



# Comhairle Contae Mhuineacháin Monaghan County Council

Acmhainní Daonna  
Human Resources  
047 30586

Airgeadas  
Finance  
047 30589

Na Bóithre  
Roads  
047 30597

Clár na dTogthóirí  
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

Seirbhísí Uisce  
Water Services  
047 30504

Our Ref: 13/304  
Your Ref: P0867-02

23 July 2014

EPA Headquarters  
P.O. Box 3000  
Johnston Castle Estate  
Co. Wexford



Dear Sir/Madam

I refer to your correspondence dated 27<sup>th</sup> June 2014

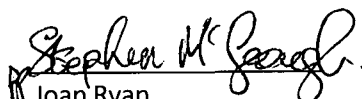
Having reviewed the planning history associated with these developments I can confirm that the decision of the Planning Authority was not appealed by any party to An Bord Pleanála. Accordingly the decision of the Planning Authority is the applicable grant of planning permission relating to this development.

In respect of the proposed licence(s) 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 above development. The Environment Section has recommended the inclusion of specific conditions to be attached to any future licence.

Please find attached a copy of the respective planning decisions and the planners report relating to the grant of permission P13/304.

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

Yours faithfully,

  
Joan Ryan  
Administrative Officer.

Fáltlonn 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.  
(0) 00353 47 30500 (0) 00353 47 82739 (G) www.monaghan.ie  
(E) eolas@monaghancoco.ie info@monaghancoco.ie

14-07-2014 10:44:44  
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## **Appendix 1**

Copy of Permission 13/304 (decision notice) along with copy of planning officers report.

**(See attached)**

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**MONAGHAN COUNTY COUNCIL**

TO: Enda Connolly  
c/o Paul Connolly  
Clonkeencole  
Clones  
Co Monaghan

13/304  
25/02/2014

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Re: **Planning and Development Acts 2000 to 2010**  
**NOTIFICATION OF DECISION**

Monaghan County Council has by order dated 25/02/2014 decided to GRANT PERMISSION to the above named for development of land, in accordance with the documents submitted namely:- Erect a poultry unit, underground waste water washing storage tank, 2 vertical meal bins, use existing agricultural entrance and all ancillary site works within the existing farm complex. Proposed development is for the purpose of an activity for which an IPPC Licence is required. EIS is submitted with this application. at Gortnawhinny, Clones subject to the 4 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council

  
SENIOR STAFF OFFICER

25.02.14  
DATE

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of four weeks (see footnote).

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT  
COMMENCE UNTIL PLANNING PERMISSION IS ISSUED.**

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Act of 2000 may be made to An Bord Pleanala. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. Appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
  - (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is **€1,500 or €3,000** if there is an EIS or NIS involved. Commercial Development means development for the purpose of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

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P13/304 – Enda Connolly, Gortnawhinny, Clones, Co. Monaghan.

1. Prior to commencement of development the developer shall pay to Monaghan County Council a sum of **€9520.00** 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.
2.
  - a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 31<sup>st</sup> January 2014 shall be implemented in entirety prior to any use of the development hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
  - b. 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.
  - c. The line of the recessed entrance in conjunction with planting works as required under part (a) of this condition to be planted with hedgerow species and shrubs of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species to include thorn, beech, ash, oak, hazel, sycamore and holly.
  - d. Any boundary fencing to be of stained wood.
3.
  - a. The proposed line of the new wall, fence, piers and gates as detailed in planning submission must be positioned a minimum of **3.0 metres** back from the edge of the public road to ensure maximum visibility splays in the interest of road safety.
  - b. The new entrance to form a bellmouth of 4.0 metres radius with edge of new

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boundary. Entrance gates to open inwards only. Recessed entrance to be of sufficient dimensions to contain a stationary vehicle off the public road.

