



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322338-25

#### Development

Construction of a poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and all associated site works (to include new/upgraded site entrance).

#### Location

Lismacanigan Upper, Mountnugent, Co. Cavan

#### Planning Authority

Cavan County Council

#### Planning Authority Reg. Ref.

2460314

#### Applicant(s)

Frank Conarty

#### Type of Application

Permission .

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

1. David Brouder
2. Thomas Reilly
3. Martina Plunkett
4. Fr Darragh Connolly

	5. Raymond Duffy
	6. Pat Bannon
	7. Pat Bannon & Carmel Lynch
<b>Observer(s)</b>	1. Eamonn Ross (Lough Sheelin Trout Protection Association)
<b>Prescribed Bodies</b>	Inland Fisheries Ireland
<b>Date of Site Inspection</b>	30 <sup>th</sup> June 2025.
<b>Inspector</b>	Darragh Ryan

## **1.0 Site Location and Description**

- 1.1. The application site is situated in the townland of Lismacanigan Upper, approximately 2 kms northeast of Mountnugent Village and approximately 4 kms southwest of Ballyjamesduff. The site is accessed off Local Road L-7082-0,
- 1.2. The site is a greenfield site with no structures thereon and is part of a larger agricultural landholding. The farming activities carried out on site are drystock only.
- 1.3. The site is greenfield agricultural, with a relatively flat topography. The site boundaries on all perimeters comprise existing mature hedgerow. The surrounding area is rural in nature, comprising dispersed one-off rural housing and agricultural farmsteads. There is an open drain to the south of the site that connects into the Mountnugent River. The site has a stated area of 3.190 hectares

## **2.0 Proposed Development**

- 2.1. The proposed development of poultry production will replace the existing farming activities on this portion of the land. Development is for 1 No. poultry/broiler house with the capacity for;
  - 39,000 birds (non-free range), or,
  - 25,000 birds if operated to a free range standard (thus necessitating access to 2.5 ha of range area adjacent to the house).
- 2.2. The proposed house is c. 98.125 m long by c. 20.125 m wide with an overall height of c. 6 m, with an integrated general purpose store.
- 2.3. For the free range option, birds will have the option for outdoor grazing. The proposed activity on the site is the farming of poultry for the production of chicken for human consumption, located in a rural agricultural area. The development will comprise 1 No. Poultry house, ancillary structures (such as soiled water tank, meal bin etc.) and equipment necessary for the accommodation, management and husbandry of the animals, and the administration of the enterprise.

2.4. Assessment submitted with the application include:

- An Environmental Monitoring Programme,
- An EIA Screening Statement
- Construction Waste Management Plan
- Outline Construction and Environmental Management Plan (C.E.M.P.),
- Waste Collection Permit, issued by National Waste Collection Permit Office
- A Noise Impact Assessment,
- A letter from Frank Clerkin of Poultry Veterinary Services, dated 07 December 2023.
- A Natura Impact Statement,
- A letter from Manor Farm, dated 09 January 2024.
- A document titled, Description of the Location, Operation and Management of the Proposed Development of 1 No. Poultry House (to accommodate c. 39,000 Birds),
- Stormwater Attenuation Calculator Report.

### 3.0 Planning Authority Decision

3.1. **The planning authority issued a Decision to grant permission subject to 27 conditions. The conditions of note include the following:**

- C2 – The developer to pay a financial contribution of €8960 in respect of public infrastructure and facilities
- C5 – The complete width and depth of the entrance and the public road fronting that entrance shall have a structural overlay applied. Surface water infrastructure shall be installed at the proposed entrance to the site.

- C8 – The revised Environmental monitoring Programme, received by the Planning Authority on 18 February 2025, shall be implemented in full during the operation of the proposed development.
- C19 - Detailed records shall be maintained in regard to manure and soiled water disposal; these shall include such matters as dates, volumes disposed of and outlet locations.
- C22 - The transport of poultry manure and soiled water shall be in suitably contained, leakproof vehicles.
  - (b) Casualty birds shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture regulations.
  - (c) The temporary on-site storage of carcasses shall be in sealed containers.
  - (d) Any alteration to the disposal method for manure, soiled water and casualty birds shall only be implemented with the prior written approval of the Planning Authority.
- C26 - All sound trees on site (including those in surrounding hedgerows) shall be retained except those that require to be removed to facilitate the actual physical development of the site.
  - (b) Any new tree or hedge planting carried out on the site, or against the public road, shall also be of native species only.
  - (c) No new non-native tree species shall be introduced into farm or its boundaries.
  - (d) Any tree failures within five years of planting shall be replaced.
  - (e) No invasive species shall be introduced as part of the proposed development. Any invasive species occurring shall only be dealt with promptly by an invasive species specialist.

### 3.2. Planning Authority Reports

3.2.1. There are two Planning Reports. The first planning report sets out the following:

- There are no concerns with respect to visual impact
- There are no concerns subject to conditions with regard to the proposed access and traffic safety. Traffic movements would be considered minimal.
- EIAR Screening – sub threshold.
  - Surface Water – there are other intensive agricultural enterprises within the same catchment as the propose site. As the proposed development involves the removal of effluent from the site to an area outside this catchment, no groundwater contamination is likely to occur in the catchment in combination with other development.
  - With regard to the mitigations included in Section 5 of the NIS, therefore, I am satisfied that a significant environmental effect would not occur, however this is also dependent on proper surface water and effluent management on site. These are matters that could be addressed in an application without the requirement to establish a baseline, and then a measurement of impacts. Similarly, cumulative air emissions are unlikely to be significant given the distance between the existing piggery / poultry sites in the surrounding catchment,
  - On the basis of odour modelling for this site, it is reasonable to assume that the cumulative impact of the proposed development with other development would not give rise to a significant effect above that which is already permitted.
  - No significant noise impact is anticipated. I consider this to be a reasonable conclusion for noise given the characteristics of the proposed development, and the separation from the nearest sensitive receptors.
  - While further information is required to be submitted in relation to some of the above (i.e. matters relating to surface water management of the site, and odour impacts on nearest sensitive receptors, and

required amendments the environmental monitoring programme submitted), these are considered to be specific and local matters to be addressed or clarified, and would not constitute significant impacts on the environment within the meaning of the EIA Directive.

- With regard to observations particularly regarding water quality, many of the concerns raised by Inland Fisheries Ireland and others, have now been addressed by the added mitigation measures included in the NIS of this application. The CEMP has also been revised. Both documents were revised to address the deficiencies of the previous application 23/60092, informed by the objections and concerns raised by the prescribed body and others.

Further information was requested to clarify the following:

1. Provide details that the receiving waters outlined in the planning application have the capacity to accommodate the surface water from the proposed development
2. A revised site layout plan to ensure a 5-metre buffer zone from the adjoining watercourse / drain is kept entirely free of development.
3. Requested to submit a full odour impact assessment of the proposed development to assess the impact of odour and potential nuisance against the nearest sensitive receptors, taking into account any potential cumulative impact from other intensive farming operations within 200 metres of the site.
4. A revised Environmental Monitoring Program is required.
5. Submit a letter from a Poultry Litter Contractor detailing the management of the poultry litter that is produced on site in the proposed development from each batch of birds
6. Provide a letter with details on the collection and disposal of poultry casualties and carcasses from the site.
7. Submit a revised Construction Waste Management Plan having regard to “Best Practice Guidelines for the preparation of resource & waste management plans for construction & development projects” (EPA, 2021)

as opposed to the outdated guidelines of 2006.

8. Submit a finished floor level for the ancillary structures proposed to the rear of the proposed poultry shed, accompanied by a site section to demonstrate the relationship to existing site levels.

3.2.2. The Second Planning Authority addressed the further information submission and subsequent third party submissions:

- The applicant has addressed all 8 items of the further information request. Having regard to the mitigations set out in the NIS and the environmental monitoring regime of the revised Environmental Monitoring Programme, and particularly to the proposal to avoid land spreading in this lake catchment, the applicant has demonstrated that all the matters raised have been reasonably addressed. The applicant has also demonstrated that run-off would be lower than the current greenfield status of the site. All the above has substantially reduced risk potential.

In terms of local impacts, including residential amenity, and noting the observations made, it is considered that sufficient information has been provided in the further information response that shows that no undue impacts would arise.

In consideration of all the foregoing, a conditional grant of Permission is recommended.

3.2.3. Other Technical Reports

- Environment Section two reports submitted on 30/08/2024 & 26/02/2025

The first report of the environment section sought further information in relation to surface water run-off, an updated Environmental Monitoring program, require a letter from a poultry litter contractor, details regarding the collection and disposal of poultry carcasses.

The second report reviewed the further information received and recommended conditions to any grant of permission.



- Roads and Transportation Engineer

No objection subject to conditions in relation to sightlines

### 3.3. Prescribed Bodies

Inland Fisheries Ireland have two reports on file.

1<sup>st</sup> report can be summarised as follows:

- IFI is seriously concerned in relation to management, storage and disposal of chicken manure from this development and the potential for this development to have significant negative impact on water quality and fisheries within the Mount Nugent River catchment and Lough Sheelin through spreading of manures.
- Having considered the EIA screening IFI believes an adequate EIA must be produced to present and describe baseline data on the relevant environment and demonstrate that potential Environmental impacts have been mitigated against.
- The proposed development is subthreshold for annex II but has potential to have effects and is in a sensitive area, therefore an EIA should be produced.
- The litter component of the proposed waste of 75 tonnes per 10,000 birds, will result in c. 300 tonnes of nutrients to the Sheelin catchment, in solid waste before enrichment of the range area and soiled waters (60-80 m<sup>3</sup>/per annum) are taken into account. Nutrient Management Plans for all receiving farms should be presented.
- It is not clear whether climate change and altered seasonality of weather conditions have been factored into the comments re: cropping of grass in the grazing area and the scheduling of this, issues may arise if land is too wet to be baled, yet birds need to continue grazing. The potential for nutrient loads and run off to watercourses from the range area and this poorly draining land does not appear to have been fully considered.

