



An
Bord
Pleanála

Inspector's Report

ABP-317963-23

Development	Construction of poultry house, manure loading/general purpose store and all associated site works.
Location	Doogary, Aughamore, Ballyhaunis, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	23185
Applicant	DN Farm Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	James Mooney & Others
Observers	None
Date of Site Inspection	6 th March 2024
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of a local access road (L1913) in the townland of Doogary, c. 10 km west north-west of Ballyhaunis, Co. Mayo.
- 1.2. The appeal site has a stated area of 8.63 Ha. and is irregular in shape, with a dog-leg section connecting to the L1913.
- 1.3. The particulars submitted with the appeal refer to site as accommodating mixed farm land and reference is made to activities undertaken on the lands, including the spreading of manure and fertilizer, grazing, silage harvesting etc. A vacant house and outbuilding are located on the appeal site. There are a number of drainage ditches within the appeal site.
- 1.4. The site falls from east to west, with topographical levels indicated as 105 metres (OD Malin) along the eastern boundary and c. 98.5 metres (OD Malin) at the western boundary.
- 1.5. Access to the appeal site is via a splayed agricultural entrance off the L1913. The L1913 connects to the N17 c. 300 metres east of the appeal site.
- 1.6. The adjacent area is rural in character. There are a number of detached dwellings in the vicinity, the closest dwellings are located c. 185 metres south, and c. 280 metres south-east of the location of the proposed poultry house.
- 1.7. The adjoining lands to the south, east and west are indicated as being within the ownership/control of the applicant, as demarcated by the blue line boundary.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of a poultry house.
 - The structure has a floor area c. 2,390 sqm and a height of c. 6.7 metres. The structure is finished in composite cladding. A wash tank is indicated to the side/west of the structure.
 - The poultry house will accommodate 20,000 no. chickens and will be used for the free range production of eggs.

- A service yard.
- Manure shed, c. 6 metres in height (with a wash tank adjoining). The structure has a floor area of c. 100 sqm.
- 2 no. silos (9 metres in height).
- Construction of an access road connecting the poultry shed to the vehicular access onto the L1913.
- Provision of relocated and upgraded entrance.
- Fencing is indicated within the site.
- A drainage system consisting of 2 no. soakaways and a drainage channel (annotated as being to DAFM Specification for Farmyard Drainage, Concrete Yards and Roads).
- An area of the site to the west comprises 'made up ground'.

2.2. The planning application was accompanied by the following reports:

- Cover letter/report
- Natura Impact Statement (NIS)
- Archaeological Impact Assessment¹

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 25th of May 2023 as follows:

Item 1: confirm how extraneous soil material is to be dealt with.

¹ Notes that following archaeological investigation no archaeological remains were found. No archaeological mitigation is recommended.

Item 2: (a) submit details providing a dwell area on the L1913 and (b) submit details of passing bay on L1913.

Item 3: (a) submit details demonstrating visibility requirements onto the L1913 as per Section 7.6 of the Roscommon CDP; (b) proposals for drainage/prevention of surface water entering the public road; and (c) details of surfacing for access road.

Item 4: submit details of other similar facilities which the applicant has an interest in (for the purposes of EIA screening).

3.1.2. **Further information submitted on 18th of July 2023:**

Item 1: details of cut and fill submitted. All excess topsoil is to be used on site for landscaping. Poultry waste (dead birds and damaged eggs) will be collected on a daily basis and stored in a leak proof container in line with Bord Bia and DAFM requirements and collected for removal off-site weekly/fortnightly to a designated site. General waste on the site will be collected in wheelie bins. Organic fertiliser is to be used as part of a fertiliser substitution programme by customer farmers in line with S.I. 113 of 2022.

Item 2: *Drawing no. 21-1159 205 Rev. no. P. 02* indicates the provision of dwell and passing areas on the L1913.

Item 3: *Drawing no. 21-1159 205 Rev. no. P. 02* indicates sightlines of 105 metres in either direction from the site access. The access road is indicated as comprising blacktop. Run-off at the entrance to the site is indicated as discharging to an existing land drain.

Item 4: the applicant is the Director of a poultry farm in Kitimagh which will operate independently from the proposal.

3.2. **Decision**

The Planning Authority issued a Notification of Decision to **GRANT** permission on the 10th of August 2023 subject to 19 no. conditions. The following conditions are of note;

C2 – works to public road to provide sightlines and passing of vehicles to be implemented prior to commencement of development.

C6 – landscape plan to be submitted.

C7 – implementation of mitigation measures in NIS.

C8 -noise survey to be carried out prior to operation of facility.

C9 – noise at noise sensitive locations shall not exceed 55 dB (A) leq (0800-2000 hours) and 45 dB (A) leq (2000 – 0800 hours).

C10 – annual noise survey to be carried out and submitted to Mayo County Council.

C12 – manure to be collected by licenced contractor. The waste shall not be used for land spreading.

C14 – records of manure movements and soiled water disposal to be maintained.

C16 – there shall be no increase in poultry numbers without a prior grant of permission.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. The first report of the Planning Officer generally reflects the issues raised in the request for Further Information.

Further Information recommended.

3.3.3. The second report of the Planning Officer notes that the applicant's response to the Further Information request is acceptable.

The report of the Planning Officer recommends a GRANT of permission consistent with the Notification of Decision which issued.

3.3.4. Other Technical Reports

Archaeologist – report recommends Further Information in relation to the carrying out a pre-development testing.

Environment Section – initial report recommends Further Information in relation to extraneous material on the site and the management of poultry waste. Subsequent report recommends that noise assessment and an assessment of odour is carried out,

and that a mammal survey and bat survey is undertaken. Report recommends conditions in respect of noise emissions and noise monitoring.

Area Engineer – report notes no objection subject to standard conditions.

Water Services – report notes that area is served by a group water scheme.

Road Design – initial report recommends Further Information in relation to the provision of a dwell area and a passing bay on the L1913; details of sightlines; measures to address surface water entering the public road; and details of surfacing material. Subsequent report recommends standard conditions.

3.4. **Prescribed Bodies**

None received.

3.5. **Third Party Observations**

The report of the Planning Officer refers to 4 no. third party observations having been made to the Planning Authority in respect of the planning application. The issues in the observations are summarised by the Planning Authority as follows;

- Noise pollution.
- Light pollution.
- Environmental impact.
- Waste water impact (on River Moy).
- Animal welfare.
- Public health.
- Devaluation of property.
- Traffic impact.
- Odour.
- Vermin.

4.0 Planning History

Appeal Site:

There is no relevant/recent planning history associated with the appeal site.