- c. Sight distance of **100 metres** in each direction to be provided from a point in the entrances 3.0 metres from the road edge and 1.0 metre above ground level. Sight distances to be measured to the nearside road edge in both directions. Where it is necessary to remove hedges in order to achieve this sight distance, the new boundary should be located clear of sightlines.
- d. Due to limitations of sight distance from proposed entrance onto public road, hedgerows in each direction must be kept trimmed to the minimum (900mm above road level) to ensure maximum sight visibility in the interest of road safety.
- e. Any pole or column materially affecting visibility must also be removed. No work shall commence on site until the visibility splays have been provided. Any Telecom Eireann/public utility poles which may be exposed by the removal of the front boundary fence shall be re-sited in a position alongside the new front fence line concurrently with overall site development works.
- f. The line of any new fence or wall must be positioned behind the visibility splays. It is recommended that any new trees or shrubs are planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting must be kept trimmed behind visibility splays. Where a timber post and rail fence is erected along road boundary, the timber rails to be placed on site side of posts, in the interest of road safety.
- g. The Area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- h. Any new boundary or entrance work to be located not less than 3.0 metres from the public road carriageway with level margin.
- i. Entrance/Access road to be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres.
- j. Entrance between road carriageway and boundary to be graded back so that level at boundary (3.0 metres) to be 100 mm below road level.
- k. French drain consisting of **225mm diameter** concrete pipes backfilled to ground level with suitable granular filter material to be placed along full site frontage. Drain to discharge to the nearest watercourse. Suitable gullies to be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application to be made to Monaghan County Council if this requires a road opening licence).
- l. Applicant to install Cattlegrid/ACO Drain/Gullies at proposed entrance constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly measures must be taken to prevent road surface water from flowing onto the entrance. The discharge from the above to be piped to drainage pipeline.
- m. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage to remain unimpeded.

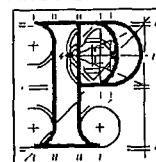
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- n. Provision to be made within the site for surface water drainage and no surface water to be allowed flow onto the public roadway.
  - o. No development exempt or otherwise shall be erected over the public sewer, drain or watermain.
  - p. Before any work is commenced on this development a security, by way of a cash deposit, in the sum of **€2,250** index linked, to be paid to the Planning Authority by the developer. To ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactory.
  - q. All site works required in relation to sight distance and drainage works to be carried out prior to the commencement of any building operations. Failure to do this will result in forfeiture of part or all of cash security.
- 
4. The development shall be carried out in accordance with details as submitted to the Planning Authority on the 14<sup>th</sup> November 2013 as amended by details received on 31<sup>st</sup> January 2014, except as may otherwise be required in order to comply with the above conditions.

#### THE 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, which will facilitate the proposed development.
- 2: In the interest of visual amenity.
- 3: In the interest of orderly development and road safety.
- 4: To ensure a satisfactory standard of development.

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**Planning Appeal Form/Check List**  
**(Please read notes overleaf before completing)**

1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
  - name of the appellant \_\_\_\_\_  
(not care of agent)
  - address of the appellant \_\_\_\_\_  
(not care of agent)
3. If an agent is involved, state the -
  - name of the agent \_\_\_\_\_
  - address of the agent \_\_\_\_\_

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4. State the Subject Matter of the Appeal\*
  - Brief description of the development \_\_\_\_\_  
\_\_\_\_\_
  - Location of the development \_\_\_\_\_  
\_\_\_\_\_
  - Name of planning authority \_\_\_\_\_
  - Planning authority register reference number \_\_\_\_\_

*\* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*
5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € \_\_\_\_\_ attached in respect of the appeal.
8. Fee of € \_\_\_\_\_ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

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

*A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations.*

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Notes (See Form/Check List overleaf)

1. Rules for Making Appeals

You are advised to check the latest version of "A Guide to Making a Planning Appeal" issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority. A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet "Guide to Fees payable to the Board" is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority. Note that appeal fees may change from time to time. A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2<sup>nd</sup> of a month, the last day for receipt of the appeal is Tuesday 29<sup>th</sup> of the same month, NOT Wednesday 30<sup>th</sup>. There are special rules where the last day falls on a day the Board's offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information. A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1*, or,
  - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal. Do not place the appeal in the Board's letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

*This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a 'cover page' in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board's leaflets "Making a Planning Appeal under the 2000 Planning Act" and "Guide to Fees payable to the Board". The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by 'observers' under section 130 of the 2000 Planning Act. A significant number of submissions and observations by 'observers' are also invalid because the appropriate rules are not observed.*

*This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for 'observers').*

*An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.*

14<sup>th</sup> February 2005

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## MONAGHAN COUNTY COUNCIL

### PLANNING AND DEVELOPMENT REPORT

File Ref: 13/304

**Applicant:** Permission to erect a poultry unit, underground waste water washing storage tank, 2 vertical meal bins, use existing agricultural entrance and all ancillary site works within existing farm complex

