



# Comhairle Contae Mhuineacháin Monaghan County Council

Ref BMcE/SMcC

Your ref (i) P0869-02

13<sup>th</sup> May, 2014.

EPA,  
Headquarters,  
P.O. Box 3000,  
Johnstown Castle Estate,  
Co. Wexford.

Re: Mr. Alan Branyan, Lистраor, Ballybay, Co. Monaghan – Planning  
ref 13/174 – Poultry unit

A chara,

I refer to your correspondence dated 24<sup>th</sup> April, 2014.

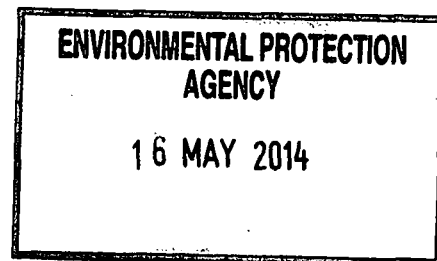
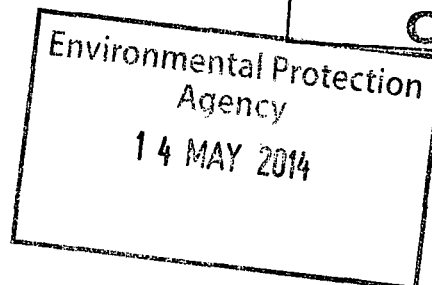
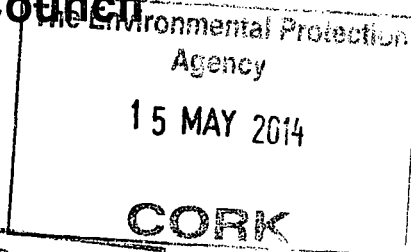
In respect of matters as referred to in your respective correspondence please be advised that Monaghan County Council has no objections in respect of the proposed licence being issued in respect of the applicable development.

The Planning Authority hereby also confirms that permission reference 13/174 granted planning permission for the applicable development on these lands.

Please find attached particulars associated with permission reference 13/174.

Is mise le meas,

Bernadette McElvaney,  
Senior Staff Officer.



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

Íasachtaí /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

Seirbhísí Uisce  
Water Services  
047 30504

Fáilteann 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.

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✉ eolas@monaghancoco.ie info@monaghancoco.ie



## MONAGHAN COUNTY COUNCIL

Monaghan County Council,  
Planning Section,  
County Offices, The Glen, Monaghan  
Tel: (047) 30532 Fax: (047) 76276  
Email: [planning@monaghancoco.ie](mailto:planning@monaghancoco.ie)

Office Use:	
Application Type:	
Register Ref:	
Amount Rec:	£300
Receipt No:	5019721
Date:	5/7/13
O.S.I. Map Ref:	

### BEFORE COMPLETING THIS FORM PLEASE NOTE THE FOLLOWING

#### STANDARD PLANNING APPLICATION AND ACCOMPANYING DOCUMENTATION

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering N/A (not applicable) where appropriate, and that all necessary documentation is attached to your application form.

#### ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may, therefore, need supplementary information (i.e. other than that required on this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should approach the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

#### OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting place of bats, otters, waterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister of Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

#### DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Acts 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.

### PLANNING APPLICATION FORM

#### 1. Application for:

Permission

☒

\*Outline Permission

☐

\*Permission consequent  
on the grant of  
Outline Permission

☐

Permission for  
Retention

☐

Place an 'x' in the appropriate box

Where planning permission is consequent on grant of Outline Permission, please quote the outline permission ref. no.

N/A

Date of grant of Outline Permission:

\*NOTE: Permission consequent on the grant of Outline Permission should be sought only where Outline Permission was previously granted. Under S.36 3(a) of the Planning and Development Act 2000 Outline Permission lasts for 3 years.

Outline Permission may not be sought for:

- the retention of structures or continuance of uses, or
- developments requiring the submission of an Environmental Impact Statement/I.P.P.C./Waste Licence or
- works to Protected Structures or proposed Protected Structures.