- The Mount Nugent river and 2 of its tributary streams are in close proximity to the site, with one of them running along the site boundary to the Mount Nugent 040, yet this boundary watercourse, whilst discussed in the NIS is not labelled on the site layout map, which is misleading to anyone reading/considering the application and potential impacts, particularly on the aquatic environment.
- Fish are an indicator species under the Water Framework Directive and the presence and abundance of fish species forms part of a waterbodies status under the WFD, particularly in relation to lakes, such as Lough Sheelin. It is therefore imperative that the fisheries status of the lake and its tributary streams is protected and conserved. There is inadequate consideration of fish, aquatic life or invertebrates within the Mount Nugent River or its tributaries and the fisheries status of Lough Sheelin. This is entirely inappropriate as these are salmonid watercourses
- The Environmental Impact Statement (EIS) should describe the current environment and all waters which may be impacted on in terms of all fish species, fisheries habitat and spawning grounds and aquatic habitat including the riparian zone. It should also give due consideration to the spreadlands associated with this proposed development.
- IFI are concerned that this application does not adequately consider there is potential for significant impacts on the aquatic environment and fisheries.
- There is no specific presentation and interpretation of any water quality data on the Mount Nugent River, its tributary streams or Lough Sheelin.
- Inadequate consideration is given to third parties spreadlands the potential for poor practice to impact on Sheelin and other River catchments. There is a need for the development to be considered in a holistic sense and recognise that poor spreading practices could impact negatively on water quality, and consequently no mitigation measures or controls are proposed, other than making sure that parties organic wastes are aware of the Nitrates Directive. It is not clear how the applicant intends to ensure third parties meet all requirements of SI 31 of 2014.

- The amenity value of Lough Sheelin should be recognised and discussed within the EIS.
- Regarding Section 5.1. of the NIS measures during 'Construction/Operation' many of these measures are not site specific, does not give sufficient detail and in many cases are not measurable and do not adequately assess the risks or serve to protect the environment.

The second Inland Fisheries report can be summarised as follows:

- Having considered the EIA screening IFI believes an adequate EIA must be produced to present and describe baseline data on the relevant environment and demonstrate that potential Environmental impacts have been mitigated against. The proposed development is subthreshold for annex II but has potential to have effects and is in a sensitive area, therefore an EIA should be produced.

The same issues raised in the original submission of the 24<sup>th</sup> of August are raised again in the second submission. There is no new information received in relation to the further information submission of the applicant.

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

A number of observations have been received, containing extensive information in opposition to the proposed development and further information response received. The issues raised are also addressed as part of the appeal and the submissions received as part of the appeal. Below is a truncated and collated list of all the concerns raised.

- Impact on rural amenity, views, countryside tranquility, noise / odour etc.
- Concern for human and animal health.
- Devaluation of property.
- Technical / descriptive errors in the EIAR Statement.
- Technical issues expressed on the odour assessment and its underlying assumptions.

- Odour should be assessed from people's property (garden's etc.) and not from within a house. Separation distances also exaggerated.
- Soiled water storage tank appears to be designed as an open structure, therefore a danger to people and animals. Also queries if excavation depth of 2.74 m is feasible in this limestone area.
- Hardstanding specifications not shown. Run-off calculations appear underestimated.
- Excavation volumes not calculated.
- Mapping error in Hydrec report, which affects the subsoil permeability information presented.
- No soil or water testing details submitted. Assumed not carried out.
- No detailed drainage drawings shown (invert levels, pipe diameters etc.). Watertightness not demonstrated.
- Generator noise not measured. Fuel storage not referenced or shown. Risk of contamination from same not referenced.
- Inadequate information on the ventilation system, heat loss through ventilation, and energy inputs required from carbon sources.
- No substructure detail given for the feed silos.
- No plaster finish indicated for the side and gable of building.
- Landscaping detail omits detail on species, age, density etc., or impacts on lighting / shading to adjacent property.
- Road safety concerns (access and egress).
- No details on free range enclosure fencing.
- Proposed development would establish precedent for further similar development on the site.

## 4.0 Planning History

- PA reg ref 23/60092: On 12 July 2023, Frank Conaty sought permission to construct a poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and all associated site works (to include new/upgraded site entrance) arising from the above proposed development at Lismacanigan Upper, Mountnugent, Co. Cavan. On 5 September 2023, the Planning Authority issued a request for further information. On 22 January 2024, the further information response was received by the Planning Authority. The application was subsequently withdrawn on the 11 March 2024.

## 5.0 Policy Context

### 5.1. Cavan County Development Plan 2022-2028

#### 5.1.1. Section 12.5 Agriculture

County Cavan is a largely rural county, agriculture is the primary land use and remains a crucial part of the economy of the county. Reflective of the county's rural nature and historic economic trends, "agriculture, forestry and fishing" industry is particularly strong, employing 11% of the working population in County Cavan, compared to a national average of 4%. Agriculture remains a significant sector and catalyst for a number of indirect, agri-food related jobs in the County and the wider region, in relation to the provision of feedstores, livestock marts, meat and dairy processing plants, agriculture machinery sales and maintenance and animal welfare amongst many other indirect employment sources.

The Council will support diversification of the rural economy and in particular seek to develop the potential of the agri-food, forestry, the sustainable exploitation of natural resources and consideration of alternative on-farm and off farm activities.

Such development initiatives provide additional income to top up declining incomes from agricultural outputs. Diversification will be facilitated, provided the

proposal is related directly to the agricultural operation engaged on the farm or the rural nature of the areas. It must not negatively impact on the landscape and character of the area and is compatible with the existing infrastructure in the area.

#### 5.1.2. Section 12.6 Farm Diversification

Objective FD 01: Support appropriate rural diversification and specialised agricultural practice and their associated development in the county.

#### 5.1.3. Section 12.7 Agri Food Sector

Objectives:

- AF 01 Support the agri food sector and its associated development in the county at appropriate locations.
- AF 02 Support and encourage growth of the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas.
- AF 06 Support agricultural development as a contributory means of maintaining population and sustaining the rural economy, whilst maintaining and enhancing the standing of the rural environment through application of the EU Water Framework Directive and EU Habitats Directive.
- AF 09 Facilitate the development of environmentally sustainable agricultural activities, whereby natural waters and watercourses, wildlife habitats, conservation areas and areas of ecological importance and other environmental assets are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside.
- AF 10 Support those who live and work in rural areas and who wish to remain on the landholding. Favourable consideration will be given to on-farm based diversification, which is complementary to existing agricultural practices, is operated as part of the farm holding and is intended to supplement existing farm income such as:

- Specialist farming practices e.g. horticulture, equine facilities, poultry, mushroom growing, specialised animal breeding and bee keeping and honey production;
- Farm enterprises such as processing, co-ops, farm supply stores and agri-business;
- Production of organic and speciality foods to meet the increase in demand for such products;
- Conversion of redundant farm buildings of vernacular importance for appropriate owner run enterprises, such as agri- tourism

#### 5.1.4. Section 12.8 Agricultural Buildings and Structures

Objectives:

- ABS 01 Facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, habitats, areas of ecological importance and environmental assets are protected and development does not impinge on the visual amenity of the countryside.
- ABS 02 Ensure developments do not impact on archaeological or heritage features of importance.
- ABS 03 Require buildings to be of a design, appearance and material specification that is compatible with the protection of rural amenities.
- ABS 04 Require an effective means of farm waste management.

#### 5.1.5. Water Quality and Groundwater Development Objectives

- WQG01: Support the implementation of the relevant recommendations and measures outlined in the relevant River Basin Management Plan 2018-2021, and associated Programme of Measures, or any such plan that may supersede same during the lifetime of the plan. Development proposals shall not have an unacceptable impact on the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands.

- WQG15: Ensure that in assessing applications for development, that consideration is given to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021 and any subsequent local or regional plans.
- WQG07: Ensure that development would not have an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands.

## 5.2. Natural Heritage Designations

- Lough Sheelin SPA (004065) 3.1km from the site
- Moneybeg and Clare Island SAC (0022340) 6.5km from the site

## 6.0 The Appeal

Cavan County Council granted permission for the above development on the 26/03/2025 subject to 27 conditions. This is a third party appeal against the decision of Cavan County Council to Grant permission. There are seven appellants on file. (David Brouder, Thomas Reilly, Martina Plunkett, Fr Darragh Connolly, Raymond Duffy, Pat Bannon, Pat Bannon & Carmel Lynch) The appellants are residing in the local area or have an interest in the local area. In the interests of clarity and succinctness the grounds of appeal shall be grouped and summarised thematically as some of the issues raised overlap. The Grounds of Appeal can be summarised as follows:

### 6.1.1. Proximity to dwelling houses:

- The development is sited just 140 meters from nearest residential dwelling and within 200 meters of several others. This setback is substantially below the 400m setback recommended in the EPA BATNEEC Guidance note for the poultry sector. The lack of separation poses serious risk to residential amenity and directly contradicts planning precedent, including An Bord Pleanála decisions.
- The 400m recommended distance is not arbitrary but is derived from good environmental practices aimed at mitigating amenity impacts, particularly



odour, noise, airborne particulates and potential vectors such as flies and other insects. The standard has been referred to in both local authority and An Bord Pleanála decisions as a material consideration.

- No robust justification has been provided within the planning documentation to deviate from the guidance in this regard.
- Precedents for Refusal by An Bord Pleanála - There have been several cases where AN Bord Pleanála has consistently refused permission for poultry distances where separation distance between the proposed development and nearby dwellings was considered insufficient, even where the applicant proposed mitigation measures.

314014-22,

16.246323,

305970-19

20.247923,

308616.20

#### 6.1.2. Mandatory Requirements for Environmental Impact Assessment

The failure to require an EIA in this case constitutes a serious procedural and substantive omission.

The planning authority in their assessment on thresholds for Environmental Impact Assessment have determined that the proposed development falls within the criteria set out in Schedule 5 Part 1 Developments for the purposes of Part 10 and in Particular Class 17 which states:

17. Installations of the intensive rearing of poultry or pigs with more than

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

The council did not consider Schedule 5 Part 2 Class 1 relating to Agriculture, Silviculture and Aquaculture Developments specifically Class 1 (e) which states:

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

It is submitted the overall development is being assessed as an agricultural development, that the development should be assessed in light of the above criteria and give the proposed 39,000 chickens and intensification of the existing agricultural use of lands, an EIAR report should have been prepared for the proposed development in light of the significant effects on the environment the proposed development will have. It is submitted that there are significant impacts on the aquatic environment and fisheries as a result of the proposed development which have not been fully assessed and a full EIAR is required.