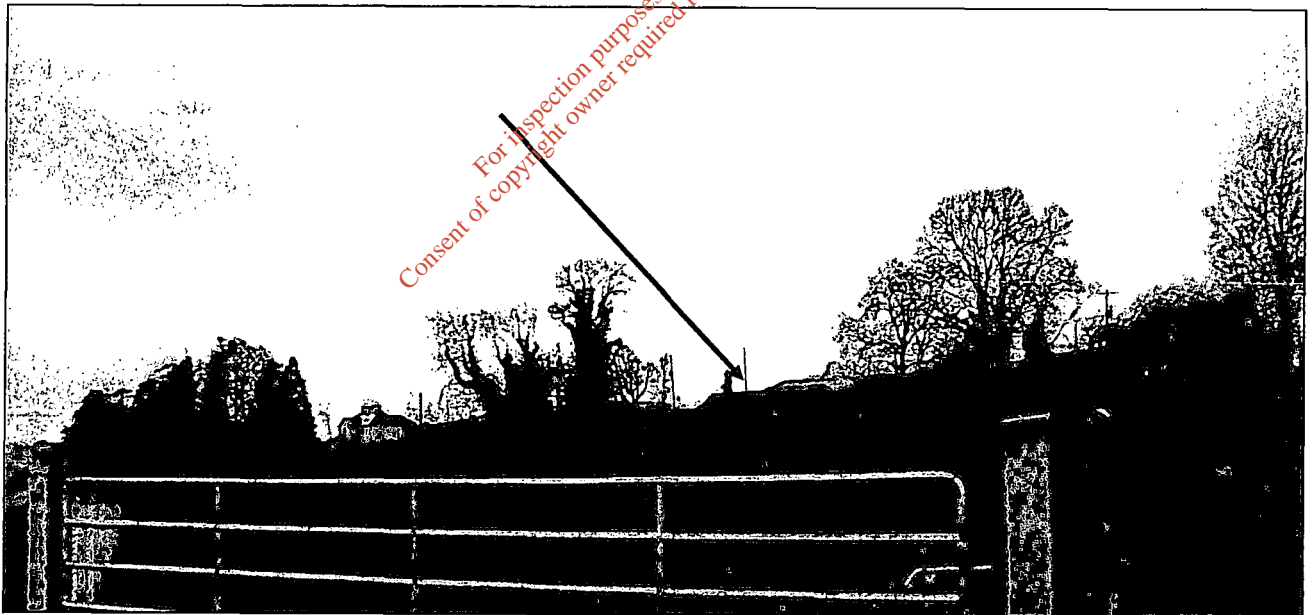
**Development:**

**Location:** Gortnawhinny, Clones

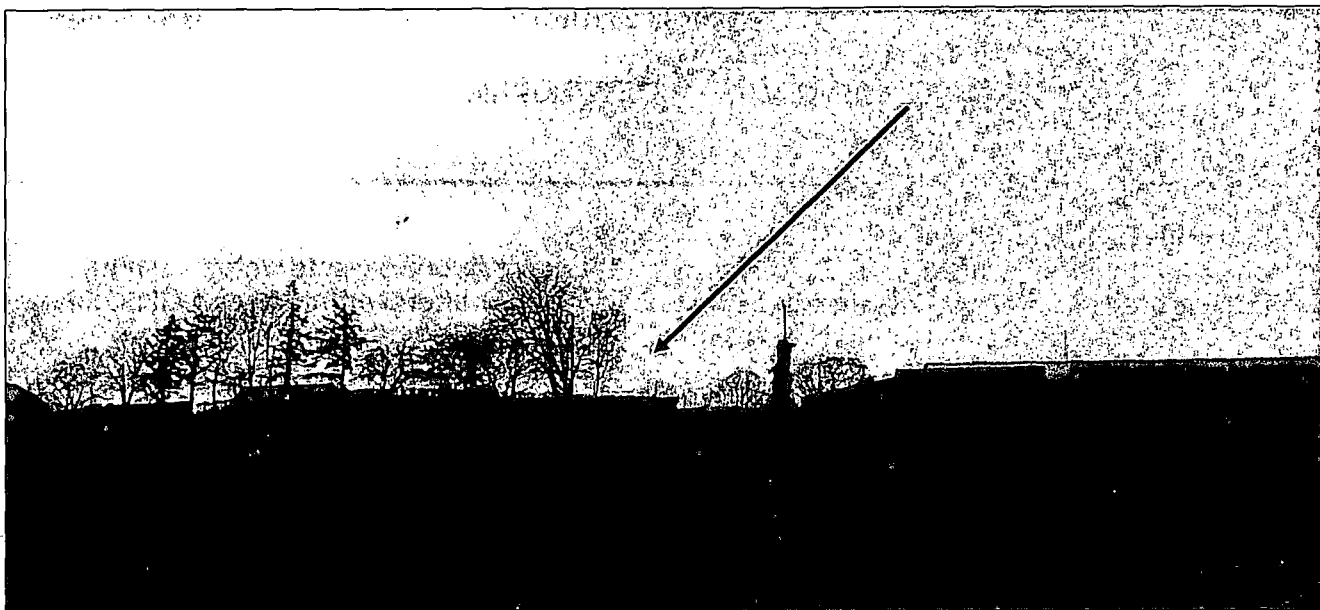
#### Characteristics of the Site

The site comprises an existing farm complex which is located on an elevated site above road level. The site is accessed via an existing, established laneway which leads which leads to both the family home and the farm complex. The boundaries of the site are not defined but the site is located at a lower level than the