Date Received:

Register Reference

2. Location of proposed development:

- (a) Postal Address or Townland or Location (as may best identify the land and/or structure in question)

Listroar, Ballybay, Co. Monaghan

- (b) Ordnance Survey Map Reference Number and the grid reference where available. (Grid reference in terms of the Irish transverse Mercator)

Digital Map Reference No. 12191

3. (a) Name of applicant (person/entity seeking planning permission, not an agent acting on his/her behalf)

Mr. Alan Branyan

(b) Address must be supplied at end of this form (question 23)

**4. Where the applicant is a Company registered under the Companies Acts 1963 – 1999, please state the following:**

Name(s) of Company Director(s)

N/a

Registered Address (of Company)

N/a

**5. Person/Agent Acting on Behalf of the applicant (if any):**

Name Mr Paraic Fay BAgSc

(address may be supplied at the end of this form (question 24))

**6 Person responsible for the preparation of Drawings and Plans.**

(Where the Plans have been drawn up by a firm/company, the name of the person primarily responsible for the preparation of the drawings and plans on behalf of that firm/company should be given.)

Name Mr. Michael Hetherton

(address may be supplied at the end of this form (question 25))

**7 Legal Interest of Applicant in the Land and/or Structure**

A. Owner ☒ B. Occupier ☐ \*C. Other ☐

Please tick appropriate box to show the applicant's legal interest in the land or structure.

If owner please state the date on which interest was acquired

\* Where legal interest is **other**, the applicant is requested to expand further on the interest in the land and/or structure.

If you are not the legal owner, please state the name of the owner and supply a letter of consent from the owner to make the planning application as listed in the accompanying documentation.

\* The owner's address must be included at the end of the form (question 26)

Part of application site owned by applicant's father Mr.

William Branyan

**8 Description of Proposed Development:**

(A brief description of the nature and extent of the development, including reference to the number, height and uses of buildings, protected structures, etc). (This should correspond with the wording of the newspaper advert and site notice)

See attached page.

**9 Site Area**

Area of site to which the application relates in hectares 1.185 ha.

**10. Where the application Relates to a Building or Buildings:**

(a) Gross floor space of any **existing** building(s) in m2

c. 2,450

(b) Gross floor space of **proposed** works in m2

1,994

(c) Gross floor space of work to be **retained** in m2 (if appropriate)

0

(d) Gross floor space of any **demolition** in m2 (if appropriate).

0

**Note:** Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building i.e. floor areas must be measured from **inside** the external wall.

**11. In the case of mixed development** (e.g. residential, commercial, industrial, etc.), please provide a breakdown of the different classes of development and a breakdown of the gross floor area of each class of development:

Class of Development	Gross Floor Area in m <sup>2</sup>
a. Gross floor space of <b>residential</b> class of development:	
b. Gross floor space of <b>industrial/commercial</b> class of development:	
c. Gross floor space of <b>demolition of industrial/commercial</b> class of development	
d. Gross floor space of <b>demolition of residential</b> class of development:	
e. <b>Other:</b>	

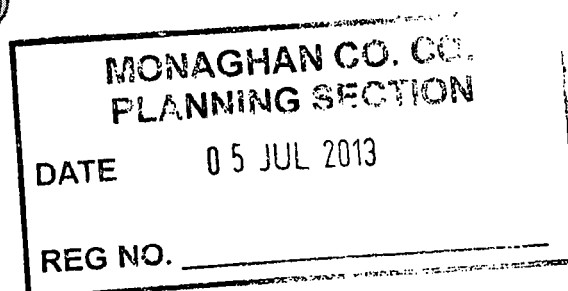
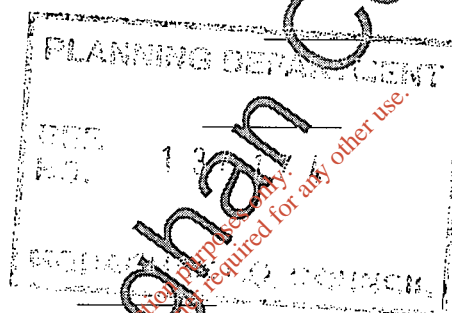
**12. In the case of residential development please provide a breakdown of residential mix:-**

Number of	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses							
Apartments							
No. of car-parking spaces to be provided	Existing		Proposed		Total		

**13. Where the application refers to a material change of use of any land and/or structure or the retention of such a material change of use:**

Existing use (or previous use where retention permission is sought). (Note: Where the existing use is "vacant" please state the most recent authorised use of the land or structure).	
Proposed use (or use it is proposed to retain)	
Nature and extent of any such proposed use (or use it is proposed to retain).	

