



Comhairle Contae Mhuineacháin Monaghan County Council

Acmhainní Daonna
Human Resources
047 30586

Airgeadas
Finance
047 30589

Na Bóithre
Roads
047 30597

Clár na dToghthóirí
Register of Electors
047 30547

Comhshaol
Environment
047 30593

Deontais Ardoideachais
Higher Education Grants
047 30550

Na hEalaíona
Arts
047 71114

Iasachtaí / Deontais Tithíochta
Housing Loans/Grants
047 30527

Leabharlann an Chontae
County Library
047 74700

Mótarcháin
Motor Tax
047 81175

Músaem an Chontae
County Museum
047 82928

Pleanáil
Planning
047 30532

Pobal & Fiontar
Community & Enterprise
047 73719

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Seirbhís Uisce
Water Services
047 30504

Tuesday, April 02, 2013

EPA Headquarters,
PO Box 3000,
Johnstown Castle Estate,
County Wexford.

Your references: P0976-01;

A Chara,

I refer to your correspondence dated 25th March 2013.

Having reviewed the planning history associated with this development I can confirm that the decision of the Planning Authority was not appealed by any party to An Bord Pleanála. Accordingly the decision of the Planning Authority is the applicable grant of planning permission relating to this development.

In respect of the proposed licence as referred to in your respective correspondence please be advised that Monaghan County Council has no objections in respect of Integrated Pollution Prevention and Control Licence(s) being issued in respect of the applicable development.

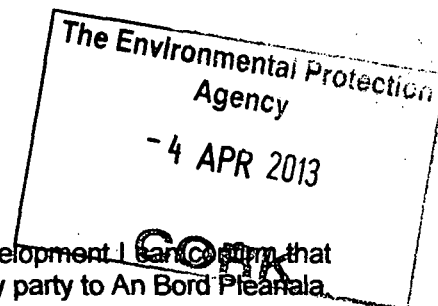
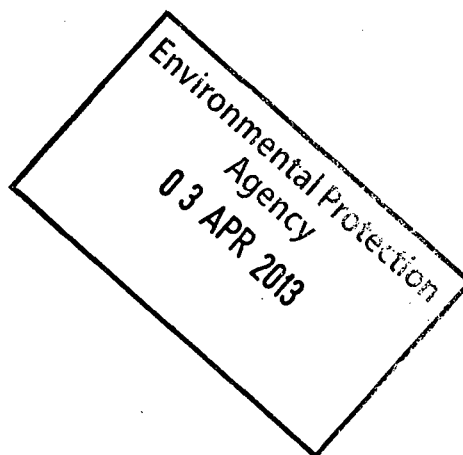
As requested in your correspondence please find attached a copy of the respective planning decision and the planners report relating to each grant of permission.

I trust this provides your department with a satisfactory over-view of matters relating to this development.

Mise le meas,


Bernadette McElvaney
Senior Staff Officer

Encs.



Fáláilonn an tUdarás Áitiúil roimh chomhfhreagras i nGaeilge.

Comhairle Contae Mhuineacháin, Oifigí an Chontae, An Gleann, Muineachán, Éire.

Monaghan County Council, Council Offices, The Glen, Monaghan, Ireland.

☎ 00353 47 30500 📠 00353 47 82739 🌐 www.monaghan.ie

✉ eolas@monaghancoco.ie info@monaghancoco.ie

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21/02/2013

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To: Frank Kearns
Environment Planners Ltd C.L.W
The Mews
23 Farnham St
Cavan



File Number - 12/339

Planning and Development Acts 2000 to 2010 NOTIFICATION OF FINAL GRANT

Monaghan County Council has by order dated 17/01/2013 granted PERMISSION to the above named, for the development of land namely:- construct 1 no. poultry house and extension to an existing manure store together with all ancillary structures and site works associated with the above development on an existing poultry farm. This application relates to a development, which is for the purposes of an activity requiring an Integrated Pollution Prevention and Control (IPPC) Licence under part IV of the Environmental Protection Agency (Licencing) Regulations 1994 to 2011. An Environmental Impact Statement (EIS) will be submitted with this planning application. This E.I.S. will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during normal office hours at the offices of Monaghan County Council, at Aghnaglogh, Stranooden, Co. Monaghan., subject to the 5 condition(s) set out in the Schedule attached.

Signed on behalf of MONAGHAN COUNTY COUNCIL.