The majority of the existing farm buildings are located to the east of the proposed site and comprise 3 existing poultry houses, a spent poultry litter store and various other standard agricultural sheds.



*Site viewed from north eastern approach – site is located beyond existing structures.*



*Site located on lower land behind existing hedging.*

Given the elevated nature of the site, views of elements of the existing complex are evident when travelling from a north eastern approach. By virtue of the curvature of the road, the location of the existing dwelling and existing vegetation, views of the site from the opposite approach are not apparent in the wider landscape.

#### **Characteristics of Area**

The site is located along local primary road 2110, in the townland of Gortnawhinny, less than 2km north east of Clones. The surrounding area is undulating and rural in nature.

#### **Relevant Site History**

No previous site history on this particular portion of land.

#### **Consultee Responses**

**Environment Section:** Additional information required as per report dated 5/12/13.

**E.H.O:** No objections as per report dated 03/01/14

**Area Engineer:** Additional information required as per report dated 25/11/13.

**E.P.A:** Comments received dated 26/11/13 are noted.

**I.F.I:** Comments received dated 27/11/13 are noted.

#### **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

For Appropriate Assessment Screening report 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 existing established farm complex to the immediate east of the site, within the ownership of the applicant, the Planning Authority is of the opinion that the development is required to aid 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 5.946 metres and length of 91.5 metres
  - Meal bulk storage silo's – height of 8 metres.It is considered that the design and scale of the structures is acceptable. Although the site is elevated, the field within which the proposals will be located falls from south to north and therefore the structures will not be overly apparent in the wider landscape. In addition, the southern boundary of the field is well defined by existing vegetation which provides screening to where the proposed structures will be located.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*  
As indicated above, given the levels of the site and the existing mature vegetation along the southern site boundary adequate screening of the site is achieved. By virtue of the nature of the surrounding landscaping and location of existing vegetation, views of the site are not apparent in the wider environment. An additional landscaping scheme will however be requested given the currently undefined site boundaries.
- 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.*  
Whilst the site does not contain any additional agricultural buildings, the main complex is located to the immediate east of it, within the ownership of the applicant and accordingly, complies with the above requirement.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape*  
Given the level of the site in comparison to the surrounding area, the set back nature of the nature and the limited views of the site, the proposed structures will not be apparent in the wider landscape. However the applicant shall be requested to submit a detailed landscaping scheme for the site boundaries to further aid the integration of the structures.
- 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 located on third party land.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*  
There are no third party 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 requested additional information with regard to same.

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 requested additional information.

#### Policy AFP4

The proposal seeks approval for an additional poultry shed within a farm complex.

#### Policy AFP9

Poultry manure is removed off site by an authorised contractor however Environment Section has requested up-to-date correspondence from this contractor prior to issuing an approval of the application. This shall be requested as additional information.

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#### 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 has been submitted with this application. It is noted that a site drainage plan has not been submitted and shall therefore be requested.

#### **Environmental Impact Statement**

The proposed development will afford for 40,000 birds 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:

- Preamble
- Alternatives Selected
- A non technical summary
- Construction Operations
- Operational Details
- Human Beings
- Fauna and Flora
- Soils and Geology
- Water
- Air
- Noise
- Climate
- Landscape
- Material Assets
- Disease Control
- Waste Management
- Decommission of Buildings
- Traffic
- Mitigation
- Conclusions

#### **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:

- (a) human beings, fauna and flora;
- (b) soil, water, air, climate and the landscape;
- (c) material assets and the cultural heritage;
- (d) 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. In addition the EIS indicates the following mitigation with regarding to human beings:

- Natural screening surrounding the site will reduce the impact of dust and odour to the surrounding environment.
- Dust in transit will be mitigated by the litter waste being covered by a tarpaulin cover to the lorry.
- There will be a presence of odour nuisance during the transit of the litter waste however this will only occur 6 days a year.