Mr. Alan Branyan intends to apply for planning permission to construct 1 no. poultry house and 1 No. manure store together with all ancillary structures and site works associated with the above development on an existing poultry farm at Listroar, Ballybay, Co. Monaghan.



Maps and Drawings remain  
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#### 14. Social and Affordable Housing

Please tick appropriate box

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 as amended applies?

Yes

No

☐☐

If the answer to the above question is **yes** and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with Section 96 of Part V of the Act. **Please submit proposals on separate sheet.**

If the answer to the above question is **yes**, but you consider the development to be exempt by virtue of Section 97 of the Planning and Development Act 2000, a copy of the Certificate of Exemption under Section 97 must be submitted (or, where an application for a Certificate of Exemption has been made, but has not yet been decided, a copy of the application should be submitted).

If the answer to the above question is **no** by virtue of Section 96(13) of the Planning and Development Act 2000, details indicating the basis on which Section 96(13) is considered to apply to the development should be submitted.

N.B. This section must be completed for all proposals for the provision of one or more new dwelling units at a zoned lands.

#### 15. Development Details

Please tick appropriate box

DATE

05 JUL 2013

- (1) Does the proposed development consist of work to a **protected structure** and/or its curtilage or **proposed protected structure** and/or its curtilage?

Note: If **Yes** Newspaper advertisement and site notice must indicate this fact.

- (2) Does the proposed development consist of work to the exterior of a structure which is located within an **architectural conservation area (ACA)**?

Note: If the answer is **YES** to either 15(1) or 15(2) **TEN** sets of drawings/plans/photographs must be submitted with the Planning Application.

- (3) Does the application relate to development which affects or is close to a **monument or place recorded under Section 12 of the National Monuments (Amendment) Act, 1994**?

- (4) Does the application relate to work within or close to a **European Site** (under S.I. No. 94 of 1997) or a **Natural Heritage Area**?

- (5) Does the proposed development require the preparation of an **Environmental Impact Statement**?

- (6) Does the application relate to a development which comprises or is for the purposes of an activity requiring an **integrated pollution prevention and control licence**?

- (7) Does the application relate to a development which comprises or is for the purposes of an activity requiring a **waste licence**?

- (8) Do the **Major Accident Regulations** apply to the proposed development?

- (9) Does the application relate to a development in a **Strategic Development Zone**?

- (10) Does the proposed development involve the **demolition of any structure**?

#### 16. Site History

- (1) Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded?

Yes

No

☐☐

If yes, please give details e.g. year, extent

Are you aware of previous uses of the site e.g. dumping or quarrying?

Yes

No

☐☐

If yes, please give details.

- (2) Are you aware of any **valid planning applications** previously made in respect of this land/structure?

Yes

No

☐☐

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No: 06/165

Date: 15/02/2006

Note: If a valid planning application has been made in respect of this land or structure in the six months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development Regulations 2006. A valid application includes an application subsequently withdrawn.

- (3) Is the site of the proposal **subject to a current appeal** to An Bord Pleanála in respect of a similar development. (Note: the Appeal must be determined or withdrawn before another similar application can be made).

Yes

No

☐☐

An Bord Pleanála Reference Number: \_\_\_\_\_

17. Do any Statutory Notices apply to the site/building at present? (e.g. Enforcement, Dangerous Buildings, Derelict Sites, Building Control, Fire Safety etc.).

Yes

No

☐☐

Place an 'X' in the appropriate box.

If yes, please give details

### 18. Pre-application Consultation

Has a pre-application consultation taken place in relation to the proposed development?