5.0 Policy Context

5.1. Government Policy

5.1.1. National Planning Framework

National Policy Objective 23 - facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.1.2. Food Wise 2025

Food Wise 2025 sets out the Government's ten year plan for the agri-food sector. Under the heading 'Poultry' (see page 82) the plan refers to '*consideration of development of 'chicken complexes' to allow the industry to operate on a more economic and efficient scale with greater integration and collaboration*'.

5.1.3. S.I. No. 113/2022 –European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

The Regulations provide the relevant standards for the collection and disposal of farm yard manure to give effect to Ireland's Nitrates Action Programme for the protection of waters against pollution caused by agricultural sources.

5.2. Development Plan

5.2.1. The *Mayo County Development Plan 2022-2028* is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Mayo County Development Plan 2022-2028.

5.2.2. The provisions of the Mayo County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Volume 1 (Written Statement)

- Policy EDO 54
- Policy EDP 22
- Policy EDP 23

Volume 2 (Development Management Standards)

- Section 10.1.1 (Siting)
- Section 10.1.2. (Material Finishes)
- Section 10.1.3. (Protection of Amenities)

5.2.3. There are a number of Recorded Monuments to the east of the appeal site, MA081-007001 Ringfort), MA081-007002 (Souterrain) and MA081-007003 (Cairn) refer.

5.3. Natural Heritage Designations

- River Moy Sac (Site Code: 002298) – c. 1 km south-west and also c. 3 km north.
- Urlaur Lakes SAC (Site Code: 001571) – c. 5.5 km north-east.
- Errnit Lough SAC (Site Code: 000607) – c.11 km east.
- Derrinea Bog SAC (Site Code: 000604) – c. 11 km east.
- Carrowbehy/Caher Bog SAC (Site Code: 000597) – 14 km south-east.

5.4. EIA Screening

See Form 1 and 2 (attached). Having regard to the limited nature and scale of development, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant

effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

I consider that any issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the decision to grant permission. The cover letter refers to the appeal as a 'group objection' and consists of the observations submitted to Mayo County Council in respect of the planning application. The grounds for appeal can be summarised as follows;

- The application is invalid and does not comply with the EIA Directive 2011/92/EU, the Habitats Directive 92/43/EEC, and the requirements of the Planning and Development Act, 2000, as amended, in relation to plans and particulars.
- Potential impacts on environment arising from the disposal of waste/effluent.
- Proposal would be contrary to Water Framework Directive.
- The proposed development may affect sparrow hawk and bats in the area.
- The proposal may result in the demise of foxes in the area.
- Similar application (PA. Ref. 18/627²) was refused permission.
- The site is located in a flood plain.
- The proposed development will devalue property in the area.
- Concerns in relation to noise from birds, ventilation systems and compressors, and site machinery on the amenity of nearby residences.

² I note that the Board granted permission for this development however this decision was subsequently quashed.

- Concerns in relation to odours from the proposal, including from manure and wash water being stored on the site.
- Potential for ammonia to impact biodiversity/potential for light to affect biodiversity.
- Proposal could spread disease.
- Potential for vermin to be attracted to the site.
- Traffic safety concerns arising from trucks accessing the junction at the N17, and from traffic generation associated with the operation of the proposal.
- Potential for water contamination to arise from the proposal/potential for aquatic species in nearby river to be adversely affected by the proposal.
- Potential for wastewater from the proposal to reach River Moy SAC.
- The proposal is of an industrial scale and will change the character of the area.
- EPA guidance notes that poultry sheds should be at least 400 metres from dwellings.

6.2. Applicant Response

The applicant has submitted a response in respect of the third party appeal submission.

The submission included a Noise Impact Assessment³ which notes;

- Baseline measurements were taken from 3 no. receptors, those being locations in the vicinity of dwellings to the south, south-east and north of the proposed poultry shed. Baseline measurements were taken during both day and nighttime periods.
- Noise emissions from chickens are very low.
- For comparative purposes a poultry shed with 40,000 birds produced noise of 41 dB L_{aeq} (1 metre from the shed façade when hens were inside) and 47 dB L_{aeq} (1 metre from the external pen with hens outside). Predictions for the

³ The Noise report is stated as having been carried out on foot of 2 no. conditions of the PA's grant of permission, i.e. C8 and C9.

proposed development for the adjacent dwellings indicated would be >13 dB L_{aeq} .

- Delivery trucks will make one delivery per week, lasting c. 1 hour. Predicted noise emissions at the receptor locations would be in the range of 41 – 47 dB L_{aeq} .
- Noise from ventilation fans for the poultry shed (assuming all fans working simultaneously) would result in noise emissions in the range of 31 – 37 dB L_{aeq} at the receptor locations.
- Based on worst case scenarios, no significant noise impact is expected from the proposed development.
- The only mitigation measures required are limiting deliveries to day time and the selection of ventilation fans with maximum sound pressure levels of 66 dB L_{eag} at a distance of 2 metres.

The submission also includes detailed responses to the issues raised in the third party appeal, summarised as follows;

Re. Background:

- Despite making individual observations to the Planning Authority the observers have not taken their own individual appeal. The appeal should be dismissed as it does not meet the requirements of Section 127 of the Planning and Development Act, 2000, as amended.
- Agricultural developments are an inherent part of the rural area and should be considered acceptable in principle at this location.
- Agricultural development is supported by the Mayo CDP 2022 – 2028 (see Section 10.1 and Policies EDP21, EDP 22, EDP 23, EDP 24, EDP 25 and EDP 26, and Objectives EDO 57 EDO 59, EDO 60 and EDO 61).
- Background to Ireland's egg market outlined.
- Poultry production is efficient in terms of greenhouse gas emissions.
- The Planning Authority considered the proposed development to be appropriate at this location.
- Free range houses operate without adverse environmental impact.

- The proposal will comply with the Nitrates Directive.
- The proposal falls below the threshold for an EPA licence (i.e. 40,000 places and is significantly below the EIA threshold).
- The proposal is in line with 'EC (Welfare of Framed Animals) Regulations 2010'.
- The proposal will comply with 'Minimum Specifications for the Structures of Agricultural Buildings, published by the DAF, 2006.
- The structure will comprise a steel portal frame on concrete foundations. Automated feeding and drinking systems are incorporated into the proposal.
- Production processes will be in line with Bord Bia and DAFM requirements.
- Poultry manure will be stored off-site. Organic manure will be moved off-site in accordance with regulations set out in S.I. 113 of 2022.
- Soiled water will be collected in dedicated soiled water tanks.
- Staff will be present on site between 0600 and 2000 hours.
- Main inputs are feed, water, veterinary medicines, and modest energy. Output will be eggs and animal manure.
- The shed will be cleaned down between flocks. Dead animals will be placed in a closed skip and removed off-site. A programme of vermin control will be in place at the site.
- Storm water from roofs and yards will not flow over soiled areas and will discharge via land drainage to an adjoining watercourse.
- Odours will not interfere with amenities outside the site boundary.
- The proposal will integrate into the area.