SENIOR STAFF OFFICER

2.12/13

DATE

It should be noted that an outline permission is a permission subject to the subsequent approval of the Planning Authority and that until such approval has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED.**

Faillteann an tUdarás Áitiúil roimh chomhfhreagras I nGaeilge.
Comhairle Contae Mhuineacháin, Oifigí an Chontae, An Gleann, Múineachán, Éire.
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1a. Prior to commencement of development, or in such phased payments as agreed in writing with the Planning Authority prior to the commencement development, the developer shall pay to Monaghan County Council a contribution of **€10,890.00**, in accordance with the terms of the Development Contribution Scheme 2008-2012 made under section 48 of the Planning and Development Acts 2000-2010 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities. The financial contribution shall be updated in accordance with the Wholesale Index from the date of grant of permission consequent to the value pertaining at the time of payment. The contribution shall be paid prior to the commencement of development or in such phased payments as agreed in writing with the Planning Authority prior to the commencement of any work on this development.

The payment of the said contribution shall be subject to the following:

(i) Where the proposed works are, within a period of 7 years prior to or from the date of payment of the full contribution or final instalment payment thereof, not commenced, the return of the contribution or the instalments thereof, paid during that period.

(ii) Where the proposed works are, within a period of 7 years from the date of payment of the full contribution or final instalment payment thereof, carried out in part only, or in such a manner as to facilitate the proposed development to a lesser extent, the return of a proportionate part of the contribution or the instalments thereof paid during that period.

(iii) Payment of interest at the prevailing interest rate payable by Council on the contribution or any instalments thereof that have been paid, so long as and in so far as it is or they are retained unexpended by the Council.

b. No works shall commence until a scheme of payment of the development contribution has been agreed by Monaghan County Council.

2a. Until the poultry numbers within the site area exceed 40,000, or until the applicant has obtained an Integrated Pollution Prevention and Control Licence in respect of the development hereby approved, the following conditions shall be adhered to:

b. All existing and proposed surface water gulleys shall be designed to ensure that no polluting matter enters the surface water collection system.

c. All structures and buildings to be designed and constructed to Department of Agriculture specifications and in accordance with requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

d. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable water tight tank and disposed of in accordance with the Code(s) of Good Farming Practice issued by the Department of Agriculture, Food and Rural Development and also the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

e. Uncontaminated surface/roof water shall be discharged separately to a watercourse or suitable soakpit.

f. The poultry litter shall be exported solely to the compost yards as detailed in the planning application hereby approved. Any changes in this disposal of manure shall be agreed in writing with the Planning Authority.

g. If at any time the Planning Authority is satisfied that the disposal of wastes generated by this development is causing environmental pollution and/or a public health nuisance, the disposal operations shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the Planning Authority.

h. Records of waste disposal activities shall be maintained on site at all times and submitted to the Planning Authority on request:

Records to include:

- i. Name and address of Disposal Contractor
- ii. Date of each disposal operation
- iii. Quantity (weight and volume) disposed of
- iv. For each disposal operation, the name, address and telephone number of
 - a. the Company who has taken possession of poultry house waste,
 - b. together with the end use of the material
- v. Proposals for covered storage of manure during the closed season for spreading of nitrates on lands.
- vi. Any other information as may be required from time to time by the Planning Authority.
- vii. If at any time the Planning Authority is satisfied that the disposal of wastes generated by this development is causing environmental pollution and / or a public health nuisance, the disposal operation shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the Planning Authority.

3a. Prior to commencement of development the applicant shall submit details to the Planning Authority for agreement in writing detailing the provision of works within the site area to accommodate surface water discharge and collection of soiled water(s) relating to the development.

b. The works as required under part (a) of this condition shall incorporate the provision of a Sustainable Urban Drainage System (SUDS) type works with interception facilities.

c. The development shall be carried out within the site area in accordance with details as agreed in writing under parts (a) and (b) of this condition.

4. All trees and hedgerows bounding the site and on-site shall be permanently retained in this development with the exception of those to be removed to facilitate the access lane and the development footprint.

5. The development shall be carried out and completed in accordance with plans submitted to the Planning Authority on the 15th November 2012, except as may otherwise be required in order to comply with the above condition.

REASONS FOR THE IMPOSITION OF THE ABOVE CONDITIONS ARE:

1. It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities.
2. To ensure a satisfactory standard of development.
3. In the interest of environmental protection.
4. In the interest of visual amenity.
5. To ensure a satisfactory standard of development.

MONAGHAN COUNTY COUNCIL

PLANNING AND DEVELOPMENT

File Ref: 12339

Applicant: Frank Kearns

Development: Permission to construct 1 no. poultry house and extension to an existing manure store together with all ancillary structures and site works associated with the above development on an existing poultry farm. This application relates to a development, which is for the purposes of an activity requiring an Integrated Pollution Prevention and Control (IPPC) Licence under part IV of the Environmental Protection Agency (Licencing) Regulations 1994 to 2011. An Environmental Impact Statement (EIS) will be submitted with this planning application. This E.I.S. will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during normal office hours at the offices of Monaghan County Council.