Yes ☐ No ☒

If yes, please give details:

Reference No. (if any):

Date(s) of consultation: / /

Persons involved:

### 19. Services.

#### (1) Proposed Source of Water Supply

Existing Connection ☒ New connection ☐ Public Mains ☐

Group Water Scheme ☐ Private Well ☐

Other (please specify):

Name of Group Water Scheme (where applicable)

#### (2) Proposed Wastewater Management/Treatment

Existing ☐ New ☐ Public Sewer ☐

Conventional septic tank system ☐

Other on-site treatment system ☐ Please specify:

#### (3) Proposed Surface Water Disposal

Public Sewer/Drain ☐ Soakpit ☐ Watercourse ☒

Other ☐ Please specify:

### 20. Details of Public Notice

\*Approved newspaper in which notice was published

Name of Newspaper: Anglo Celtic DATE 05 JUL 2013

Date of publication: 07/07/2013

\* Note: The list of approved newspapers for the purpose of giving intention to make a planning application is available from the Council. Please also refer to directions for completion of Site Notice.

Date on which site notice was Erected: 03/07/2013

White ☐ Yellow ☒

### 21. Application Fee

Fee Payable €300

Basis of Calculation: Class 3 Max Fee

22. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and complete and fully compliant with the Planning & Development Act 2000, as amended, and the regulations made thereunder.

Signed: (Applicant or Agent as appropriate)

Date: 23/07/2013  
An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

### ADDITIONAL INFORMATION

(Sections 27, 28)

27. All applications for Agricultural Developments must complete The Agricultural Form (AG 1 Form).

28. All applications for dwellings in Rural Areas under Strong Urban Influence must be accompanied by a completed Rural Housing Application Form (RH1 Form).

### Notes to Applicant

Sections 1 to 22 of this form MUST be completed insofar as they relate to your particular proposal. Failure to do so will render your application invalid.

The additional contact information at Sections 23 to 26 will not be made available with the planning application.

Section 27 seeks additional information which will be needed by this Planning Authority to assess the application.

Section 28 seeks additional information which may be needed by this Planning Authority to assess the application having regard to its development plan which sets out local development policies and objectives for its own area.

Failure to submit this additional information, where relevant (Section 28), will NOT invalidate your application. However, the Planning Authority may not be able to reach a decision on whether or not to grant permission on the basis of the information available to it.

Therefore, failure to supply any relevant supplementary information could delay the application or lead to a refusal of permission.

You are advised to contact this office to determine what local policies and objectives would apply to your proposal and whether supplementary information is required.

Please note the provisions of Section 34(13) of the Planning and Development Act 2000.

"A person shall not be entitled solely by reason of a permission under this section to carry out any development".

The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

Please note that in accordance with Section 251 of the Planning and Development Act 2000, as amended:-

"Where calculating any appropriate period or other time limit referred to in this Act or in any other regulations made under this Act, the Period between the 24th day of December and the 1st day of January, both days inclusive, shall be disregarded."

**MONAGHAN COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT REPORT**

**File Ref: 13/174**

**Applicant: Alan Branyan**

**Development: Permission to construct 1 no. poultry house and 1 no. 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 a Licence under Part IV of the Environmental Protection Agency Acts 1994-2013. An Environmental Impact Statement has been submitted with this planning application.**

**Location: Listroar, Ballybay, Co. Monaghan**

**Characteristics of the Site**

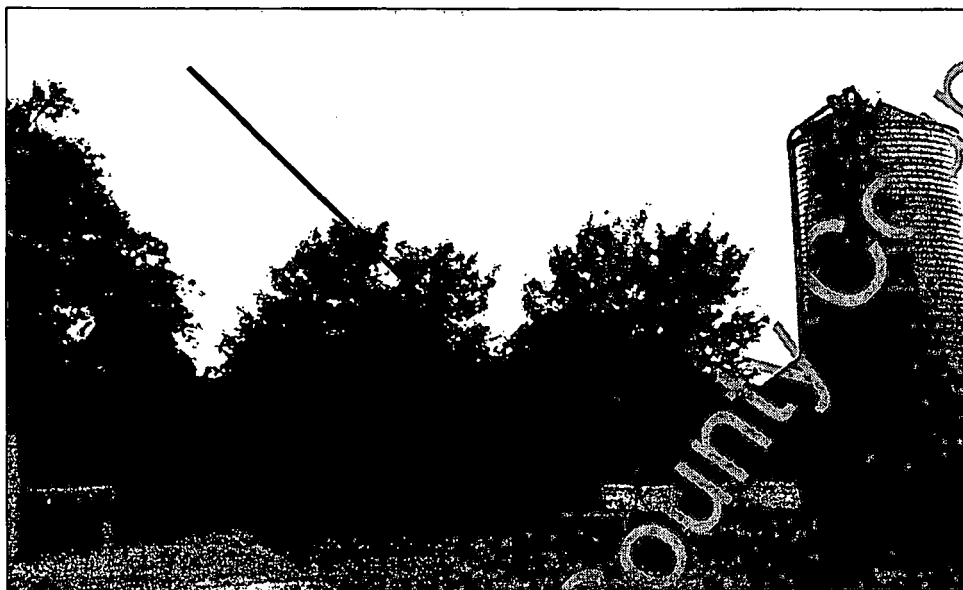
The site consists of a portion of land which measures 1.185 hectares in size. The site presently accommodates a number of agricultural buildings including 2 existing poultry units and several storage sheds. The site is low lying in the landscape.