It is also noted the significant concerns of the Inland Fisheries Ireland regarding the potential adverse effects of the proposal on a sensitive environmental area- Lough Sheelin SPA. The submission of Inland fisheries state that the applicant has not adequately demonstrated that there will be no significant negative impact on water quality and fisheries within the Mount Nugent River Catchment and Lough Sheelin. It is further stated that the proposed development does not identify where the chicken manure is to be spread and therefore no assessment of the effects on the environment has been properly undertaken. It is submitted that there remains a reasonable scientific doubt as the absence of adverse effects on the integrity of the surrounding environment including the Mount Nugent River catchment and Lough Sheelin and therefore it is submitted that in the absence of a full environmental assessment that planning permission should be refused on this basis.

6.1.3. Procedural inadequacies in the EIA Screening – it is set out that the applicant has not addressed the following:

- Cumulative Impacts from existing pig farms in the vicinity
- Hydrological connectivity with Lough Sheelin SPA
- Baseline Water quality and nutrient loading in the catchment
- Potential alternative sites – the omission of alternative locations including those further from residential properties or with more favourable drainage and separation from the SPA could potentially avoid any significant impacts on residential amenity, hydrology and cumulative pressure. The failure to assess alternative sites means that mitigation has become the default approach when a better and more sustainable planning outcome may have been achieved through appropriate site selection.

- The in-combination effects of ammonia emissions and surface runoff with ongoing pressures on protected waters.

#### 6.1.4. Impact on Residential Amenity & Quality of Life

Proximity to residential dwellings - There are at least 4 dwellings within 200 meters of the proposed poultry house. The separation distances exist to safeguard air quality, odour control, noise and overall residential amenity – the setback distances are not in compliance EPA BATNEEC Guidance.

Odour Impacts – the applicant's air quality impact assessment relies on an adapted odour model intended for piggeries. The methodology adopted in the assessment of odour impacts is fundamentally inappropriate for the development in question and fails to provide a reliable or site-specific evaluation of the potential effects on nearby residential receptors. There are concerns regarding the integrity of the modelling inputs as the modelling is for 40,000 birds and not 39,000 birds as stated in the application. Given that no poultry-specific odour thresholds or meteorological risk analyses were presented, we submit that the assessment fails to demonstrate that odour impacts will not significantly impair residential amenity.

Noise Impacts – The noise impact assessment submitted by the applicant acknowledges that the ambient sound environment at the proposed site is exceptionally quiet, particularly during nighttime hours. The LA90 values of 18-21 dB(A) measured at the site therefore represent the true ambient conditions experienced by residents and should form the reference point against which any new, continuous operational noise, such as ventilation fans or feed deliveries must be evaluated.

Dust, Flies and Livestock Health Concerns – there is no dedicated assessment of airborne particulate matter (PM10), dust, or fly control associated with the proposed development. The EIA statement makes a vague reference to compliance with Bord Bia Standards and pest control. This does not constitute a professional assessment of site exposure risk, nor does it provide any quantitative data or mitigation measures.

Property Devaluation – The introduction of an intensive poultry unit within such close proximity to established homes- the closest of which is just 130 meters from the proposed shed – raises concerns about loss of residential amenity and devaluation

of property values. The anticipated environmental impacts – including odour, insects, noise, dust and visual industrialisation are likely to make these homes less attractive for residential enjoyment or resale.

Air Pollution – ammonia and other gases from manures will cause significant air quality issues and acid rain

- 6.1.5. Natural Heritage – Lough Sheelin SPA – The site is located within the catchment of the Lough Sheelin SPA, a designated Natura 2000 site already under significant environmental pressure due to nutrient loading. The applicant has not addressed potential for cumulative water pollution and nutrient loading and these have not been adequately addressed. As such, the proposal fails to demonstrate compliance with AF 06. The proposed development will disrupt habitats for local wildlife, including species dependent on the Mounthugent River and Lough Sheelin. There are many migratory birds that visit and winter in the area including woodcock and snipe with a high density of birds in the area – bird flu could be transmitted.
- 6.1.6. Water Framework Directive – The site lies in an area of poorly draining soils and the council environment section identified concerns about the adequacy of surface water drainage proposals. There is concerns regarding the clarity of the hydraulic pathway, undermining any assurance of safe conveyance of surface water. No verifiable hydrological connection has been demonstrated from the attenuation outfall to the Mounthugent River. The application fails to comply with Objective HH01 (pollution control measures) and Objective FDW15 (adequate stormwater infrastructure and flood protection measures).
- Concerns with regard to the catchments of Mounthugent and Sheelin Catchment streams.
- 6.1.7. Soil Contamination and Risk of Botulism – the accumulation of waste and decaying organic material from the poultry house can lead to soil contamination, creating an environment conducive to the growth of *Clostridium botulinum*, the bacteria responsible for botulism. Poultry litter, if not managed properly, may contain decomposing organic matter.
- 6.1.8. Road Network – The road network serving the site is small to facilitate the traffic that would incur from both the building and running of this facility. The road is already

busy and dangerous. This road is not wide enough for two cars to meet on it so, its not possible to sustain the volume of extra traffic that this facility would incur.

6.1.9. Historical Stone Bridge - There is an old stone bridge right beside the proposed development which would be damaged by the traffic and the building of the facility.

6.1.10. Impact on former abbey and work of Direction of our Times Charity

The addition of a poultry house would negatively impact upon the work carried out by a charitable organisation in the locality known as Direction of our Times. (The issues raised in the submission are similar to that of impact on residential amenity.)

6.1.11. Missing Details/ Inaccuracies on the drawings –

- No details of chamber locations and sizes along with pipework sizes, grades and invert levels.
- Proposal to construct a generator shed immediately adjacent to attenuation tank – greatly enhance the possibility of Hydrocarbons entering the watercourses.
- Soiled Water Storage tanks – insufficient details provided should be in accordance with Department of Agriculture Specifications.
- No detailed construction details have been provided for a number of details including leak detection, building construction, soiled water tank etc.
- The conditions as set out under condition 3, 4, 10, 11, 12 & 13 should have been dealt with during the application stage
- Soil sampling and test results have not been included in the application.

## 6.2. **Applicant Response**

The agent for the applicant has responded to the appeal and issues raised by each appellant in a submission dated 20<sup>th</sup> of May 2025. The applicant has responded to each appeal in turn. As some of the issues overlap I will give a summary of responses thematically.

6.2.1. Proximity to dwelling houses

The reference of appellants to the 1998 BATNEC guidance note recommending a 400m separation distance. This original guidance note related to licensable sites that were in excess of 100,000 birds multiples of the proposed development site. The proposed development is agricultural development in an agricultural area. The guidance note referenced has been superseded by Commission Implementing Decision (EU) 2017/302 of 15<sup>th</sup> of February 2017). The more up to date guidelines takes a more holistic approach taking into account spatial planning, local conditions and advances in farm design, layout and management.

The proposed development is located 150m from nearest residential dwelling, however the residential dwelling is located in an agricultural area. The proposed development is not located close to any residential areas, schools, churches recreation area and or sensitive ecosystems/habitats.

The additional studies accompanying the submission in the areas of noise, odour and ammonia have confirmed the proposed development will not have a negative impact on residential amenity in this regard.

The proposed development by its nature (dry litter based system and inert nature of the production system) there will be no impact on surface or ground water.

#### 6.2.2. Mandatory Requirements for Environmental Impact Assessment

There is no mandatory requirement for EIA. The development does not reach the threshold. A screening has been submitted as part of the application and the planning authority has carried out their own assessment in this regard. A number of assessments have been provided within the EIA screening indicating that the processes on site will not give rise to environmental issues.

#### 6.2.3. Failure to assess reasonable site alternatives

The proposed site is taken from a larger landholding and there are no additional lands upon which the applicant has permission to seek permission. The proposed development is sub-threshold development and the applicant has not other lands available for development. Alternative locations within the landholding were examined, however, the current location was considered the most appropriate to integrate with the existing natural landscape.

#### 6.2.4. Impact on residential amenity

- An odour impact assessment of the proposed development was completed in line with current best practice and guidelines. This modelling used for the odour impact assessment are worst case scenario predictions, disadvantageous to the applicant. In any case the odour impact assessment determines that the proposed development will not have a significant negative effect in terms of odour for residential properties.
- Dust Flies, Livestock Health Concerns- The management of the farm will involve the washing, disinfecting and cleaning of the house after every cycle with all manure moved off -site. The site goes through a complete clean down and starts again every 7 weeks. This is best practice and minimises the potential risk of dust, flies and health concerns due to regular cleaning activities.
- Property Devaluation – the site is located in an agricultural area where it is expected that Agricultural activities will take place
- Air Pollution – Ammonia emissions has been appropriately addressed as part of this application. The proposed development as evidenced by other poultry farms are typically integrated with existing agricultural activities without adversely impacting on adjoining lands.
- Water Pollution – All organic fertiliser produced on the chicken farm will be removed from the house, off site and out of the catchment for use elsewhere. No additional fertiliser will be applied and an increased buffer zones to water courses will be implemented.
- Flooding – The design of the storm water attenuation system is designed such that the discharge rate has been calculated to below the greenfield run-off rate and sufficient attenuation storage has been accommodated on site.
- Bio- Diversity Loss- The development will not increase any nutrients to the area. The development will be operated as a free range enterprise, the range area will be operated more extensively than currently permitted with increased buffer zones to watercourses
- Traffic Impact – Access and egress to the site has been demonstrated to the satisfaction of Cavan county Council. The proposal does not require

excessive HGV traffic. The proposal will result in less traffic than any local dairy farm. The extent of additional traffic will be negligible.

6.2.5. Soil Contamination and Risk of Botulism

6.2.6. Botulism can cause risk to livestock, but botulism can come from many sources. There is requirement for stringent organic fertiliser management practices. Full details and breakdown of control and management of organic fertiliser has been provided. Details of recipients of organic fertiliser has been provided – outside of the catchment.

6.2.7. Impact on former abbey and work of Direction of our Times Charity

The proposed development is at a sufficient distance removed from the former abbey so as not to cause an adverse noise or odour impact as demonstrated by the reports submitted with the application. The proposed development is for agricultural diversification in an agricultural area. The development is not industrial.

6.2.8. Inaccuracies of drawings – Appropriate drawings for planning purposes have been submitted with the application. Construction spec drawings not required for planning purposes. Detailed specifications in appropriate conditions is good practice to ensure most up to date specifications/ guidelines are applied.

6.3. **Planning Authority Response**

- None

6.4. **Observations**

- Eamon Ross, Treasurer, Lough Sheelin Trout Protection Association

The proposal will have a significant negative impact on Lough Sheelin in the absence of appropriate surface and ground water management. Report on file from Inland Fisheries Limited states the need for Environmental Impact Assessment to ensure all risks are identified.