Re. Issues raised by appellants:

- The appeal grounds are not stated in full and rely on the submission made to the Planning Authority.
- The contention that the proposal does not comply with the EIA Directive is not substantiated. The proposal is below EIA thresholds.
- The contention that the proposal does not comply with the Planning and Development Regulations, 2001, as amended, is not substantiated.

- The contention that the proposal does not comply with the Water Framework Directive is not substantiated.
- The site has been actively used for farming purposes. All agricultural practices are required to comply with S.I. 113 of 2022, European Communities (Good Agricultural Practices for Protection of Waters) Regulations 2022.
- Organic fertilizer will not be disposed of. The proposal will not increase the amount of fertilizer being applied to the land but rather will substitute imported chemical fertilizer. No slurry will be produced by the proposal. Dry manure will be removed from the shed. A covered loading area is proposed where manure is conveyed to be transported off-site.
- The collection of soiled water will be in accordance with S.I. 113 of 2022. Emissions from soiled water will be minimal noting the volumes concerned.
- Appropriate measures will be in place for the collection, storage and removal of all waste from the site.
- The contention that the proposal does not comply with the Habitats Directive is not substantiated.
- In the context of sparrow hawk, the lands are existing managed agricultural lands and the proposal is an evolution of farming practices. Birds will continue to utilise the lands.
- PA. Ref. 18/627 relates to a different planning application and location.
- The site is not within a flood plain.
- Regarding devaluation of property, the proposal is suited to the rural area. The proposal is not located in a residential area.
- A Noise Impact Assessment has been submitted which concludes that there will be no adverse noise impacts arising from the proposal.
- Ammonia emissions have been modelled for the proposal in the NIS.
- Stock numbers are limited by DAFM standards.
- The site will be subject to a vermin control plan in line with Bord Bia requirements. There will be no open storage of feed.

- The appellants refer to outdated guidance which has been replaced, i.e. BATNEEC Guidance has been replaced by BREF Guidance. BATNEEC Guidance applied to units of >40,000 birds and reference to a 400 metre separation distance in same was not an absolute requirement.
- Biosecurity measures will be in place to address disease transmission. Avian flu is spread by wild birds.
- The proposal results in a change from bovine/ovine to poultry and will not have an adverse impact on the environment. Positive changes arising from this change including, a reduction in nitrogen application from the permitted 170 kg per Ha. to 67.2 kg per Ha.; no additional organic or chemical fertilizer being applied to the range; all open field drains being fenced to prevent birds having access to same; and no drinking points in watercourses.
- The proposal will not impact foxes/foxes are not protected.
- The applicant consulted with residents in the area.
- The applicant has made provision for a lay-by to facilitate traffic using the area.
- Lighting will be internal. Lighting in the yard will be directed down. The proposal will not result in significant adverse impacts from light pollution.
- Free range developments are advocated by animal welfare bodies.

6.3. **Planning Authority**

None received.

6.4. **Observations**

None received.

6.5. **Further Responses**

In response to the applicant's submission to the appeal, the appellants have submitted a further submission which notes;

- The applicant's position in relation to the validity of the appeal is contradictory.

- The proposal is an intensive and industrial agricultural development which is inappropriate in a rural setting. The proposal is not akin to traditional farming.
- Section 10.1 of the Mayo CDP draws a distinction between traditional farming and large scale agricultural development.
- Concerns raised in relation to the threat of disease from proposal.
- Animal welfare concerns raised.
- Intensive agricultural is known to have adverse environmental impacts.
- The proposal does not comply with the EIA Directive.
- Articles 22 and 23 of the Planning and Development Regulations have not been complied with.
- Concerns regarding the potential for water pollution to occur.
- The proposal will adversely affect European sites.
- The proposal should be refused as PA. Ref. 18/627 was.
- The proposal will adversely affect property values.
- The findings of the Noise Impact Assessment are not accepted.
- The applicant adopts a selective approach to EPA guidance.
- Concerns raised regarding wildlife, small, vermin and noise.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, the applicant's submission to the appeal and the subsequent submission of the appellant, having inspected the site, and having regard to the relevant national, local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Principle of Development
- Impact on Amenity (noise & odour)
- Traffic Impact/Safety
- Impact on Water

- Issues Arising

7.2. Principle of Development

7.2.1. The appellants contend that the proposal is of an industrial scale, is not akin to traditional agricultural development and is not appropriate for the rural area. I note that the proposed development entails the intensive rearing of chickens for egg production. In my view the proposal could not be considered to be analogous with an industrial process noting the nature of the inputs, outputs and processes concerned. The proposal, catering for 20,000 chickens, would not be atypical or excessive in scale by comparison to similar facilities for egg production within Ireland. I also note that the Government's agri-food plan 'Food Wise 2025' refers to the benefits from the development chicken complexes, which allow the industry to operate on a more economic and efficient scale. The Mayo County Development Plan 2022 – 2028 also seeks to facilitate rural enterprises, including agriculture and the agri-food sector (see Policy EDO54). Having regard to the forgoing, I consider the principle of the proposed development to be acceptable at this rural location.

7.3. Impact on Amenity (noise and odour)

7.3.1. The crux of the appeal is that the proposed development will have a deleterious impact on the amenity of neighbouring dwellings in the vicinity of the proposed development. There are a number of detached dwellings in the vicinity, the closest dwellings are located c. 185 metres south, and c. 280 metres south-east of the location of the proposed poultry house, with two further dwellings located c. 350 metres north and c. 450 metres west. I note that the proposed poultry shed is positioned centrally within the applicant's landholding.

7.3.2. Noise - The applicant has submitted a Noise Impact Assessment which models noise emissions from the proposed development at the closest sensitive receptor dwellings. The Noise Impact Assessment predicts noise from the proposed development modelled on a larger facility in Co. Cavan and included emissions at a location 1 metre from the façade of the poultry house and also 1 metre from the external pen when the hens were outside (to take account of the free range nature of the proposed

development). Noise level emissions predictions are all >13 dB L_{aeq} at the nearest dwellings. The report concludes that noise emissions from the proposal would not result in significant impacts on dwellings in the area. The Noise Impact Assessment also modelled noise emissions from the ventilation systems for the proposal and from deliveries, and in respect of both sources concludes that noise emissions would not be significant, being below ambient noise levels. Consideration of cumulative noise emissions is also addressed and the report notes that no significant noise impacts arise in this regard. Having regard to the predicted/modelled noise emissions from the proposed development as set out in the Noise Impact Assessment, I am satisfied that the proposed development would not result in significant adverse impacts on the amenity of the area, or adjoining property.