The roadside boundary is defined by a grass verge and high hedge. The remaining southern boundary is defined by existing hedging which the western boundary is currently undefined. Views of the site are limited from either approach along the road.



Maps and Drawings remain  
Entrance to the site

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**Proposed shed to be located behind existing houses. A portion of hedging shall be removed to facilitate the development**

#### **Characteristics of Area**

The site is located along local primary road 3300, in the townland of Listroar, a short distance from Scotch Corner. The surrounding area is undulating in nature and is characterised by several large agricultural buildings.

#### **Relevant Site History**

One previous planning history on this site:

**06/165:** construct a Nitrates/Poultry litter storage shed with underground effluent collection tank and carry out all ancillary site works

#### **Consultee Responses**

**Area Engineer:** No objections as per report dated 31<sup>st</sup> July 2013

**E.H.O:** No objection as per report dated 9<sup>th</sup> August 2013

**Environment Section:** No objection as per report dated 6<sup>th</sup> August 2013

#### **Objections/Representations Received**

No objections or representations received.

#### **Planning Assessment**

- Planning Policy

Section 15.12 and policies AFP1, AFP2, AFP4 and AFP9 of the Monaghan County Development Plan 2013-2019 apply.

#### Policy AFP1

Appropriate Assessment Screening refer to separate section at end of report.

#### Policy AFP2

The Planning Authority recognises that importance of agriculture in contributing to the economic development of the county and as sources of employment in rural areas. Consequently, in accordance with Policy AFP2, favourable consideration to agricultural development will be given subject to meeting a number of criteria:



- i. *It is necessary for the running of the enterprise*  
Given the location of the proposed shed in conjunction with an existing agricultural complex, it is clearly required to aid the business.
- ii. *Is appropriate in terms of scale, location and design*  
The dimensions of the proposed structures are as follows:  
▪ Poultry unit, height of 5049mm and length of 102123mm  
▪ Manure shed, height 6792mm, length 18200mm.  
It is considered that the design and scale of the structures is acceptable. The site is low lying however the development is to be located in part of the landholding which is does not currently benefit from existing vegetation, additional landscaping will therefore be requested.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*  
By virtue of the existing roadside boundary and the low lying nature of the site, the location of the buildings is acceptable. The surrounding area is undulating in nature which ensures that long distance views of the site are not a concern. Whilst a landscaping plan has been submitted with the application, it is not considered to contain sufficient detail. A revised plan, with particular attention to the western site boundary will be requested.
- iv. *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.*  
The site contains several existing agricultural buildings thus complying with the above requirement.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape*  
By virtue of the low lying nature of the site, the proposed structures will integrate satisfactorily.
- vi. *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*  
There are no residential dwellings within 100 metres of the site.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*  
There are no residential units or extant permissions for same within 100 metres of the application site. Accordingly there are no issues in respect of the proposed development affecting residential amenity.
- viii. *Will not result in a traffic hazard:*  
The Area Engineer has been consulted and has no objections to this proposal sufficient sight distances are in place.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*  
Environment Section has been consulted and has no objections to this proposal. No land spreading of litter is proposed and this will ensure effective environmental protection. It is noted that a stream flows to the west of the site, and therefore a water protection plan will be requested which will further ensure that the development will not be a threat to water sources.