Location: Aghnaglogh, Stranooden

Characteristics of Site/Area

The site is located in a typical rural area. The site area consists of an existing field which is set-back from the roadside along an established farm laneway.

To the south-west of the site there are the applicant's existing 2no. existing poultry sheds and associated yard area with an adjacent agricultural plot of land.

Vegetation within the site area is minimal.

In respect of views of the site area, there are no public views of the site area given the set-back from the roadside and the site being low-lying relative to the road frontage.

Planning History

10/512: Permission to construct 2no. poultry houses and to convert 1no. existing hayshed to a manure storage shed, together with all ancillary structures, (to include meal storage bins, soiled water tanks etc.), and all associated site works (to include upgrading the existing agricultural site entrance and construction of piers, wing walls etc.) associated with the above proposed development; permission granted

Consultation

Environment: no objections subject to conditions

EHO: no comments

Area Engineer: no objections (site access to be utilised as per permission 10/512)

Representations/Objections

None

Planning Assessment

Principle of Development

As stated in the Monaghan County Development Plan 2007-2013 "the council will normally give favourable consideration to non-exempted and necessary agricultural, horticultural and forestry development in rural areas where:

AGR1 *The development is for agricultural, horticultural or forestry purposes and is necessary for the running of the farm or enterprise;*

AGR2 *The proposal is appropriate in terms of scale, location and design, and does not seriously impact on the visual amenity of the area or on the natural or man made environment. In all cases the development should be sited so as to benefit from any screening provided by topography or existing landscaping.*

AGR3 *The proposal is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for operational or other reasons.*

AGR4 *The development is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property, and where it will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*

AGR5 *The development will not result in a traffic hazard.*

AGR6 *The development will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*

The proposal is assessed in light of the above policies:

AGR1 *Agricultural basis and necessary: the development as proposed is associated with the established poultry farm as belonging to Frank Kearns.*

AGR2 *Appropriate to the location and no adverse impact on the amenity of the area: being positioned along the same laneway as the existing poultry sheds and being set-back from the public road then the proposed development will not cause undue visual intrusion in the local landscape.*

AGR3 *Positioned adjacent to existing buildings: No issues in this regard*

AGR4 *Not within 100 metres of any 3rd party residential property: There are no 3rd party dwellings located within 100 metres of the proposed site.*

AGR5 *Traffic hazard: Access details will be via the existing vehicular access.*

AGR6 *Threat to the water courses, aquifers or ground water: no issues in this regard*

EIS DETAILS & CONSIDERATION

Non technical summary adequately details the proposed development;

Visual impact: A description of the proposed development in relation to the surrounding landscape is detailed.

Effluent and site drainage: Specific details in relation to water monitoring at the site will be dealt with via IPPC licence.

Manure storage: general details are submitted detailing the proposed customer base to spread the poultry manure on farm land. However, these submitted details do not allow for the increase in poultry manure which will emanate from this proposed development as submitted details relate solely to the applicant's existing poultry sheds. Revised details to be requested from the applicant in this regard.

Noise/Traffic: no major impacts anticipated as vehicle movements to/from the site anticipated to be circa 12 vehicles per day.

Flora/Fauna: no major impact anticipated on local environment

Natural Heritage: no issues identified in this regard

In summary, the following is noted:

- In total an additional 30,000 pullets are proposed via this development.
- Manure/chicken litter is to be removed off-site by an approved contractor to compost yards.
- Monitoring of surface water discharge to be dealt with as part of IPPC licencing.
- no archaeological features in the locality;
- traffic movements to/from the site will be confined to additional HGV movements associated with filling/emptying the proposed development. Given the existing vehicular entrance in place (as approved under permission 10/512) there are no traffic/road safety implications emanating from the proposed development and the proposal represents only a marginal increase in traffic volumes associated with the overall site area.
- In conclusion there are no adverse impacts on the environment as detailed in the accompanying EIS.

Assessment of the EIS as submitted

The submitted EIS provides an over-view of the impacts that will emanate from the proposed development both during construction and operational stage.

Having regard to the nature and scale of the development proposed and the likely implications of the construction works and related activities thereafter, it is considered that the proposed development is not likely to adversely affect the environment to an unacceptable degree.

On this basis I consider the proposed development to be acceptable in terms of impacts on the receiving environment. However, to facilitate the time period which may lapse due to partial increase of poultry numbers within this shed (ie. poultry numbers overall within the farm do not exceed 40,000 initially) it is recommended that environmental conditions be attached to a grant of permission, applicable until an IPPC licence is granted.