7.3.3. Odour - Concerns are raised in relation to the potential for odour to be generated from the proposed development. The applicant has set out details of how the proposed poultry shed is to operate. In this regard I note that poultry manure, which will be mainly dry manure, will not be stored in significant volumes on site and will be transferred to the manure shed before being transported off-site in accordance with regulations set out in S.I. 113 of 2022. The applicant notes that removal of manure off-site will occur regularly/routinely, thereby minimising the potential for odour to arise. The particulars submitted with the application note that the potential for odour from soiled water will be negligible given the small volumes to be stored. Soiled water is to be managed in accordance with S.I. 113 of 2022, which is the relevant legislation for the management of soiled water in agricultural settings. The applicant notes that dead birds will be collected in sealed bins and transported off-site. Regarding reference to the requirement for a 400 metre buffer between poultry sheds and dwellings, the applicant notes that this stemmed from guidance which has since been superseded, and that in any event such provision was not an absolute requirement. The applicant notes that recent guidance takes into account house design, ventilation systems, and improved feed formation in the context of impacts on surrounding areas. Having regard to the measures outlined above, which include the regular removal of dry manure from the site, and noting that the proposed development would separately be required to comply with DAFM standards, and specifically S.I. 113 of 2022, and noting the separation distance between the proposed development and dwellings in the vicinity,

I am satisfied that the proposed development would not generate odour such as to result in a significant impact on the amenity of property in the area.

7.4. Traffic Impact/Safety

- 7.4.1. Traffic generated by the proposed development would primarily be limited to the delivery of feed and removal of manure and will not be significant. In response to the Planning Authority's request for Further Information the applicant has provided a passing bay and dwell area along the L1913. I consider that this would significantly improve traffic safety in the vicinity of the appeal site and would benefit all road users. Sightlines at the vehicular entrance to the site are indicated as 105 metres in either direction. I note that the entrance serves an existing farm and that the proposal does not entail a new entrance, and as such I am satisfied that compliance with sightline requirement is not strictly required. Noting the width of the road I consider that the sightlines provided are appropriate.

7.5. Impact on Water

- 7.5.1. The appellants raise concerns in relation to the potential for water contamination to arise from the proposal. Having reviewed the proposed development I consider that impacts on water (ground water and surface water) could potentially arise as a result of poultry manure and its management, soiled water and the management of same, and from the range area.
- 7.5.2. Poultry manure will be mainly dry manure, will not be stored in significant volumes on site and will be transported off-site regularly. Additionally I note that the storage of manure will be in accordance with S.I. 113 of 2022 European Union (Good Agricultural Practice for the Protection of Waters). The drainage design for the proposal entails the discharge of run-off from roofs to soakaways. Storm water from roofs and yards will not flow over soiled areas and will discharge via land drainage to an adjoining watercourse.
- 7.5.3. The particulars submitted with the application note that the proposal will entail small volumes of soiled water and I similarly note that soiled water will be managed in accordance with S.I. 113 of 2022.

7.5.4. In relation to the potential for contamination of water to arise from the use of the range area by the birds, I note that the particulars submitted with the planning application/appeal refer to nutrient loading, and specifically note that the proposed development will result in an overall reduction in nitrogen application from the permitted 170 kg per Ha. to 67.2 kg per Ha, when the existing use of the lands is considered.

7.5.5. I am satisfied that the proposed development will not result in the contamination of ground or surface water. Further assessment of potential water quality issues are addressed at paragraph 7.7 (Appropriate Assessment) below.

7.6. **Issues Arising**

7.6.1. Validity of Appeal – the applicant contends that the appeal is not valid on the basis of Section 127 of the Planning and Development Act, 2000, as amended, specifically that despite making individual observations to the Planning Authority the observers have not elected to bring their own individual appeal and as the grounds of appeal do not relate to the decision of the Planning Authority. I note that the cover letter to the appeal states that the appeal is ‘against the granting of permission’, and that the appeal submission refers to the objections made in respect of the initial application, which the appellants state they still stand by. Having regard to the requirements of Section 127 of the Planning and Development Act, 2000, as amended, and the content of the appeal submission, and in particular the cover letter, I am satisfied that the appeal accords with the requirements of Section 127 and is valid.

7.6.2. Compliance with Planning and Development Regulations, 2001, as amended – the appellants assert that the application did not accord with Article 22 and 23 of the Planning and Development Regulations, 2001, as amended, i.e. ‘content of planning applications generally’, and ‘requirements for particulars to accompany an application under Article 22’. The appellants’ position in this regard is unclear. I note that the application was deemed to be valid by the Planning Authority and I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my *de novo* consideration of all planning issues material to the proposed development. Having reviewed the information submitted I am satisfied that the information is adequate to allow for an assessment of the proposed development.

- 7.6.3. Land Spreading - the applicant states that manure generated from the proposed development is to be transported off-site and used by farmers for the purposes of land spreading in surrounding counties, Sligo, Galway and within Mayo. I note that land spreading does not form part of the current planning application/appeal however and my assessment is confined to the development described in the public notices.
- 7.6.4. Property Values – I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.6.5. Flooding – the appellant contend that the appeal site is within an area at risk of flooding. I have consulted floodinfo.ie and I note that the appeal site is not within an area indicated as being at risk of flooding.
- 7.6.6. Vermin – concerns are raised in respect of the potential for the proposal to attract vermin. The applicant notes that the proposed development will be subject to a plan to address vermin, including compliance with Bord Bia and DAFM requirements, and that all feed will be covered. I am satisfied that the proposed development, when operated in accordance with applicable requirements, will not pose a risk to public health in terms of vermin.
- 7.6.7. Bats – the appellants note the possible presence of bats on the site. The NIS refers to the presence of bats in the vicinity. The site contains a derelict house and outbuildings and therefore in my opinion there is potential for bat roosts to be present within the appeal site. Should the Board be minded to grant permission for the proposed development it may wish to require the applicant to submit a bat survey.
- 7.6.8. Separation Distance – the appellant contends that the proposal is required to be located a minimum of 400 metres from a dwelling. I note that the requirement for a 400 metre separation distance between poultry developments and dwellings is contained with the document titled 'Integrated Pollution Control Licencing – Batnecc Guidance Note for The Poultry Production Sector'. EPA, 1996. Specifically I note that

the documents states *'poultry units should be sited a distance of preferably not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary'*. I note that the introduction to the document states that the document 'is designed to provide guidance to those applying for integrated pollution control licences under the EPA Act'. Noting the scale of the proposed development and specifically that the proposal is not of a scale which requires an IPC licence⁴ I am satisfied that the separation distance referred to is not applicable to the proposal.