#### Policy AFP4

The proposal seeks an extension to the original farm complex to afford for a new poultry shed and manure storage shed this comply with this policy.

#### Policy AFP9

Poultry manure is removed off site by an authorised contractor which is considered acceptable. In addition Environment Section has been consulted with this application and has no objections to the proposal.

#### Water Protection Plan

Section 4.9.9 of the Monaghan County Development Plan 2013-2019 and Policy WPP 5 of the Monaghan County Development Plan applies.

The County Development Plan indicates that where a development is located in a sensitive area, additional risks to waters should be comprehensively addressed. A water protection plan, checklist and relevant maps shall be requested as part of the additional information request.

#### **Environmental Impact Statement**

The proposed development will afford for 86,000 birds on the site and therefore in accordance with Schedule 5, Part 2 1(e)(i) of the Planning and Development Regulations 2001, an Environmental Impact Statement has been submitted.

The EIS includes the following:

- A non technical summary
- Scoping of EIS
- Introduction
- Further information
- A description of the likely significant effects on the environment
- Forecasting methods
- Cumulative effects
- Inter-relationships
- Difficulties encountered.

The EIS contains the summary of likely effects which were provided for in the following matrix:

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	NO DEVELOPMENT	CONSTRUCTION PHASE	OPERATIONAL PHASE
Human Beings	≈	✓✓	✓✓
Flora	≈	×	≈
Fauna	≈	≈	≈
Soil	≈	≈	✓✓
Water	≈	×	××
Air	≈	≈	×
Climate	≈	≈	≈
Ambient Noise	≈	×	≈
Cultural Heritage	≈	≈	≈
Landscape	≈	××	×
<b>Material Assets</b>			
▪ Traffic	≈	×	×
▪ Land Use	≈	≈	≈
▪ Employment	×	✓✓	

**Key:**

≈	No Impact	✓	Slight Positive Potential Impact
×	Slight Negative Potential Impact	✓✓	Moderate Positive Potential Impact
××	Moderate Negative Potential Impact	✓✓✓	Significant Positive Potential Impact
×××	Significant Negative Potential Impact		

**Environmental Impact Assessment- Report on basis of application details**

- In accordance with Section 171(a) of the Planning and Development Acts 2000-2010 set out hereunder is an assessment of the proposal on the following factors:

- human beings, fauna and flora;
- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors referred to in points (a), (b) and (c).

**(a) Human beings, fauna and flora**

In respect of impact on humans, as there are no residential unit(s) within 100 metres of the proposed development the emission of noise during construction stage and operational stage is not anticipated to affect residential amenity on any residents in this locality. Noise impacts on neighbouring residents at operation stage will be minimal, given that the farming practice is to be contained predominantly indoors. In respect of the impact emanating from the proposal during construction phase, given the separation distance of the application site from any neighbouring residential properties and having regard to the typical construction processes with a development of this nature, it is not considered that impacts on humans at this stage of the development process will be to an unacceptable degree.

Regarding the impact on flora and fauna, the site area is immediately adjacent to an existing farmyard area. There are no known features of note in respect of fauna and flora; accordingly it is not anticipated that development of the site to facilitate the overall proposal will result in an unacceptable degree in loss of habitat or fauna either within the site or in the local environment. Much of the existing hedging which bounds the site will be retained and in addition new planting will be undertaken along the western boundary of the site which should maintain biological diversity on the site. The submitted EIS notes that the existing rodent programme which is in place on the site will be extended to include the proposed development and in addition notes that due to the proper storage and disposal of all wastes and foodstuffs, the site will be kept in a clean and tidy manner, thus not attracting pests to the site. Weed control will be carried out on the site to reduce cover for pests.

In summary, having regard to the project details and assessment of same against the human beings, fauna and flora it is considered that the submitted application identifies the impact(s) which may result on human beings, flora and fauna both adjacent to the site area and further afield.

*(b) Soil, water, air, climate and the landscape*

The EIS notes that there is the potential for positive effects on soil to be generated as a result of the development, given the production of organic fertiliser.

The EIS states that adverse effects on ground water should be nil as there will be no process discharge to ground and minimal risk of accidental leakage or spillage of pollution liquid on the site. The proposed development will be carried out on an impermeable concrete base with proper storm and soiled water separation and collection facilities. In addition, no process discharge to surface water will occur. The only discharge from the site to surface waters will be the discharge of rainwater from roofs and clean yards to field drainage which flows west towards the adjacent watercourse.