Lough Sheelin is a very important eco system and the addition of 39,000 birds could be detrimental to the ecosystem



## 6.5. Prescribed Bodies

### Inland Fisheries Ireland

- IFI is seriously concerned in relation to management, storage and disposal of chicken manure from this development and the potential for this development to have significant negative impact on water quality and fisheries within the Mount Nugent River catchment and Lough Sheelin through spreading of manures.
- Having considered the EIA screening IFI believes an adequate EIA must be produced to present and describe baseline data on the relevant environment and demonstrate that potential Environmental impacts have been mitigated against.
- The proposed development is subthreshold for annex II but has potential to have effects and is in a sensitive area, therefore an EIA should be produced.
- The litter component of the proposed waste of 75 tonnes per 10,000 birds, will result in c. 300 tonnes of nutrients to the Sheelin catchment, in solid waste before enrichment of the range area and soiled waters (60-80 m<sup>3</sup>/per annum) are taken into account. Nutrient Management Plans for all receiving farms should be presented.
- It is not clear whether climate change and altered seasonality of weather conditions have been factored into the comments re: cropping of grass in the grazing area and the scheduling of this, issues may arise if land is too wet to be baled, yet birds need to continue grazing. The potential for nutrient loads and run off to watercourses from the range area and this poorly draining land does not appear to have been fully considered.
- The Mount Nugent river and 2 of its tributary streams are in close proximity to the site, with one of them running along the site boundary to the Mount Nugent 040, yet this boundary watercourse, whilst discussed in the NIS is not labelled on the site layout map, which is misleading to anyone

reading/considering the application and potential impacts, particularly on the aquatic environment.

- Fish are an indicator species under the Water Framework Directive and the presence and abundance of fish species forms part of a waterbodies status under the WFD, particularly in relation to lakes, such as Lough Sheelin. It is therefore imperative that the fisheries status of the lake and its tributary streams is protected and conserved. There is inadequate consideration of fish, aquatic life or invertebrates within the Mount Nugent River or its tributaries and the fisheries status of Lough Sheelin. This is entirely inappropriate as these are salmonid watercourses
- The Environmental Impact Statement (EIS) should describe the current environment and all waters which may be impacted on in terms of all fish species, fisheries habitat and spawning grounds and aquatic habitat including the riparian zone. It should also give due consideration to the spreadlands associated with this proposed development.
- IFI are concerned that this application does not adequately consider there is potential for significant impacts on the aquatic environment and fisheries.
- There is no specific presentation and interpretation of any water quality data on the Mount Nugent River, its tributary streams or Lough Sheelin.
- Inadequate consideration is given to third parties spreadlands the potential for poor practice to impact on Sheelin and other River catchments. There is a need for the development to be considered in a holistic sense and recognise that poor spreading practices could impact negatively on water quality, and consequently no mitigation measures or controls are proposed, other than making sure that parties organic wastes are aware of the Nitrates Directive. It is not clear how the applicant intends to ensure third parties meet all requirements of SI 31 of 2014.
- The amenity value of Lough Sheelin should be recognised and discussed within the EIS.
- Regarding Section 5.1. of the NIS measures during 'Construction/Operation' many of these measures are not site specific, does not give sufficient detail

and in many cases are not measurable and do not adequately assess the risks or serve to protect the environment.

The second Inland Fisheries report can be summarised as follows:

- Having considered the EIA screening IFI believes an adequate EIA must be produced to present and describe baseline data on the relevant environment and demonstrate that potential Environmental impacts have been mitigated against. The proposed development is subthreshold for annex II but has potential to have effects and is in a sensitive area, therefore an EIA should be produced.

The same issues raised in the original submission of the 24<sup>th</sup> of August are raised again in the second submission. There is no new information received in relation to the further information submission of the applicant

## **7.0 Assessment**

Having examined the appeals, reviewed all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Principle of Development
- Proximity to Residential Dwellings
- Impact on Residential Amenity
- Management of Waste – Water/ Litter.
- Water Framework Directive
- Other Matters
- Appropriate Assessment

### **7.1. Principle of Development**

The proposed site is located within a rural area of Co Cavan, where the site is located on lands identified as Agricultural in the Cavan County Development Plan. The proposal consists of construction of a poultry shed for the housing of 39,000

(maximum) chickens. An appellant on file sets out the proposed development is an industrial process that is not suitable in a rural area.

- 7.1.1. The poultry house building is specifically designed for housing birds for broiler production, and is to be completed to a specification that accommodates both traditional and free range rearing systems. Where free range rearing system is proposed the unit may have a lower stocking density of 25,000 birds. The applicant states the proposed development is in line with the requirements of European Communities (Welfare of Farmed Animals) Regulations 2010 (SI NO 311 of 2010). The building will be constructed in accordance with S101 – “Minimum specifications for the structure of Agricultural buildings” – published by Department of Agriculture and Food (March 2006).
- 7.1.2. Section 12.5 of the Cavan County Development Plan sets out that agriculture is the primary land use and remains a crucial part of the economy of the county. There is an existing dry stock agricultural enterprise on site, and the applicant sets out the proposal is part of a farm diversification program. Objective FD 01 of the Cavan County Development Plan 2022 to 2028, seeks to support appropriate rural diversification and specialised agricultural practice and their associated development in the county. I consider the development is agricultural development and the principle of providing an agricultural shed for the purposes of poultry rearing at this location is acceptable in principle.
- 7.2. Proximity to Dwellings
  - 7.2.1. The appellants on file raise concerns regarding the proximity of the established residential dwellings to the proposed poultry unit. It is stated the closest dwelling to the proposed unit is 168m from the unit. The appellants make reference to the 1998 BATNEC guidance note recommending a 400m separation distance. It is set out the applicant has not complied with this separation distance and the odours and noise will have a detrimental impact on residential amenity as a result of the development. The issue of noise, odour, house design and operating systems will be addressed in subsequent sections.
  - 7.2.2. I note Cavan County Development does not make any specific recommendations for separation distances between poultry units and residential dwellings. The appellants

make reference to the BATNEC guidance note. I do not consider this guidance note to be of relevance for the following reasons:

- The guidance note is a reference to a licensable facility (over 39,000 birds) and not specific to the proposed site.
- The BATNEC guidance referenced have been superseded by Commission Implementing Decision (EU) 2017/302 of 15<sup>th</sup> of February 2017.
- The current BAT guidance makes no reference to 400m separation distance but makes a more encompassing overview of the proposed site.
- The BATNEEC note referenced by the appellants was developed in the context of EPA-licensable facilities and is not directly applicable to this proposal, which is below the licensing threshold

7.2.3. Having regard to the provisions of the Cavan County Development Plan 2022–2028, it is noted that there is no specific minimum separation distance prescribed between poultry units and residential dwellings. The Development Plan does, however, contain relevant general policies and objectives concerning rural development and environmental protection, including:

- Policy AGP2: To facilitate agricultural development while ensuring that it does not detract from the rural character of the area or the residential amenity of nearby dwellings.
- Policy AGP3: To ensure that agricultural developments are appropriately sited, designed, and serviced so as to avoid adverse impacts on the environment and local communities.
- Development Management Standards – Agricultural Development: These include safeguards concerning odour, visual impact, waste management, and protection of water quality, all of which are relevant to poultry production operations.

7.2.4. Accordingly, proposals for this type of agricultural development must be assessed on a case-by-case basis, having regard to potential cumulative impacts and local site characteristics, rather than by applying fixed separation distances.

7.2.5. The appellant makes reference to a number of precedent cases where by An Comisiun Pleanala have refused permission based on separation distances citing reference numbers. The reference numbers cited include the following:

- 314014-22,
- 16.246323,
- 305970-19
- 20.247923,
- 308616.20

7.2.6. The applicant sets out that they are of the opinion that each and every case is considered, assessed and adjudicated on its own merits and while there is some merit in looking at previous cases for merit, it is important not to cherrypick particular cases to support a predetermined narrative.

7.2.7. Having examined the cases referenced by the appellant in this instance, I note the following:

- 314014-22 refusal was for two reasons. The 1<sup>st</sup> reason for refusal referenced lack of 400m separation distance mandated by the County development Plan- it did not reference the BATNEC guidance referred to by the appellant. The 2<sup>nd</sup> reason for refusal referred to omission of information. In this regard, I do not consider the above precedent case is relevant to the appeal as it specifically relates to a policy in the County Development Plan and the omission of specific details in the application.
- 16.246323 – two refusal reasons: The 1<sup>st</sup> refusal reason cited the BATNEC guidance below the threshold of 400m from residential dwellings. While I note the guidance issued, I also note that the planning inspector was not satisfied the applicant had addressed issues around noise and odour. The issue or proximity in this case specifically related to the issue of noise and odour not been deemed to have been addressed adequately in the application.
- 305970-19 – I note the refusal reason cited proximity to dwellings and potential for odour impacts. The BATNEC guidance was not referenced in this instance.

- 247923-20 – I note the primary reason for refusal cited insufficient information in relation to EIAR and AA assessments. It is stated that the proposal was contrary to the BATNEC guidance regarding spreading of manure and maintaining a nutrient balance. I note proximity to other dwellings was not cited as a refusal reason in this instance.
- 308616-20 – I note two of three refusal reasons cited proximity to dwellings, however the BATNEC guidance was not cited in the refusal reasons. The Commission in this instance was not satisfied based on the information provided that the proposed would not seriously impact upon residential amenities in terms of noise, odour and general disturbance.

While I note the applicants' cases for precedent development and reference to the BATNEC guidance as the informing guideline on refusing permissions based on proximity to other residential dwellings, I do consider that there were always other factors for consideration such as noise, odour, surface water and manure management. Proximity to dwellings in the precedent cases was never the sole reason for refusal and while it is a relevant consideration, I do not consider that proximity alone in any of the cases provided was the fundamental reason for refusal.

- 7.2.8. Having regard to policy, I do not consider there is a specific policy or guidance note with regard to minimum separation distances between poultry units and residential dwellings. The Cavan County Development Plan makes a number of recommendations or safeguards for protecting residential dwellings from Agricultural Development in rural areas. These aspects will be dealt with in subsequent sections. However, having regard to the issue of proximity to dwellings as set out by numerous appellants, I do not consider proximity as a standalone issue to be a sufficient reason to refuse permission in this instance.