7.6.9. Planning Conditions - the Notification of Decision to Grant Permission issued by Mayo County Council includes a number of specific planning conditions which I consider should be included should the Board grant permission for the proposed development. A number of specific conditions are included in the Notification of Decision to Grant Permission which I do not recommend are attached in the event the Board grant permission for the proposed development, specifically -

C2 – works to public road to provide sightlines and passing of vehicles to be implemented prior to commencement of development.

I recommend that this condition is included should the Board grant permission for the proposed development.

C6 – landscape plan to be submitted.

I recommend that this condition is included should the Board grant permission for the proposed development.

C7 – implementation of mitigation measures in NIS.

I recommend that this condition is included should the Board grant permission for the proposed development.

C8 -noise survey to be carried out prior to operation of facility.

I recommend that this condition is included should the Board grant permission for the proposed development.

⁴ 6.1 (a), of the First Schedule to the EPA Act, 1992, requires an IPC licence in respect of 'the rearing of poultry in installations where the capacity exceeds 40,000 places'.

C9 – noise at noise sensitive locations shall not exceed 55 dB (A) leq (0800-2000 hours) and 45 dB (A) leq (2000 – 0800 hours).

I recommend that this condition is included should the Board grant permission for the proposed development.

C10 – annual noise survey to be carried out and submitted to MCC.

I do not recommend that this condition is included should the Board grant permission for the proposed development. I consider that the requirements of C9 would address the issue of noise adequately.

C12 – manure to be collected by licenced contractor. The waste shall not be used for land spreading.

I recommend that this condition is included should the Board grant permission for the proposed development.

C14 – records of manure movements and soiled water disposal to be maintained.

I recommend that this condition is included should the Board grant permission for the proposed development.

C16 – there shall be no increase in poultry numbers without a prior grant of permission.

I recommend that this condition is included should the Board grant permission for the proposed development.

7.7. **Appropriate Assessment**

7.7.1. Stage 1 Screening

7.7.2. Compliance. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act 2000, as amended, are considered fully in this section.

7.7.3. Background. The applicant submitted an Appropriate Assessment Screening report for the proposed development (prepared by Whitehill Environmental) to the Planning Authority. The Appropriate Assessment Screening report notes;

- 5 no. European sites were examined in the Stage 1 Appropriate Assessment Screening report. Following this screening exercise, 5 no. European sites were identified on the basis of there being potential for polluted run-off from the appeal site to be transmitted indirectly during construction and operational phase and reaching River Moy SAC (via surface water), and for atmospheric emissions during the operational phase of the proposed development to affect River Moy SAC, Urlaur Lakes SAC, Errit Lough SAC, Derrinea Bog SAC and Carrowbehy/Caher Bog SAC.
- The dominant habitat within the site is described as agricultural grassland. Other habitats within the site are noted as woodland habitat and hedgerows.
- The site is described as being surrounded by drains which are likely to connect to the Derrygay Stream which is 172 metres south of the site. This stream flows in a north-westerly direction and enters the Trimoge River at a point 4 km north-west of the site. The Trimoge River enters to River Moy north of Bohola.

The applicant's Stage 1 Appropriate Assessment Screening report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Having reviewed the document, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.7.4. Supplementary Reports/Studies - a Noise Impact Assessment was submitted with the appeal. The Noise Impact Assessment relates to impacts on residential receptors and not environmental receptors.

7.7.5. Likely Significant Effects. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European Site(s). The proposed development is examined in relation to any possible interaction with European Sites

designated as SACs and SPAs to assess whether it may give rise to significant effects on any European site.

7.7.6. The Proposed Development. The development comprises permission for;

- Construction of a poultry house, for the free range production of eggs, accommodating 20,000 no. chickens.
- A service yard, manure shed, and 2 no. silos.
- Construction of access road connecting to the L1913.
- A drainage system consisting of 2 no. soakaways and a drainage channel.
- Cutting and filling of site.

7.7.7. Potential Effects of the Proposed Development. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the implications for likely significant effects on European sites:

- The uncontrolled release of pollutants to ground water and surface water (e.g. run-off, silt, fuel, oils, concrete etc.) at construction phase and subsequent impacts on water quality sensitive habitats of River Moy SAC (Site Code 002298).
- The uncontrolled release of pollutants to ground water and surface water (e.g. effluent/manure run-off etc.) at operational phase and subsequent impacts on water quality sensitive habitats of River Moy SAC (Site Code 002298).
- Potential for the release of atmospheric emissions generated by the proposal at operational stage and subsequent impacts on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597).

The closest SPA is c. 25 km from the site of the proposed development and as such the proposed development would have no potential to result in disturbance to bird species (i.e. ex-situ impacts) associated with SPA's.

7.7.8. Submissions and Observations. The appeal refers to the proposal as not being compliant with the Habitats Directive and to the potential for wastewater from the proposal to reach River Moy SAC.

7.7.9. European Sites and Connectivity. A summary of European sites that occur within a possible zone of influence of the proposed development is presented in Table 7.1. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail. I am satisfied that other European sites proximate to the appeal site can be ‘screened out’ on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathway to the appeal site.

Table 7.1 - Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
River Moy SAC (Site Code: 002298)	<ul style="list-style-type: none"> • Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] • Alkaline fens [7230] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] 	c. 1 km south-west and c. 3 km north.	Drainage ditches on the site likely to connect to the Derrygay Stream 172 metres south of the site which flows to the Trimoge River which in turn enters the River Moy. Noting the indirect connectivity formed by the drainage ditches on the site a likelihood of significant effects exists.	Y

	<ul style="list-style-type: none"> • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 			
Urlaur Lakes SAC (Site Code 001571)	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] 	c. 5 km north-east of appeal site.	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC. A likelihood of significant effects exists.	Y
Errit Lough SAC (Site Code: 000607)	<ul style="list-style-type: none"> • Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] 	c. 10 km east of appeal site	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC. A likelihood of significant effects exists.	Y
Derrinea Bog SAC (Site Code: 000604)	<ul style="list-style-type: none"> • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] 	c. 11 km east of appeal site	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC. A likelihood of significant effects exists.	Y

Carrowbehy/Caher Bog SAC (Site Code:000597)	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] 	c. 14 km south-east of appeal site	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC. A likelihood of significant effects exists.	Y
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7.7.10. Following an examination of sites within the zone of influence, and upon an examination of the connectivity between the appeal site and these sites (see Table 7.1 above), River Moy SAC (Site Code 002298) has been screened in having regard to the potential connectivity via drainage ditches on the site, which connect to Trimoge River which in turn enters the River Moy SAC. River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597) have been screened in given the potential for atmospheric emissions to be released during the operational phase of the proposed development and reach these European sites via air.