Effects on air are limited to the odour emissions that may be associated with poultry and poultry manure stored on the site. A number of management practices have been noted within the EIS which will minimise the potential of odour emissions and these are deemed acceptable.

Whilst it is considered that the proposed buildings will not have a significant impact on the landscape given the low lying nature of the site, the EIS has failed to consider this within the section entitled "description of the aspects of the environment likely to be significantly affected by the proposed development". This shall be requested.

The EIS reiterates that there are no architectural sites within or within closer proximity of the site and therefore there are no concerns with the proposed development in this regard.

The EIS has failed to address proposed effects on Climatic factors.

*(d) The interaction between the factors referred to in points (a) to (b) above;*

The EIS provides sufficient detail with regard to the inter-relationships between points (a)-(d). The majority of impacts have been determined to be "positive" or "neutral". Any negative points have been coupled with mitigation measures which will ensure that such concerns are addressed.

Summary

On the basis of application details it is the opinion of the planning authority that the potential for environmental impacts will be confined to the immediate local area. The EIS alludes to the fact that construction will take approximately 3-4 months and will be of a typical farmyard construction. Given the distance of the nearest dwelling to the site the associated increases in traffic to/from the site during the construction phase along with emissions such as noise, it is not considered any such impacts will be to an unacceptable degree.

Main impacts considered applicable are set out hereunder:

- Clearing of existing vegetation to facilitate location of new building
- Mechanical excavation of the site;
- The works required for the provision of the building
- Potential for noise and general disturbance during construction and operation stage(s) by traffic generation;
- Potential for emission of odours during operational stage;



Notwithstanding the short-term impacts on the environment which will be created via the construction phase, subject to the 'best practice' being followed during operation stage it is considered that the proposed development appears to be acceptable in terms of environmental impacts, however additional information with regard to impacts on the landscape and climatic factors is required before a final decision can be made.

### Appropriate Assessment

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).

In respect of the Monaghan County Development Plan 2013-2019, policy AAP1 states *"Ensure that all plans and projects in the County, not directly connected with or necessary to the management of a Natura 2000 site, but likely to have a significant effect, either directly or indirectly, on a Natura 2000 site, either alone or in combination with other plans or projects, are subject to Appropriate Assessment Screening in accordance with Article 6 of the Habitats Directive"*.

Notably, the site is not located within or within 15km of any Natura 2000 site.

It is noted however, that six mile lake stream is to the west of the site in question. The stream is a tributary of the River Blackwater which is a pathway connector with Lough Neagh SPA. It is considered however that the development is sufficiently removed from the aforementioned Natura 2000 site and consequently it will have no significant effects on the integrity of the site. It is the opinion of the planning authority that a Stage 2 Appropriate Assessment is not required in respect of this project.

### Development Contribution

In accordance with Category 5(g) of the General Development Contribution Scheme 2013-2019 the following contribution is applicable:

Gross floor space of proposed unit = 1,994 square metres

Over 300 square metres = €500 + €2 per square metre above 300.

€500 + €3388 = €3,888

### Additional Information Request

The following additional information was requested on the 21<sup>st</sup> August 2013:

1. The submitted Environmental Impact Statement (EIS) is inadequately detailed as per Schedule 6 of the Planning and Development Regulations 2001. Specifically the submitted EIS has failed to provide the following information:
  - a. A description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular **climatic factors and the landscape**.

In accordance with Article 94 of the Planning and Development Regulations (2001) the applicant is required to submit additional details/revisions to the submitted Environmental Impact Statement for due assessment by the Planning Authority.

2. Policy WWP 5 of the Monaghan County Development Plan states that the Planning Authority "requires the submission of a water protection plan and detailed site drainage plans with all planning applications. Maps of sensitive areas and waters and a Water Protection Plan Checklist will assist in the preparation of plans at application stage". You are therefore requested to submit a water protection plan utilising the attached checklist to form the basis of such a plan.
3. Policy LSP 4 of the Monaghan County Development Plan 2013-2019 states "All planning applications for development should be accompanied by detailed proposals for site works and landscaping. These details should as a minimum include the following information; the number, species, location, height at planting, height at maturity, age to maturity and an implementation timescale for all proposed planting; a survey of all existing vegetation on site indicating their species, height and condition, together with detailed information on the number of plants to be removed/lopped/topped etc". Please submit a detailed landscaping plan which complies with this policy. Particular attention should be given to the currently undefined western site boundary.

