessment which allows the applicant to determine the level of assessment and information needed to predict potential effects from emissions on natura 2000 sites. The

Screening Report sets out the steps which were followed in the assessment of the development.

To predict atmospheric emissions (ammonia and nitrogen) from the development a Simple Calculation of Atmospheric Impact Limits model (SCAIL model) was carried out for the development and to inform the Screening Report. This model was run for the number of birds to be accommodated on the farm with an assumption based on natural ventilation. The results of the SCAIL model are appended to the Screening Report and concluded that, *'the proposed development will not give rise to significant levels of emissions at Kilconny Bog SAC, which is the closest Natura 2000 site to the farm'*.

EPA guidance required that as ammonia critical levels were exceeded at Kilconny Bog SAC and the River Boyne and Blackwater SAC, and nitrogen critical levels are exceeded at Kilconny Bog SAC, that detailed modeling was required. However, the Screening Report states that, as the SCAIL model determined that the Process Contribution\* (PC) at all sites for both ammonia and nitrogen was  $\leq 1\%$  of the critical load, detailed modelling of the farm was not required. As the PC is  $\leq 1\%$  of each parameter at all sites, significant effects arising due to emissions from the operation of the farm can be ruled out.

\*PC = the amount of ammonia released to the air or nitrogen deposited into the ground as a result of the activity.

Whilst atmospheric emissions such as ammonia and nitrogen have the potential to impact on the habitat of Kilconny Bog SAC, Stabannan-Bragganstown SPA, The River Boyne and the River Blackwater SPA and The River Boyne and the River Blackwater SAC, emissions from the proposed development will not result in any impact on the conservation objectives of the European sites by virtue of the level of emissions predicted in the SCAIL model and the distance between the sites.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the European sites listed in Table 2. Further AA screening in-combination with other plans and projects is required.

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

There are no extant planning permissions in the area that would have a cumulative impact with the proposed development on any European site.

The site is in a rural area and there are other ongoing agricultural activities close to the subject site. All farms, whether licensed by the EPA or not are required to operate within the legislation defined in S.I. 605 of 2017 (as amended) as they relate to manure storage, minimization and storage of soiled water and land spreading. Therefore, cumulative impacts arising from the combined impacts of agricultural activities will be negligible.

Off-site storage and spreading of poultry manure produced by the activity was also considered in the Screening Report. This process will be managed in accordance with the requirements of the DAFM.

Having reviewed the details of the development and the potential for cumulative impacts with other plans and projects, I am satisfied that no significant effects on the conservation objectives of any European sites will arise from in-combination effects.

#### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- Distance from European Sites,
- The absence of meaningful pathway to any European site.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 4 – EPA PIP Maps