In terms of the potential for ex-situ effects, the appeal site is located c. 25 km from the closest SPA. In the event that bird species connected with SPA's occasionally use the site there are ample alternative sites in the vicinity.

7.7.11. Conservation Objectives of European Sites 'Screened-In'.

- There is no Conservation Management Plan for **River Moy SAC**. The Conservation Objectives for River Moy SAC can be found at https://www.npws.ie/sites/default/files/protectedsites/conservation_objectives/CO002298.pdf.
- There is no Conservation Management Plan for **Urlaur Lakes SAC**. The Conservation Objectives for Urlaur Lakes SAC can be found at https://www.npws.ie/sites/default/files/protectedsites/conservation_objectives/CO001571.pdf.

- There is no Conservation Management Plan for **Errit Lough SAC**. The Conservation Objectives for Errit Lough SAC can be found at https://www.npws.ie/sites/default/files/protectedsites/conservation_objectives/CO000607.pdf.
- There is no Conservation Management Plan for **Derrinea Bog SAC**. The Conservation Objectives for Derrinea Bog SAC can be found at https://www.npws.ie/sites/default/files/protectedsites/conservation_objectives/CO000604.pdf.
- There is no Conservation Management Plan for **Carrowbehy/Caher Bog SAC**. The Conservation Objectives for Carrowbehy/Caher Bog SAC can be found at https://www.npws.ie/sites/default/files/protectedsites/conservation_objectives/CO000597.pdf.

7.7.12. Identification of Likely Effects. In light of the above Conservation Objectives, the main elements of the proposal which may give rise to impacts on the European sites listed above are as follows;

Construction Phase Impacts on River Moy SAC - during the construction phase, there is potential for surface water runoff from site works to temporarily discharge to groundwater and surface water and flow into drainage ditches within/around the site, enter Trimoge River which in turn enters the River Moy SAC. There is the potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, such as silt from site clearance and other construction activities and also from the release of hydrocarbons.

Operational Phase Impacts on River Moy SAC - during the operational phase there is potential for effluent/manure run-off from the proposed development to enter groundwater and surface water, enter drainage ditches within/around the site which connect to Trimoge River and which in turn enters the River Moy SAC. There is therefore potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the operational phase. There is also potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC, affecting QI which are sensitive to ammonia and nitrogen.

Construction Phase Impacts on **Urlaur Lakes SAC** – noting the lack of a hydrological connection between the development site and Urlaur Lakes SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the construction phase.

Operational Phase Impacts on **Urlaur Lakes SAC** – noting the lack of a hydrological connection between the development site and Urlaur Lakes SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the operational phase. There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC, affecting QI which are sensitive to ammonia and nitrogen.

Construction Phase Impacts on **Errit Lough SAC** – noting the lack of a hydrological connection between the development site and Errit Lough SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the construction phase.

Operational Phase Impacts on **Errit Lough SAC** – noting the lack of a hydrological connection between the development site and Errit Lough SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the operational phase. There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC, affecting QI which are sensitive to ammonia and nitrogen.

Construction Phase Impacts on **Derrinea Bog SAC** – noting the lack of a hydrological connection between the development site and Derrinea Bog SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the construction phase.

Operational Phase Impacts on **Derrinea Bog SAC** – noting the lack of a hydrological connection between the development site and Derrinea Bog SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the operational phase. There is potential for atmospheric emissions to be released during the operational phase of the proposed

development and reach the SAC, affecting QI which are sensitive to ammonia and nitrogen.

Construction Phase Impacts on Carrowbehy/Caher Bog SAC – noting the lack of a hydrological connection between the development site and Carrowbehy/Caher Bog SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the construction phase.

Operational Phase Impacts on Carrowbehy/Caher Bog SAC – noting the lack of a hydrological connection between the development site and Carrowbehy/Caher Bog SAC there is no potential for the water quality pertinent to this European Site to be negatively affected by the proposed development during the operational phase. There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC, affecting QI which are sensitive to ammonia and nitrogen.

In the absence of mitigation, the proposed development has the potential to result in negative impacts on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597). I consider that such impacts could be significant in terms of the stated conservation objectives of these European sites.

In-combination Impacts. There are no recent planning applications for the surrounding area that share a direct link with the subject site.

A summary of the outcomes of the screening process is provided in the screening matrix Table 7.2.

Table 7.2 - Summary Screening Matrix				
European Site	Distance to proposed development/ Source, pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
River Moy SAC (Site Code 002298)	c. 1 km south-west and c. 3 km north.	During the construction and operational phase	No effect	Screened in for AA

		<p>there is potential for surface water runoff to temporarily discharge to groundwater and surface water and reach the SAC. Effluent contaminated run-off could also be discharged from the site during the operational phase. There is the potential for the water quality pertinent to this European Site to be negatively affected by contaminants, from site clearance and other construction activities and also from the release of hydrocarbons, and also from effluent/run-off containing manure.</p> <p>There is also potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC.</p>		
Urlaur Lakes SAC (Site Code 001571)	c. 5 km north-east of appeal site.	There is potential for atmospheric emissions to be released during the operational phase of the	No effect	Screened in for AA

		proposed development and reach the SAC.		
Errit Lough SAC (Site Code 000607)	c. 11 km east of appeal site	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC.	No effect	Screened in for AA
Derrinea Bog SAC (Site Code 000604)	c. 11 km east of appeal site.	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC.	No effect	Screened in for AA
Carrowbehy/Caher Bog SAC (Site Code 000597)	c. 14 km south-east of appeal site.	There is potential for atmospheric emissions to be released during the operational phase of the proposed development and reach the SAC.	No effect	Screened in for AA

7.7.13. Mitigation Measures. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.7.14. Screening Determination. The proposed development was considered in light of the

requirements of Section 177U of the Planning and Development Act, 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually **could have a significant effect** on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597) in view of the Conservation Objectives of these sites, and Appropriate Assessment is therefore required.