#### Receipt of Additional Information

Following the above request for additional information, revised documentation was submitted to the Planning Authority on the 1<sup>st</sup> October 2013. The original request for additional information has been addressed as follows:

1. Details with regard to the effect of the proposed development upon climatic factors and the landscape. The EIS indicates that the proposed development will have no significant adverse effect on the climate. The fact that the applicant will be utilising organic fertiliser in accordance with the provisions of S.I. 610 of 2010 will ensure that emissions generated are kept to an absolute minimum. With regard to the visual aspects and the landscape the EIS notes that the site of the proposed development is located away from any sensitive/designated areas. The EIS notes that the proposed development will be located adjacent to the existing poultry houses and will utilise an existing entrance and therefore the impact upon the landscape will be minimal.
2. A water protection plan checklist has been submitted with the Planning Application. Although no comments have been received from the Environment Section, it is noted that the E.H.O. has no objections to the proposal.
3. A landscaping scheme has been submitted which details that the existing mature hedgerow to the south will be retained as part of the development. The submitted scheme also indicates that a whitethorn hedge will be planted along the undefined site boundaries and will be interspersed with a variety of different species of tree. This landscaping scheme is deemed acceptable.

#### Conclusion

The Planning Authority is of the opinion that the additional information submitted on the 1<sup>st</sup> October 2013 is acceptable. There are no further concerns regarding this proposed development.

#### Recommendation

That planning permission is **GRANTED** subject to the following conditions:

1. Prior to commencement of development the developer shall pay to Monaghan County Council a sum of €3888.00 in accordance with the General Development Contribution Scheme 2013-2019 made under Section 48 of the Planning and Development Act 2000 (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, which will facilitate the proposed development.

The Development Contribution Scheme shall be updated by the Planning Authority on an annual basis, in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages). The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the annual update and the amount of contribution attached therein.

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.

**Reason: 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, which will facilitate the proposed development.**

- 2a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 1<sup>st</sup> October 2013 shall be fully implemented prior to any occupancy of the dwelling hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
- b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 1<sup>st</sup> October 2013 to be permanently retained thereafter being planted. Any plant which fails in the first planting season to be replaced.
  - c. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site to be permanently retained in this development, to be reinforced with additional planting and to be protected from damage at all times, particularly during building operations.
  - d. Any boundary fencing to be of stained wood.

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

3. Until the applicant has obtained an Industrial Emissions Licence, or similar licence as may be agreed in writing with the Planning Authority, the following conditions shall be adhered to:

- I. All existing and proposed surface water gulleys shall be designed to ensure that no pollution matter enters the surface water collection system.
- II. 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.
- III. 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

- IV. Uncontaminated surface/roof water shall be discharged separately to a watercourse or suitable soakpit.
- V. The poultry litter shall be exported off-site as detailed in the planning application hereby approved. Any changes in this disposal of manure shall be agreed in writing with the Planning Authority
- VI. 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
- VII. 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
- b. Date of each disposal operation
- c. Quantity (weight and volume) disposed of
- d. For each disposal operation, the name, address and telephone number of
  - 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.
- 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 operation shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the Planning Authority.

**Reason: In the interest of Environmental Protection.**

- 4. As per Area Engineer's report dated 31<sup>st</sup> July 2013.

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

- 5. As per Environment Section report dated 6<sup>th</sup> August 2013.

**Reason: In the interest of Environmental Protection.**

- 6. The development shall be carried out in accordance with details as submitted to the Planning Authority on the 5<sup>th</sup> July 2013 as amended by details received on the 1<sup>st</sup> October 2013, except as may otherwise be required in order to comply with the above conditions.

**Reason: To ensure a satisfactory standard of development.**

Maps and Drawings remain

Helen Hughes  
Assistant Planner  
21<sup>st</sup> October 2013

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