- Appropriate Assessment/Screening

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact of the integrity of a Natura 2000 site (ie. SAC or SPA) must be subject to an Appropriate Assessment.

This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010).

- Notably there are no watercourses in proximity to the application site and no pathway connectors with any SPA's or SAC's. Having regard to the development as proposed and the activities associated with the development proposal both during construction works and post construction works it is therefore concluded that it is not necessary for an Appropriate Assessment to be carried out in relation to this development

Conclusions

- Visual impact of the proposed scheme will be to an acceptable degree given the site context and the proposed sheds being positioned alongside the existing poultry sheds.
The proposed sheds are to be located in a field/site which is substantially set-back from the roadside and will not be visually obtrusive.

- Considered in the context of the existing established business then this application should be looked on as an extension to the existing farm business.

- Given the existing site access point and laneway being utilised to access the site area there are no issues in respect of the site access details/works required to facilitate access to the site area.

- Given the IPPC licensing requirement the Planning Authority is precluded from attaching conditions in respect of environmental matters. However, to facilitate poultry numbers not exceeding 40,000 a condition to be attached to a grant of permission requiring environmental best-practice to be adhered to until an IPPC licence is obtained or required.

Development contributions:

Floor-space proposed: 2278 sq.m;

Rate: €1000.00 for 1st 300 sq. m; and.....

$1978 \times €5 = €9890.00$

Totalling €10,890.00 due

Recommendation:

That permission be granted subject to the following conditions: (attached overleaf)

1a. Prior to commencement of development, or in such phased payments as agreed in writing with the Planning Authority prior to the commencement development, the developer shall pay to Monaghan County Council a contribution of **€10,890.00**, in accordance with the terms of the Development Contribution Scheme 2008-2012 made under section 48 of the Planning and Development Acts 2000-2010 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities. The financial contribution shall be updated in accordance with the Wholesale Index from the date of grant of permission consequent to the value pertaining at the time of payment. The contribution shall be paid prior to the commencement of development or in such phased payments as agreed in writing with the Planning Authority prior to the commencement of any work on this development.

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(iii) Payment of interest at the prevailing interest rate payable by Council on the contribution or any instalments thereof that have been paid, so long as and in so far as it is or they are retained unexpended by the Council.

b. No works shall commence until a scheme of payment of the development contribution has been agreed by Monaghan County Council.

2a. Until the poultry numbers within the site area exceed 40,000, or until the applicant has obtained an Integrated Pollution Prevention and Control Licence in respect of the development hereby approved, the following conditions shall be adhered to:

- b a. All existing and proposed surface water gulleys shall be designed to ensure that no polluting matter enters the surface water collection system.
- c b. All structures and buildings to be designed and constructed to Department of Agriculture specifications and in accordance with requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.
- d c. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable water tight tank and disposed of in accordance with the Code(s) of Good Farming Practice issued by the Department of Agriculture, Food and Rural Development and also the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.
- e d. Uncontaminated surface/roof water shall be discharged separately to a watercourse or suitable soakpit.
- f e. The poultry litter shall be exported solely to the compost yards as detailed in the planning application hereby approved. Any changes in this disposal of manure shall be agreed in writing with the Planning Authority.
- g f. If at any time the Planning Authority is satisfied that the disposal of wastes generated by this development is causing environmental pollution and/or a public health nuisance, the disposal operations shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the Planning Authority.
- h g. Records of waste disposal activities shall be maintained on site at all times and submitted to the Planning Authority on request:

Records to include:

- a. Name and address of Disposal Contractor

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 - i. the Company who has taken possession of poultry house waste,
 - ii. together with the end use of the material
- e. Proposals for covered storage of manure during the closed season for spreading of nitrates on lands.
- f. Any other information as may be required from time to time by the Planning Authority.
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c. The development shall be carried out within the site area in accordance with details as agreed in writing under parts (a) and (b) of this condition.

4. All trees and hedgerows bounding the site and on-site shall be permanently retained in this development with the exception of those to be removed to facilitate the access lane and the development footprint.


5. The development shall be carried out and completed in accordance with plans submitted to the Planning Authority on the 15th November 2012, except as may otherwise be required in order to comply with the above condition.

REASONS FOR THE IMPOSITION OF THE ABOVE CONDITIONS ARE:

- 1. It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities.
- 2. To ensure a satisfactory standard of development.
- 3. In the interest of environmental protection.
- 4. In the interest of visual amenity.
- 5. To ensure a satisfactory standard of development.



R Woods
Assistant Planner
16th January 2013


16.01.13

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