### 7.3. Impact on Residential Amenity

The third party appellants set out that the proposed development and construction of the poultry house will have a detrimental impact on residential amenity. It is stated issues of noise, odour and traffic will cause a significant impact on ability to enjoy their homes. It is further stated the scale of the development is excessive for this local

area. In the interests of clarity issues raised will be addressed under their different themes.

#### 7.3.1. Odour

Appellant's on file have raised concerns that the development in such close proximity to existing dwellings houses will give off significant odours that will completely change the local area. In response the applicant has given a detailed breakdown of management practices and also provided an odour impact assessment. The odour impact assessment was completed in response to request for further information. Objective HH01 of the Cavan County Development Plan seeks to ensure new developments will not have significant adverse effects on the amenities of an area through pollution by noise, fumes, odours, dust, grit or vibration or cause pollution of air, water and or soil unless mitigation measures eliminate adverse environmental impacts or reduce them to an acceptable operating level.

7.3.2. The odour Impact assessment prepared by Irwin Carr consulting provides a modelling assessment in identifying potential odour levels at the nearest sensitive locations. UK Guidance has been adapted for Irish EPA use in determining appropriate odour concentrations for various processes. The assessment adopts a benchmark odour concentration level of  $\leq 3.0 \text{ ouE/m}^3$  (C98, 1-hour) at sensitive receptors for intensive livestock rearing facilities. This target value reflects the 98th percentile of predicted hourly odour concentrations over a typical meteorological year, meaning 98% of hourly values are expected to fall below this threshold, with only 2% potentially exceeding it.

7.3.3. The AERMOD dispersion modelling package description is the current US EPA regulatory model used to predict pollutant concentrations. The model accepts hourly meteorological data to define the conditions for plume rise, transport, diffusion and deposition. It estimates the concentration or deposition value for each source and receptor combination for each hour of input meteorology and calculates user-selected short term averages. The model also takes into account the local terrain surrounding the facility. Since most air quality standards are stipulated as averages or percentiles, AERMOD allows further analysis of the results for comparison purposes. The following input parameters were put into the model:

- Approx Dimensions of Shed 98.1m x 20.7m x 5.7m



- No. of birds per Shed 40,000
- Efflux temperature 20 oC
- Emissions Mechanically Ventilated (12,800 ou/s)

The emission rate for each stack was calculated and stack emissions velocity. The design specification for the fans to be used in the shed have also been provided. The meteorological data for a period of 5 years locally was inputted into the model as well as details in relation to other buildings (downwash) and terrain details.

- 7.3.4. The results indicate that over the 5 year average there is no exceedance of the 3 ou/m<sup>3</sup> limit. The maximum ground level odour concentration is predicted to be primarily confined to the immediate environs of the poultry shed. Under the site layout, the maximum 98th percentile of 1-hour ground level odour concentration at the worst effected residential property with no interest in the operation of the poultry farm, in the vicinity of the site is in accordance with the target limit value for of ≤5ouE/m<sup>3</sup> when taken as an average of the 5-year period.

The third party appellants on file have raised concerns relating to the modelling. I consider the modelling carried out is best on a precautionary approach against the worst case scenario e.g worst case weather conditions, lowest temperature scenarios, the number of birds used in the modelling is one thousand birds over the proposed 39,000 birds. In my view, based on the modelling and results provided, the issue of odour is not a substantial reason to warrant a refusal of permission in this instance. Having regard to Objective HH01 of the Cavan County Development Plan 2022–2028, I am satisfied that the proposed development, as designed and managed, will not give rise to significant odour impacts which would adversely affect the residential amenity of nearby dwellings. The development incorporates appropriate mitigation and has been shown to remain within acceptable odour benchmarks for agricultural development.

Accordingly, I do not consider odour to be a sufficient reason for refusal of planning permission in this instance.

#### 7.3.5. Noise

A number of concerns from third party appellants have been raised in relation to potential noise nuisance from the proposed site. Concerns relate to noise from the poultry, extraction fans and generator building. Appellants have raised concerns that the site is identified as within an area that is exceptionally quiet. The noise impact assessment takes an ambient noise level that is not comparable to the quietness of the current site. It is stated that the LA 90 should be the adopted reading for the site in terms of ambient background noise. The appellant sets out that the criteria detailed in the EPA document "Guidance for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4) relates to EPA licensed facilities only.

7.3.6. Regarding concerns of the methodology used in the assessment of noise in this instance, I note that NG4 referenced by the third party appellant in this instance refers to EPA licensed facilities, the subject site does not fit the criteria of licensed facility therefore the NG4 guidance is not applicable in this instance. The development was assessed for noise in accordance with BS8233:2014, I consider this assessment tool to be appropriate for the development site.

7.3.7. As part of the application, the applicant has submitted a detailed noise assessment report, conducted by CLV Acoustics Consultant. The report provides an extensive analysis of the noise environment, covering various aspects including the instrumentation used, field calibration, weather conditions, and topographical influences. Objective N02 of the Cavan County Development Plan seeks to require all developments to be designed and operated in a manner that will minimise and contain noise levels having regard to relevant national guidelines and in the absence of national guidelines, to relevant international standards, where appropriate.

7.3.8. The nearest noise-sensitive receptors were identified, and ambient background noise levels were recorded over a two-day period, from September 26<sup>th</sup> 2023 to September 27<sup>th</sup> 2023, between the hours of 11.35 to 13:55 and 2300 to 01:20 hours. The recorded LAeq levels were 57 dB and 56 dB for the respective days. The report includes an hourly breakdown of the noise levels, offering a comprehensive overview of the acoustic environment during the assessment period.

7.3.9. A specific noise measurement assessment was then conducted to simulate the potential noise impact of the proposed poultry unit – Poultry House Livestock Emissions. In order to inform this assessment, CLV personnel conducted a site survey along the perimeter of an existing poultry house with a similar number of chickens that is being used as a duplicate design in this instance. At no point along the poultry house building perimeter was livestock noise discernible. However, it is acknowledged that the chickens could possibly be let outside for occasional periods. In order to provide sufficient supporting validation for the assessment, the applicant conducted noise measurements after the birds were let outside. Noise level measurements during this period resulted in an overall level of 47dB LAeq.

Noise level emission predictions based on a noise level of this order (as a worst case consideration) to each of the nearby noise sensitive receptors are as follows:

Noise Sensitive Receptor Noise Level

- Nearest Dwelling to West < 10 dB LAeq
- Nearest Dwelling to Southeast < 10 dB LAeq
- Dwelling to South < 10 dB LAeq

7.3.10. The predicted noise emission levels of poultry house livestock are all < 10dB LAeq at the nearest noise sensitive locations. Levels of this order would not only be much less than both the daytime ambient noise criteria and ambient noise levels at both nearby NSLs, they would also be expected to be nominally inaudible. It is also worth noting that hen noise emissions (even during periods when they are located externally) would be acceptable even if the pen area directly abutted any of the adjacent residential dwelling boundaries. No mitigation measures would therefore be required in respect of poultry house livestock noise emissions.

7.3.11. Food Delivery Truck Times - The predicted noise emission level of delivery truck activity is in the range of 45 - 47dB LAeq at the nearest noise sensitive locations during a typical delivery event. Levels of this order would be less than both the daytime ambient noise criteria and ambient noise levels at all of the nearby NSLs. In addition, given that these noise emissions are only expected to occur of the order of 1 hour per week, it would be considered even less significant on a time consideration

basis. Of note is the limited time of deliveries which would be comparable to any agricultural operation, there would be more intensive truck stops where the applicant was managing a dairy operation for example.

7.3.12. Poultry House Ventilation Fans - The poultry houses are to be served by ventilation fans that will locate on the roof and gable end of the building – a total of 13 fans. Noise level emission predictions based on the provision of fans with noise levels of this order and ALL fans operating to each of these nearby noise sensitive receptors are as follows:

- Nearest Dwelling to West 33 dB LAeq
- Nearest Dwelling to Southeast 38 dB LAeq
- Nearest Dwelling to South 35 dB LAeq

The predicted noise emission levels of these fans are in the range of 33 - 38dB LAeq,T at the nearest noise sensitive locations. Noise levels of this order would be below the established noise emission criteria during all time periods.

7.3.13. Cumulative Noise Levels -feed delivery truck event noise emissions were not included given that it will only occur approximately 1 hour per week; however, a worst-case condition has been considered with respect to the fans by assuming that they are all in operation constantly over the full daytime and night time periods. The generator that will be provided in the charging shed is emergency use only and therefore need not be considered as part of this assessment. However, the applicant still recommends selection of a low noise generator (i.e.  $\leq 65\text{dB(A)}$  at 3m) in order to minimise any potential nuisance to the adjacent noise sensitive locations in the rare event of a power outage. The expected levels of noise emissions from the proposed Development are well within the established criteria at all nearby noise sensitive receptors 33db to 35 db It should also be reiterated that the noise level conditions that were assessed for each aspect of the development would be considered worst case. During standard operating conditions, the proposed development noise emissions are expected to be nominally inaudible at all nearby noise sensitive locations during all time periods.

- 7.3.14. There is therefore no significant noise impact that would be expected from the proposed development on any of the identified nearby noise sensitive receptors.
- 7.3.15. In light of the World Health Organization (WHO) guidelines on acceptable noise levels for residential areas, which recommend that outdoor noise should not exceed 55 dB during the day, and the standards set forth in BS 8233:2014, the noise assessment provided is considered comprehensive and thorough. The analysis suggests that the noise generated by the proposed development will not exceed existing levels and will therefore not adversely impact the residential amenity of the neighbouring properties in terms of noise pollution.
- 7.3.16. Based on this evidence, I am satisfied that the proposed development, as designed, will not pose a significant noise disturbance to the surrounding residential area. The incorporation of the design features mentioned should effectively minimise potential noise impacts, ensuring that the development aligns with established noise standard and is consistent with policy N02 of the Cavan County Development Plan 2022 – 2028.
- 7.3.17. Dust, Flies & Livestock Health Concerns – Appellants on file have raised concerns about the potential impact the proposed development will have on human health and livestock health. Concerns regarding potential soil contamination and botulism was also raised as a potential concern. I note the applicant has submitted the following documents:
- An Environmental Monitoring Programme,
  - An EIA Screening Statement
  - A document titled, Description of the Location, Operation and Management of the Proposed Development of 1 No. Poultry House (to accommodate c. 39,000 Birds),
- 7.3.18. The environmental monitoring program sets out full details with regard to management of the farm – which includes corrective and preventative action and a maintenance programme. Full details of the operation have been provided which includes management of waste water, washdown management, litter control and containment booms. Storage and management of organic fertiliser has been set out

including details of recipients of chicken litter – which is to be stored and transported off site. Letters from recipients of chicken litter has also been provided. Rodent and pest control measures have also been set out. A full control and monitoring program has been outlined, in addition to accident prevention and emergency response.