7.7.15. **Stage 2 – Appropriate Assessment**

7.7.16. Article 6(3). The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act, 2000, as amended, are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.
- Appropriate assessment of implications of the proposed development on the integrity each European site.

7.7.17 Compliance with Article 6(3) of the EU Habitats Directive. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.7.18 Screening The Need for Appropriate Assessment. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be

excluded on the basis of objective information that the proposed development, individually or in-combination with other plans or projects will not have a significant effect on the following European Sites:

- River Moy SAC (Site Code: 002298)
- Urlaur Lakes SAC (Site Code: 001571)
- Errit Lough SAC (Site Code: 000607)
- Derrinea Bog SAC (Site Code: 000604)
- Carrowbehy/Caher Bog SAC (Site Code: 000597)

The possibility of significant effects on other European sites has been excluded on the basis of objective information and noting that there is no possible ecological connection or pathway between the appeal site and other Natura 2000 sites surrounding the proposed development. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.7.19. The Natura Impact Statement. A NIS, prepared by Whitehill Environmental examines and assesses potential adverse effects of the proposed development on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597). The NIS identifies the main potential impact from the proposed development on River Moy SAC as being the potential for pollution to enter drainage ditches on/around the site during the construction and operation of the proposed development, to then enter Trimoge River which in turn enters the River Moy SAC, with potential for the water quality pertinent to this European Site to be negatively affected by any contaminants, affecting aquatic dependent QI's. The NIS also identifies the potential for atmospheric emissions (Ammonia and Nitrogen) to be released during the operational phase of the proposed development and reach River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597).

The NIS sets out details in relation to Critical Level (ammonia) and Critical Load (nitrogen) for River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code

001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597) in Table 2 and Table 3. Emissions from the proposed development are modelled using a SCAIL model (Simple Calculation of Atmospheric Impact Limits). The NIS notes that a location within the River Moy SAC 3 km from the development site contains vegetation/QI which is sensitive to ammonia, i.e. alkaline fen. In the case of each European site examined in the NIS, the proposed development will contribute emissions levels which are below the relevant critical range (when considering ammonia) and critical load (when considering nitrogen) for each site. The NIS also states that 'the actual impact from the emissions is predicted to be at the lower end of the range detailed in Tables 2 and 3', and concludes that significant effects on sites with 15km of the proposed development will not arise due to atmospheric emissions.

7.7.20. The NIS refers to mitigation measures which will be adhered to. Measures are proposed for the construction and operational phase of the proposed development and include;

Construction:

- Prior to the commencement of any site works, the applicant and the contactors must be made aware of the overall sensitivity of this site, the content of the NIS and mitigation measures contained in this NIS.
- Site preparation and construction should be confined to the development site.
- The work areas must be kept to the minimum area required to carry out the proposed works and the area should be clearly marked out and cordoned off in advance of work commencement.
- The construction and operation of the proposed development must comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. 113 of 2022).
- Strict controls of erosion, sediment generation and other pollutants associated with the construction process should be implemented to reduce and intercept sediment release where necessary. It is strongly recommended that prior to the commencement of works, that a robust geotextile membrane silt fence is installed around the main construction works area in the site to prevent run off mobilising to the north. An interceptor trench will be required in front of this silt

fence. The silt fence must be capable of preventing particles of 425um from passing through.

- There must be no discharges of contaminated waters to ground or surface waters from this development, either during the construction or operation of the development. The following measures must be employed on site:

A dedicated re-fuelling location should be established on the site in a suitable compound area away from the proposed locations of excavations and groundworks. If possible, the re-fuelling of machines on site should be avoided.

Only designated trained and competent operatives should be authorised to refuel plant on site. Plant and equipment should be brought to a designated refuelling area rather than refuelling at numerous locations about the site.

Spill kits stations should be provided at the fuelling location for the duration of the works.

Workers should be provided with training on spill control and the use of spill kits.

All fuel storage containers must be appropriately bunded, roofed and protected from vehicle movements. These bunds will provide added protection in the event of a flood event on site.

All chemicals must be stored as per manufacturer's instructions. A dedicated chemical bund should be provided on site if chemicals are to be stored on site. Any chemicals used on site should be returned to the site compound and secured in a lockable and sealed container overnight in proximity to the fuel storage area.

Procedures and contingency plans should be established on site to address cleaning up small spillages as well as dealing with an emergency incident. A stock of absorbent materials such as sand, spill granules, absorbent pads and booms should be kept on site, on plant working near the water and at the refuelling area.

Daily plant inspections will be completed by all plant operators on site to ensure that all plant is maintained in good working order. Where leaks are noted on these inspection sheets, the applicant should remove the plant from operations for repairs.

All personnel shall observe standard precautions for handling of materials as outlined in the Safety Data Sheets (SDS) for each material, including the use of PPE. Where conditions warrant, emergency spill containment supplies should be available for immediate use.

Best practice concrete / aggregate management measures must also be employed on site. These will include:

A designated concrete wash out area should be set up on site; typically this will involve washing the chutes, pumps into a designated IBC before removing the wastewater off site for disposal.

Best practice in bulk-liquid concrete management should be employed on site addressing pouring and handling, secure shuttering, adequate curing times etc.

Stockpile areas for sands and gravel must be kept to a minimum size, well away from the stream on site.

Where concrete shuttering is used, measures should be put in place to prevent against shutter failure and control storage, handling and disposal of shutter oils.

Activities which result in the creation of cement dust should be controlled by dampening down the areas.

Raw and uncured waste concrete should be disposed of by removal from the site;

Stockpile areas for sands and gravel must be kept to a minimum size.

- The applicant must follow the guidelines set out in the Department of Agriculture's Explanatory Handbook for Good Agricultural Practice Regulations.
- The proposed storage tanks must adhere to the Department of Agriculture's Farm Building and Structures Specifications. Before use, they should undergo an integrity test that is performed by a suitably qualified person. They should be inspected regularly for deficiencies.
- All construction waste must be removed from site by a registered contractor to a registered site.

Site Operation:

- During operation, only clean surface water should be discharged to on site soakaways or local drains. All soiled water run-off should be directed to suitably designed storage tanks.
- The mature hedgerow and woodland within the site should be retained in so far as possible.
- Any removal of hedgerow vegetation should be done outside of the bird nesting season.
- It is recommended that nighttime lighting is kept to a low level.
- In so far as possible, landscaping should be sympathetic to the natural landscapes that surround the site.
- Land-Spreading - in order to avoid any reductions in water quality within the catchment as a whole, all organic fertilizer must be used in accordance with S.I. 113 of 2022 European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022).
- Reduction of Emissions to Atmosphere - any other technologies to further reduce the emissions from the poultry installation should be considered where possible.