7.3.19. Section 12.8 of the Cavan County Development Plan seeks to facilitate the development of environmentally sustainable agricultural activities whereby watercourse, habitats, areas of ecological importance and environmental assets are protected. Having regard to concerns regarding risk to human health and livestock, I am satisfied that having regard to the level of detail supplied in the application the proposal will not have a negative impact on human or animal health. This is an agricultural activity that requires the washing, disinfecting and cleaning of the house after every cycle with all manure moved off-site. Full details of waste water has also been detailed and will be examined in more detail in subsequent sections. This will be carried out in accordance with the most up to date guidance. (Commission Implementing Decision (EU) 2017/302 of 15<sup>th</sup> of February 2017). Having regard to the level of detail provided, I am satisfied that the development accords with Section 12.8 of the Cavan County Development Plan and subject to good management practices outlined will not have a significant impact on human or animal health.

#### 7.4. Management of Waste – Water/ Organic fertiliser

7.4.1. The applicant has provided full details in relation to management of all waste on site on site, including chicken litter or organic fertiliser. The third party appellants on file have raised concerns that the proposed operation of the facility will result in soil contamination and result in the risk of botulism.

7.4.2. Having examined the management and operation document and environmental management program for the site, I note the following:

- There will be no ancillary storage of chicken manure on the farm (within the shed) Waste is to be moved directly off farm at the end of each 5-6 week cycle. Letters from operators of tillage farm received that they will accept the fertiliser for the purposes of their tillage operation.
- There will be no disposal of chicken manure from the farm. Same is to be used as an organic fertiliser on tillage farms outside of the Sheelin catchment, or, preferably as a resource ingredient in the production of mushroom

compost in appropriately permitted facilities (also outside of the Sheelin catchment).

- As all chicken manure (and soiled water) is to be exported out of the catchment there is no potential for negative impact on water quality and fisheries within the Mountnugent River catchment and Lough Sheelin through spreading of manures. (The applicant will submit Record 3 forms to DAFM on an annual basis which can be used to confirm that this is fully implemented).
- Dead animal carcasses are to be placed in a closed skip on the farm before being transported to a rendering plant, such as College Proteins Ltd.
- All farmers, incl. the applicant are obliged to farm in accordance with S.I. 113 of 2022, and there are significant penalties for breach of same.
- Notwithstanding that all of the manure is to be exported out of the catchment, resulting in 0 additional nutrients in the Sheelin catchment, to put it in perspective total potential poultry manure at 2.8 %N (28 kg/tonne as per S.I. 113 of 2022, is only 8.4 tonnes of N (equivalent to 18 tonnes of Urea (46%N), or less than one lorry load). It is appreciated that there will be additional nutrients such as P (0.6% of 6 kg per tonne) however these will typically be at lower concentrations.
- Regarding Atmospheric Conditions - Following the modelling of the proposed development with SCAIL in conservative mode as per Tables 3 and 4 of the Natura Impact Statement submitted it was determined as the Process Contribution is less than 1% of each parameter at all sites, significant effects arising due to emissions from the operation of the farm can be ruled out. The mitigation measures employed will therefore be around control and monitoring of emissions as set out in the control and monitoring plan submitted with the application

7.4.3. Having regard to the above detail, I am satisfied that the agricultural management practices, control and monitoring measures are satisfactory to manage all waste streams/organic fertilisers from the site. The risk to surface and groundwater as a result of soiled water is negligible owing to the complete removal of wastewater from the site after storage in soiled water tanks. The applicant has clearly demonstrated the removal of organic litter from the site to be transported away from the catchment.

In my view, the detail supplied indicates no risk to soil, surface water or groundwater as a result of appropriately managed processes on site.

#### 7.5. Water Framework Directive

- 7.5.1. I have assessed the proposed development for the construction of a poultry house units and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I note the submission of Inland Fisheries, Lough Sheelin Trout Protection Association and several appellants in relation to the potential impact the proposed development will have on Lough Sheelin SPA and the Mounnugnet River Catchment. Mounnugnet is identified as an important and productive spawning and nursery river for Lough Sheelin. The most up to date information available for the catchment indicate that Mounnugnet River is Poor in status.
- 7.5.2. The application site is located within the Upper Shannon Hydrometric Area (26) and River Catchment (26F), the Inny Sub-Catchment (010) and the Mounnugnet Sub-Basin (040). There is an open drain along the southern site boundary. This drain flows in a north-westerly direction until it meets the Mounnugnet River, which is 76m north-west of the site at its closest point. The Mounnugnet River flows in a south-westerly direction, through Mount Nugent and it flows into Lough Sheelin near Garrysallagh.
- 7.5.3. Policy Objective WQG07 of the Cavan County Development Plan seeks to ensure that development would not have an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands. The applicant has submitted a Natura Impact Statement as part of the application to provide site specific mitigation measures to ensure no nutrient loading into the Mounnugnet River and further into Lough Sheelin.
- 7.5.4. I consider that in the absence of adequate control measures there is a potential risk from source to surface water and groundwater from soiled water associated with the rearing of chickens. The soils in the area are characterised as peat/clay heavy with poor percolation qualities.



7.5.5. I note the level of detail and significant groundwater and surface water control measures put in place during construction and operation phase of the development. The following is of note from the EIAR screening submitted:

- Export of all manure out of the catchment, with a preference for use in the production of mushroom compost.
- Export of all soiled water out of the catchment
- When operating as free range, the development will replace the existing bovine farming activity (and is not in addition to same) at a lower stocking rate when calculated in terms of Organic N/Ha (as detailed in the supporting documentation). Therefore there is potential that the nutrient loading pressure will be reduced as part of the development
- When operating as a free range enterprise no bovine livestock, additional organic fertiliser and/or additional chemical fertiliser are permitted on the range area, thus significantly reducing the potential nutrient allocations to his land parcel, and thus potential risk to the aquatic environment.
- Enhanced bufferzones to all watercourses.

With regard to the environmental monitoring program the following control measures are to be implemented:

7.5.6. Wash Water

- Prior to the removal of poultry manure from the poultry houses, and any wash down of the poultry houses, and yard areas, and until such time as wash down activities are complete, the applicant shall take measures to ensure that wash water will be diverted to the wash water tanks.
- The applicant shall establish, maintain and implement a procedure for the diversion of soiled wash water to the underground wash water tanks. The applicant shall maintain a record of each diversion event. The applicant shall use all appropriate techniques in order to reduce the generation of wash water on site.
- The applicant shall ensure that a freeboard of at least 200 mm from the top of each covered wash water storage tank and 300 mm from the top of each

uncovered wash water storage tank is maintained, as a minimum, at all times. The required freeboard shall be clearly indicated in the tank.

- Underground, partly underground or overground storage facilities shall conform to the Department of Agriculture, Food and the Marine specifications (S108, S123) or equivalent standard.

7.5.7. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to a surface water or ground water.

7.5.8. The reason for this conclusion is as follows:

- The detailed nature of construction management plan, environmental monitoring program, EIAR screening and mitigation measures proposed within the Natura Impact Statement as supplied and numbers of best practice standard measures that will be employed to prevent groundwater and surface water pollution from the site.
- The largely greenfield nature of the development.
- Details supplied within the Environmental reports submitted with the application
- I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 7.6. Other Matters

### 7.6.1. Access, Traffic and Transportation

The appellants on file state, that the road network servicing the site is substandard and the sightlines from the development are not demonstrated. Its further stated the traffic from the development shall be excessive and cause significant road traffic

disturbance. The Cavan County Development Plan 2022 – 2028 states the following with respect to access/egress:

AS 02 of the Cavan County Development seeks new access points onto the public road network shall generally be subject to sight line visibility standards as set out in Cavan County Councils document Sightline Visibility Requirements for Junctions and Direct Accesses, contained in Appendix 4 of this Plan. Appendix. I note the submission of the applicant whereby sightlines are set out in compliance with Appendix 4 requirements of the Cavan County Development Plan. The local road accessing the site is approximately 3m in width.

Regarding traffic levels and potential increase in traffic accessing the site. The applicant have provided a breakdown of activities and site and sets out each 6 to 7 week cycle. The detailed supplied indicates one HGV truck movement per week for the purposes of delivering feed and another truck movement at the end of 6 weeks for the removal of birds from the site. There will also be sporadic pick ups of soiled water and organic chicken manure. I do not consider the level of traffic to be generated on site, to be significant in the context of an agricultural activity.

#### 7.6.2. Design, Layout and Scale

The appellants on file have raised concerns about the scale of the development in the local area and have stated that it is more akin to industrial development. Section 12.8 of the Cavan County development Plan sets out guidance for Agricultural Buildings. The proposed house is c. 98.125 m long by c. 20.125 m wide with an overall height of c. 6 m, with an integrated general purpose store. The development plan does not have any specific requirements in terms of dimensions or scale. While the dimensions of the building indicate a large single building, I do not consider it excessive in the context of other Agricultural Buildings. I also note that the design consideration for a large structure relate to the management and control of the environmental conditions of the site. This will ensure minimal impact on other concerns appellants have had in relation to odour and management of wastewater. I consider that the design of the building will present as a similar structure to any other agricultural building in the local rural area.

I do not consider that the issue of design and scale to be a substantive issue with which to warrant a refusal of permission in this instance.

## 8.0 Appropriate Assessment Screening

### 8.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) 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

8.1.1. The applicant has submitted an Appropriate Assessment Screening and Natura Impact Statement (NIS) prepared by Noreen McLoughlin, Environmental Consultant and submitted with the application, dated May 2024. The applicant's Stage 1 AA 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. All surveying and reporting have been carried out by qualified ecologists and environmental consultants.

8.1.2. The application site does not lie within or immediately adjacent to any area that has been designated for nature conservation purposes. The site encompasses a field that was previously used for agricultural purposes and the dominant habitat within it is improved agricultural grassland. The site boundaries consist of natural hedgerows / treelines whilst there is an open drain present along the southern site boundary. These features will be fully retained and supplemented with additional planting where necessary.

#### 8.1.3. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in section 3 and 6.3 above. I note that the planning application was referred to a number of statutory consultees, including the National Parks and Wildlife Services (NPWS). With specific reference to appropriate assessment matters, I note that the NPWS did not respond to the request for observation.

#### 8.1.4. The Project and Its Characteristics

The detailed description of the proposed development can be found in section 2.0 above.

### European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two European sites are located within 6km of the potential development site.

- Lough Sheelin SPA [004065] (3.1km south-west, 5.2km downstream)
- Moneybeg and Clareisland Bog SAC 002340 6.5km south-west.
- Derragh Bog SAC 002201 12.8km south-west
- The River Boyne and River Blackwater SAC 002299 12.9km

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Lough Sheelin SPA [004065] and Moneybeg and Clareisland Bog SAC 002340 , This assertion is made based on surface water and ground water flows from the site. Distance of other European Sites to the proposed development.

European Site	Qualifying Interests (summary)	Distance	Connections
Lough Sheelin SPA [004065]	<ul style="list-style-type: none"> <li>• Great Crested Grebe Podiceps cristatus</li> <li>• Pochard Aythya ferina</li> <li>• Tufted Duck Aythya fuligula</li> <li>• Goldeneye Bucephala clangula</li> <li>• Wetlands &amp; waterbirds</li> </ul>	3.1km south - west	There is a connection via a water drain to the south of the site, which connects to the Mount Nugent River, which connects to Lough Sheelin SPA

			Potential effects on this SPA arising from atmospheric emissions would also need to be considered.
<ul style="list-style-type: none"> <li>• Moneybeg and Clareisland Bog SAC 002340</li> </ul>	<ul style="list-style-type: none"> <li>• Active raised bog</li> <li>• Degraded raised bogs still capable of regeneration</li> <li>• Depressions on peat substrates of the Rhynchosporion</li> </ul>	6.5km south-west.	<p>No direct connections – hydrological pathway ruled out due to distance.</p> <p>Potential effects on this SAC arising from atmospheric emissions will be considered further. The Critical Load for Ammonia (1□g) and Nitrogen (5 kg/ha/yr) is already exceeded at this site.</p>

#### 8.1.5. Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal on a 3.1ha site on Agricultural land and the relevant scale of construction impacts I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

- Significant effects upon the Lough Sheelin SPA arising from a deterioration of surface or ground water quality in the Mountnugent River due to pollution from surface water runoff during site preparation and construction.
- Significant effects upon the Lough Sheelin SPA arising from a deterioration of surface or ground water quality in the Mountnugent River due to pollution from surface water run off during operation of the site.
- Significant effects upon Natura 2000 sites arising from land-spreading of the manure produced on the farm (exported to the Blackwater Catchment).
- Effects upon Lough Sheelin SPA and the Moneybeg and Clareisland Bog SAC due to atmospheric emissions (ammonia and nitrogen) arising from the operation of the proposed development, either individually or in combination with other ongoing activities. As the critical load of ammonia and nitrogen are already exceeded at the Moneybeg and Clareisland Bog SAC, then, in accordance with the current EPA guidelines (Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations, EPA 2021, updated 2023), significant effects upon these sites arising from the new installation cannot be ruled out and an NIS must be submitted.
- Cumulative impacts.

I note that a preliminary CEMP was submitted as part of the planning documentation. I consider the inclusion of best practice construction measures to be acceptable. This is a matter that can be addressed by means of an appropriate planning condition. Given the greenfield nature of the appeal site, which is presently in use as

grazing ground for cattle, it does not provide for suitable foraging/feeding grounds for the winter birds associated with the SPA sites.

I consider that there is potential for indirect significant effects in the form of outfall of sediment and/or hydrocarbons to the surface water network during the construction period on water quality with Lough Sheelin SPA. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken. The applicant has set out mitigation measures under Section 5 of the NIS, these mitigation measures are site specific construction techniques and have also been set out as part of a construction and environmental management plan. In my view the development is not likely to have significant negative impacts on any European site however the measures taken by the applicant are set out to be site specific.

The main mitigation measures are focused on surface water management during the construction and operational phase. Atmospheric emissions during operation phase in addition to land spreading and farm operation. Some of the measures outlined are necessary to comply with other codes namely Good Agricultural Practice for the Protection of Waters Regulations 2022, however a precautionary approach has been taken by the applicant in this instance.

#### **8.1.6. In combination effects**

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the immediate area, which have been granted planning permission. The only other uses in the immediate vicinity of the site are residential use and agricultural activity. All farms, regardless of whether licensed by the EPA or not, are required to operate within the legalisation defined in S.I. 113 of 2022 regarding manure storage, minimisation of soiled water and general good agricultural practice, etc.

The land-spreading of the poultry manure produced at the proposed facility has also been considered as part of this process. Records for the distribution and movement of all the manure produced will be kept on site and presented to the Department of Agriculture, Food and Marine if necessary. All organic fertiliser will replace the use of



chemical fertiliser; therefore, there will be no overall increase in the amount of nutrients spread.

In my view there is no on combination effects associated with the development.

#### **8.1.7. Overall Conclusion**

##### **Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects could be likely to give rise to significant effects on European Sites within Lough Sheelin SPA [004065] and Moneybeg and Clareisland Bog SAC 002340 in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is required. I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340. The potential for significant effects on other European Sites can be excluded. This conclusion is consistent with that of the applicant's Appropriate Assessment Screening.

#### **8.2. Stage 2 Appropriate Assessment**

##### **Natura Impact Statement**

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 for the construction of a poultry house or in combination with other plans or projects will have a significant effect on the Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340

The applicant's Natura Impact Statement (NIS) was prepared in line with current best practice guidance and examines and assesses potential for adverse effects of the proposed development on Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340. Section 4.2 of the NIS sets out the potential impacts arising from the

construction and operational phases of the development on each of the European sites and Section 5 sets out avoidance and mitigation measures that would be incorporated as part of a Construction Environmental Management Plan (CEMP) and Operational Plan for the farm. The NIS concludes that with the implementation of the pollution control mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase, as well as specific farm management practices will avoid adverse effects on the site integrity of the European site alone, or in combination with other plans and projects can be excluded.

#### 8.2.1. Appropriate Assessment of implications of the proposed development on the European Site

The table set out in Appendix 3 of this report sets out the implications of the project on the qualifying interest features of the Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340 using the best scientific knowledge in the field as provided in the NIS. 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.

#### 8.2.2. **Assessment of issues that could give rise to adverse effects:**

##### (i) Water quality degradation

Water quality of Lough Sheelin remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the drainage ditch and main channel of the Mount Nugent River downstream. Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction phase. Potential deterioration of surface or ground water quality in the Mountnugent River due to pollution from surface water runoff during operation of the site and potentially adversely impacting upon protected habitat/species.

##### Mitigation Measures

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design

(avoidance), application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures.

Construction Measures include:

- The construction and operation of the proposed farm must comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. 113 of 2022).
- Site preparation and construction must be confined to the development site only and must be done as per the plan presented in Figure 1. Work areas must be kept to the minimum area required to carry out the proposed works and the area must be clearly marked out in advance of the proposed works.
- There is a field drain along the southern boundary of the site. In order to protect water quality locally, it is important that there is no run-off from site works or operation into this drain. During construction any silt or run-off into this drain is intercepted with a silt fence. A 5m buffer zone along this drain must be retained and all vegetation within this 5m buffer zone must be left undisturbed and intact. The recommended location of the silt fence and the 5m buffer zone is shown in the amended site plan.
- Full details of construction management practices for the control and management of all soiled and surface waters are indicated.

Operational Measures Include:

- There must be no land-spreading of manure within any area designated as an SAC or SPA. A minimum buffer zone of 20m should be put in place and adhered to for areas which are adjacent to any area that has been designated as an SAC, SPA or NHA. These buffer zones should be increased depending on the gradient of the land.
- No land spreading of poultry manure will occur on site
- All wash water will be stored on site and moved off site – outside of the catchment to other facilities for spreading

ii) Effects upon Lough Sheelin SPA and the Moneybeg and Clareisland Bog SAC due to atmospheric emissions (ammonia and nitrogen) arising from the operation of the proposed development, either individually or in combination with other ongoing

activities. As the critical load of ammonia and nitrogen are already exceeded at the Moneybeg and Clareisland Bog SAC, then, in accordance with the current EPA guidelines

(Assessment of the Impact of Ammonia and Nitrogen on Natura 2000 sites from Intensive Agriculture Installations, EPA 2021, updated 2023), significant effects upon these sites arising from the new installation cannot be ruled out.

Assessment of Atmospheric emissions.

Following the modelling of the proposed development with SCAIL in conservative mode (Tables 3 and 4 of the NIS), it was determined that as the process contribution at all sites for both ammonia and nitrogen was 1% of the critical load, that detailed modelling of the farm is not required. As the Process Contribution is less than 1% of each parameter at all sites, significant effects upon these Natura 2000 sites arising due to emissions from the operation of the farm can be ruled out. The mitigation measures employed will therefore be around control and monitoring of emissions as set out in the control and monitoring plan submitted with the application

Techniques for the reduction of emissions from the poultry houses should be employed on the farm based on Best Available Techniques Reference Document for the Intensive Rearing of Poultry or Poultry ([http://eippcb.jrc.ec.europa.eu/reference/BREF/IRPP/JRC107189\\_IRPP\\_Bref\\_2017\\_published.pdf](http://eippcb.jrc.ec.europa.eu/reference/BREF/IRPP/JRC107189_IRPP_Bref_2017_published.pdf))

#### 8.2.3. In combination effects

In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. The only other uses in the immediate vicinity of the site are residential use and agricultural activity. All farms, regardless of whether licensed by the EPA or not, are required to operate within the legalisation defined in S.I. 113 of 2022 regarding manure storage, minimisation of soiled water and general good agricultural practice, etc.

The land-spreading of the poultry manure produced at the proposed facility has also been considered as part of this process. Records for the distribution and movement

of all the manure produced will be kept on site and presented to the Department of Agriculture, Food and Marine if necessary. All organic fertiliser will replace the use of chemical fertiliser; therefore, there will be no overall increase in the amount of nutrients spread.

In my view there are no in- combination effects associated with the development.

8.2.4. Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the Lough Sheelin SPA 004065 and Moneybeg and Clareisland Bog SAC 002340 in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of the implications of the project alone, and in combination with plans and projects.