7.7.21 The NIS concludes that following mitigation the proposed development, does not have the potential to significantly affect the conservation objectives of Natura 2000 sites or the integrity of Natura 2000 sites.

7.7.22 Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European Sites alone, or in combination with other plans and projects:

- River Moy SAC (Site Code: 002298)
- Urlaur Lakes SAC (Site Code: 001571)
- Errit Lough SAC (Site Code: 000607)
- Derrinea Bog SAC (Site Code: 000604)
- Carrowbehy/Caher Bog SAC (Site Code: 000597)

The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of the potential impacts on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597).

7.7.23 Appropriate Assessment of implications of the proposed development. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.7.24 The following sites are subject to Appropriate Assessment:

- River Moy SAC (Site Code: 002298)
- Urlaur Lakes SAC (Site Code: 001571)
- Errit Lough SAC (Site Code: 000607)
- Derrinea Bog SAC (Site Code: 000604)
- Carrowbehy/Caher Bog SAC (Site Code: 000597)

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests are set out in Table 7.1 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

7.7.25 The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include;

- Impacts on water quality from the discharge of contaminated surface water run-off during the construction and operational phase of the proposed development to ground water and surface water, affecting aquatic QIs.
- Atmospheric emissions (Ammonia and Nitrogen) released during the operational phase of the proposed development, affecting QIs which are sensitive to concentrations of Ammonia and Nitrogen.

7.7.26. Assessment of proposed Mitigation Measures - The NIS outlines a number of mitigation measures. A number of issues arise in respect of the proposed mitigation measures and I consider that the NIS is deficit as a result. Specifically;

- The NIS identifies atmospheric emissions as a potential impact mechanism. The NIS however does not provide clear and specific mitigation measures to address the release of atmospheric emissions. In the context of 'reduction of emissions to Atmosphere' reference is made to '*any other technologies to further reduce the emissions from the poultry installation should be considered where possible*'. In the context of a mitigation measures I consider this to lack detail and to be ambiguous. Additionally, under discussion of atmospheric emission in the NIS (see page 25) the NIS states 'for the purpose of AA these fans are considered mitigation'. Ventilation fans are not however specifically referred to in Section 5 of the NIS under the specific heading of 'mitigation' and it is therefore unclear whether are proposed as a mitigation measure.
- Ambiguity in relation to terminology used in respect of mitigation measures, in particular the NIS refers to the provision of a silt fence and states that it is 'strongly recommended' however it is unclear whether the provision of a silt fence is a mitigation measure or not.

- The absence of a map identifying the location of mitigation measures, for example the location of silt fences.
- The absence of information regarding who is responsible for overseeing and monitoring of each mitigation measure.

For the reasons set out above I am not satisfied that the mitigation measures are sufficient to address potential impacts from the proposed development. I note that Appropriate Assessment must not contain lacunae or gaps, and that precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned is required. I am not therefore satisfied that the potential for deterioration of habitats and species identified within the European Sites is not likely.

7.7.27.Integrity test. Following the appropriate assessment and the consideration of mitigation measures, I am unable to ascertain with confidence that the project would not adversely affect the integrity of River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

7.7.28.Appropriate Assessment Conclusion. The proposed development has been considered in light of the assessment requirements of Sections [177U and 177V] of the Planning and Development Act, 2000, as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects could adversely affect the integrity of River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher

Bog SAC (Site Code 000597) in view of the Conservation Objectives of these sites.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597).

I consider that there remains a reasonable scientific doubt as to the absence of adverse effects on the integrity of on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597) and as such the Board is precluded from granting permission for the proposed development.

I submit to the Board that this is not a new issue as compliance with the Habitats Directive and the potential for contaminated run-off from the proposal to reach River Moy SAC was raised in the appeal.

8.0 Recommendation

Having regard to the above it is recommended that permission is refused for the reasons set out below.

10.0. Reasons and Considerations

1. On the basis of the information submitted with the planning application/appeal documentation and the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on River Moy SAC (Site Code 002298), Urlaur Lakes SAC (Site Code 001571), Errit Lough SAC (Site Code 000607), Derrinea Bog SAC (Site Code 000604) and Carrowbehy/Caher Bog SAC (Site Code 000597), or any other European site,

in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting 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.

Ian Campbell
Planning Inspector

7th October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317963-23			
Proposed Development Summary	Construction of poultry house, manure loading/general purpose store and all associated site works			
Development Address	Doogary, Aughamore, Ballyhaunis, Co. Mayo			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
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?				
Yes			EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
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]?				
		Threshold	Comment (if relevant)	Conclusion
No				No EIAR or Preliminary Examination required
Yes	X	Class 1 (e) (i) - Installations for intensive rearing of poultry not included in Part 1 of this Schedule	Proposed development, at 20,000 chickens, is substantially	Proceed to Q.4

		which would have more than 40,000 places for poultry.	below the applicable threshold.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 7th October 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317963-23	
Proposed Development Summary	Construction of poultry house, manure loading/general purpose store and all associated site works.	
Development Address	Doogary, Aughamore, Ballyhaunis, Co. Mayo	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<ul style="list-style-type: none"> • Nature of the Development • 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 proposed development comprises the construction of poultry house with a floor area of c. 2,390 to cater for 20,000 chickens. The proposal is located within a landholding of c. 8.6 Ha. The proposed development is not exceptional in the context of the existing rural environment.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>	<ul style="list-style-type: none"> • No • No
<ul style="list-style-type: none"> • Size of the Development • Is the size of the proposed development exceptional in the context of the existing environment? 	<p>The size of the proposed development would not be described as exceptional in the context of the existing environment.</p>	<ul style="list-style-type: none"> • No

<ul style="list-style-type: none"> • Are there significant cumulative considerations having regard to other existing and/or permitted projects? 	<p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<ul style="list-style-type: none"> • No
<ul style="list-style-type: none"> • Location of the Development • 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? 	<p>Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment.</p>	<ul style="list-style-type: none"> • No • No
<ul style="list-style-type: none"> • Conclusion 		
<ul style="list-style-type: none"> • There is no real likelihood of significant effects on the environment. • EIA not required. 	<ul style="list-style-type: none"> • There is significant and realistic doubt regarding the likelihood of significant effects on the environment. • Schedule 7A Information required to enable a Screening Determination to be carried out. 	<ul style="list-style-type: none"> • There is a real likelihood of significant effects on the environment. • EIAR required.

Inspector: Ian Campbell

Date: 7th October 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)