8.2.5. Appropriate Assessment Conclusion

Having carried out screening for Appropriate Assessment, it was concluded that, in the absence of mitigation measures to prevent construction and operational related pollutants reaching Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

Following an Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity any other European site. This conclusion has been based on a complete assessment of all implications of the project alone, and in combination with plans and projects.

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 the aforementioned designated site.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC 002340

## 9.0 EIA Screening

Concerns are expressed in the grounds of appeal and observations on file including Inland Fisheries Ireland that the proposed development would have a significant environmental effect on a surface water/groundwater, odour, noise pollution and litter waste and that an EIAR should be prepared. The above impacts are considered by the applicant in An Environmental Monitoring Programme, An EIA Screening Statement and Natura Impact Statement and addressed in section 7 and Section 8 of the planning assessment. Further, in Appendix 1 and 2 of this report, the proposed development has been screened for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. It is concluded, therefore, that the issues raised in respect of groundwater/surface water, odour and noise can be addressed within the report and there is, otherwise, no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment and an EIAR is not required.

It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Section 8), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting [water quality

On this basis I am satisfied that there is no potential for significant effects on Water quality or any other environmental factor, or any requirement, therefore,

for environmental impact assessment.

Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 8 of my report .

## **10.0 Recommendation**

I recommend that planning permission be granted based on the following reasons and considerations.

## **11.0 Reasons and Considerations**

Having regard to the location of the site within Agricultural lands, the provisions of the Cavan County Development Plan 2022-2028 with respect to agricultural Development, the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant negative impact on amenity of neighbouring residential properties, would not give rise to significant odour or noise complaints and would not have a detrimental impact on Mountnugent River or Lough Sheelin or be a risk to groundwater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## **12.0 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 18<sup>th</sup> day of February and 27<sup>th</sup> of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. The design and construction of the proposed poultry house and soiled wash water tank shall be in accordance with the Department of Agriculture and Food specifications S100, S101, S123 and S150.

Reason: In the interests of public health and environmental sustainability.

4. (i) During the enabling works/construction stage of the proposed development, the appointed contractor shall adhere to the Construction Environmental Management Plan (CEMP) as received by the Planning Authority. An appointed Construction Environmental Manager, or other suitability qualified person, shall oversee the implementation of the Final CEMP.

(ii) Following construction, certification shall be provided by the appointed Construction Environmental Manager, or other suitably qualified person, confirming that the construction measures have been carried out in full. This certification may be made available to the Planning Authority upon request.

Reason: In the interest of ensuring the proper planning and sustainable development of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

6. The developer shall ensure that the development is served by adequate water supply and shall enter into a connection agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply within 3 months of this grant of retention permission.



Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

Reason: To protect the [residential] amenities of property in the vicinity of the site

8. Poultry manure and wash water (any organic fertiliser associated with the poultry operation) shall not be disposed on any lands owned by the applicant. The developer shall ensure that all poultry manure and wastewater shall be removed off- site and disposed of in the manner outlined in the application documents.

Reason: To prevent soil contamination and risk of soiled water run-off.

9. The revised Environmental Monitoring Programme, received by the Planning Authority on 18 February 2025 shall be implemented in full during the operation of the proposed development.

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

10. The proposed new entrance onto the public road shall be carried out in accordance with the plans submitted with the planning application. In addition, the following requirements shall apply:

- a. The complete width and depth of the entrance and the public road fronting that entrance shall have a structural overlay applied (100mm AC 20 Base course and 50mm HRA, tied into existing road levels.
- b. Surface water infrastructure shall be installed at the proposed entrance to the site in accordance with the plans submitted which shall ensure that no surface water from the site enters the public road.
- c. The developer shall liaise with the relevant utility providers for the setback of any poles to facilitate the site entrance and sight lines. HGV turning movements to facilitate this development shall be carried

out within confines of the site, i.e. within the dedicated turning circle to be provided within the site.

- d. 90 metre sightlines shall be maintained in both directions at the proposed site entrance on the Local Road L7082-0, measured 3 metres back from the road edge

Reason: In the interest of traffic safety

- 11. The following additional procedures shall be adhered to:

- (a) The transport of poultry manure and soiled water shall be in suitably contained, leakproof vehicles.

- (b) Casualty birds shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture regulations.

- (c) The temporary on-site storage of carcasses shall be in sealed containers.

- (d) Any alteration to the disposal method for manure, soiled water and casualty birds shall only be implemented with the prior written approval of the Planning Authority.

- (e) Packaging waste, contaminated drums, equipment and protective clothing shall be collected and stored in suitably sealed leakproof containers, where practicable, pending disposal in accordance with the Waste Management Act, 1996-2008.

Reason: In the interests of public health and environmental sustainability.

- 12. Detailed records shall be maintained in regard to manure and soiled water disposal; these shall include such matters as dates, volumes disposed of and outlet locations. The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Planning Authority and be provided to the Planning Authority on request in writing.

Reason: In the interests of public health and environmental sustainability.

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.

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Darragh Ryan  
Planning Inspector

29<sup>th</sup> of July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322338-25
<b>Proposed Development Summary</b>	Construction of a poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and all associated site works (to include new/upgraded site entrance).
<b>Development Address</b>	Lismacanigan Upper, Mountnugent, Co. Cavan
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

<b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>EIA requirement Schedule 5 Part 1, 17(a) 85,000 places for broilers – the Board will note that the proposal is less than 50% of the threshold. A separate threshold is provided in Schedule 5, Part 2, 1e) Installations for intensive rearing of poultry not included in Part 1 of this schedule, which would have more than 40,000 places for poultry’. This lower threshold does not apply to broilers and it is clearly related to installations for intensive rearing of poultry ‘Installations for intensive rearing of poultry not included in Part 1’. Broilers are included in Part 1.</p> <p>Taking a precautionary approach and assessing the proposed development as a poultry rearing facility, the scale of the proposal remains below the 40,000 threshold.</p>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> <i>[Delete if not relevant]</i>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322338-25
<b>Proposed Development Summary</b>	Construction of a poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and all associated site works (to include new/upgraded site entrance).
<b>Development Address</b>	Lismacanigan Upper, Mountnugent, Co. Cavan
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development has been designed to logically address the topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>Operation impacts include potential for soiled surface water run-off, noise, odour and disposal of organic fertiliser. A detailed breakdown for the control and management of all these environmental effects have been provided an accounted for in the accompanying Environmental Monitoring Programme, An EIA Screening Statement and Natura Impact Statement</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The nearest European sites are listed in Section 5.2 of this report and other designated sites are referenced in the application AA Screening Report and Natura Impact Statement. Potential for groundwater/ surface water and atmospheric emissions have been addressed within the NIS submitted subject to site specific mitigation measures</p> <p>The proposed development would not result in significant impacts to any protected sites, including those linked to the Lough Sheelin SPA and Moneybeg and Clareisland Bog SAC</p> <p>The site is not within an area of archaeological potential.</p>
<b>Types and characteristics of potential impacts</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Waste Management Plan, the project would satisfactorily mitigate the potential impacts.</p> <p>Operation impacts include potential for soiled surface water run-off, noise, odour and disposal of organic fertiliser. A detailed breakdown for the control and management of all these environmental effects have been provided and accounted for in the accompanying Environmental Monitoring Programme, An EIA Screening Statement and Natura Impact Statement</p>
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Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

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

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

(only where Schedule 7A information or EIAR required)

### Appendix 3 – Natura Impact Statement

Name of European Site, Designation, site code: Lough Sheelin SPA , 004065

Summary of Key issues that could give rise to adverse effects.

- Species degradation/loss
- Disturbance of QI species Conservation Objective:

To restore the favourable conservation condition of these habitats in Lough Sheelin SPA

<b>Qualifying Interest feature</b>	<b>Conservation Objectives Targets &amp; attributes</b>	<b>Potential Adverse effects</b>	<b>Mitigation measures</b>	<b>In combination effects</b>	<b>Can adverse effects on integrity be excluded ?</b>
Great Crested Grebe	To restore the favourable conservation condition of these habitats in Lough Sheelin SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbo	No significant in combination adverse effects	Yes



		<p>construction phase.</p> <p>deterioration of surface or ground water quality in the Mountnugent River due to pollution from surface water runoff during operation of the site and potentially adversely impacting upon protected habitat/species</p>	<p>n interceptors within the surface water systems.</p> <p>Removal of all soiled water and manure off site and exporting to a different catchment.</p> <p>Management of atmospheric emissions ammonia and nitrogen</p>		
Pochard Aythya ferina	To restore the favourable conservation condition of these habitats in Lough Sheelin SPA.	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and	No significant in combination adverse effects	Yes

		<p>construction phase.</p> <p>deterioration of surface or ground water quality in the Mountnugent River due to pollution from surface water runoff during operation of the site and potentially adversely impacting upon protected habitats/Species</p>	<p>hydrocarbon interceptors within the surface water systems.</p> <p>Removal of all soiled water and manure off site and exporting to a different catchment</p> <p>Management of atmospheric emissions</p>		
<p>Podiceps cristatus</p> <p>Tufted Duck</p> <p>Aythya fuligula</p>	<p>To restore the favourable conservation condition of these habitats in Lough Corrib SAC.</p>	<p>Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels and/or groundwater arising from construction and operational</p>	<p>Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to attenuation tank and hydrocarbon</p>	<p>No significant in combination adverse effects</p>	<p>Yes</p>

		activities on site and potentially adversely impacting upon protected habitat/species deterioration of surface or ground water quality in the Mounnugent River due to pollution from surface water runoff during operation of the site and potentially adversely impacting upon protected habitats/Species	interceptors within the surface water systems Removal of all soiled water and manure off site and exporting to a different catchment Management of atmospheric emissions		
Goldeneye Bucephala clangula	To restore the favourable conservation condition of these	Deterioration in water quality arising from sedimentation and release of hydrocarbons to surface water channels	Silt fencing adjacent to land drains. The use of silt traps prior to discharge of silt traps to	No significant in combination adverse effects	Yes

	habitats in Lough Corrib SAC.	and/or groundwater arising from construction and operational activities on site and potentially adversely impacting upon protected habitat/species Deterioration of surface or ground water quality in the Mounnugent River due to pollution from surface water runoff during operation of the site and potentially adversely impacting upon protected habitats/Species	attenuation tank and hydrocarbon interceptors within the surface water systems  Removal of all soiled water and manure off site and exporting to a different catchment  Management of atmospheric emissions		
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