Regarding the impact on flora and fauna, the EIS notes that the complex is located in an area of poor ecological value and that the site is not located close to any sensitive ecological areas. The site is however located about 1km south east of Kilroosky Lough Cluster SAC however the impact of the development on this Natura 2000 site is discussed further in the Appropriate Assessment section of this report. The EIS notes that whilst some earthworks and topsoil removal will have to be undertaken prior to the commencement of the development, the site was chosen as a result of its relative level nature with regard to topography to reduce the amount of earthworks required. In addition, the proposed development will not require the removal of any existing trees and hedgerows. The EIS indicates the following mitigation with regarding to flora and fauna:

- A management system is currently in place regarding pest and rodent control.
- Sedimentation will be controlled by ensuring that earthworks are undertaken in dry weather.
- Contractor will use good industry standard practices to prevent sedimentation of drains and ditches.
- Gortnawinney Lake is located approximately 600m from the site but due to the topography of the land and the distance from the site the development will have no impact on the lakes of the flora and fauna habitats.

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 the soils around the proposed development have no intrinsic value and stripping of topsoil is required to accommodate the development. It is stated that topsoil will be temporarily stockpiled and sealed before being regraded in and around the new structure. The EIS states that the proposed development will be constructed on grassland with no significant rivers or streams within the surrounding area. The building will not emit any adverse emission which could contaminate local groundwater, however it is noted that the



main source of contamination to groundwater and local ditches would be waste water from the cleaning of the building appliances which takes place 6 times a year. Mitigation proposed includes the following:

- A new reinforced concrete waste water underground collections tank will be located to the front of the main delivery doors with a storage volume of approximately 22,000 litres.
- Organic fertiliser or soiled water shall not be applied to land within:
  - 5 metres of streams or drains
  - 20 metres of lakeshores
  - 25m of domestic wells
  - 100-200m of public water supplies.
- In the case of spills/leaks from the drinking system in the house the dry bed floor will absorb the water spill and will be removed accordingly ensuring that no waste water from the operation phase of the growing can enter the outside environment.
- The drinking systems are checked 4 times for leaks/breakdowns.
- The surface water drainage strategy collects the uncontaminated water directly from the building roof into a gutter and gully system to an underground lateral drainage system and connect directly into the existing surface water drainage network leading to a drainage ditch.

Effects on air include a degree of dust nuisance during construction phase and during the operational phase a level of dust and ventilation will discharge spent air into the atmosphere however these are not considered to be a cause of concern. During the removal of spent litter from the floors of the house a level of dust will be generated although this will be localised. Additional HGV vehicles will be required during the removal/depopulation process although the traffic pollutants into the atmosphere will be negligible. Mitigation proposed in the EIS includes the following:

- Dust generated from the removal of spent litter will be localised and will take place 6 times a year. This area is isolated from the remaining farming activities and is not in close proximity to any third party dwellings.
- Odour caused by the operational/growing phase will be managed by good practices such as:
  - Ventilation and temperature control and monitoring
  - Thorough cleaning and disinfecting of the poultry house and the surrounding yards.
  - Strict adherence to good land spread practice
  - Chicken mortality carcasses stored in sealed container and collected twice a week.

The potential impacts of the development with regard to noise will be during the construction process as well as during operational process regarding the transport of livestock and of chicken meal. The EIS states however, that noise from the proposed development will be minimal and will be mitigated by the natural screening environment. Mitigation includes the fact that construction of the buildings will take place during normal working hours.

It is ascertained that the proposed development will have a negligible impact on the local or extended climate.

The EIS notes that the proposed building will be constructed away from public roads or direct public viewing. The building will be finished in green cladding to further aid its integration.

With regard to material assets, including the architectural and archaeological heritage and cultural heritage the development will not place any adverse affects on these resources. There are no known areas of archaeological interest within the vicinity of the site.

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

The EIS has failed to provide detail with regard to the inter-relationships between points (a)-(d). This shall be requested as additional information

In addition, the EIS contains information with regard to disease control, waste management, decommissioning of buildings and traffic. The EIS concludes that the developer currently manages an efficient and licensed operation and that as per the content of the EIS the proposed structures will have little or negligible impact on the surrounding area.

It is also noted that the EIS does not provide details of any difficulties encountered as required in Schedule 6 Part 2(d) of the Regulations.

---

### 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 10-12 weeks 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 the interrelation between the factors and technical difficulties encountered is required before a final decision can be made.

### **Development Contributions**

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

Floor space of proposed structures = 2104 square metres.

First 300 square metres = exempt.

Contributions are therefore applicable on the remaining 1804 square metres.

€500 + €5 \*€9020 = €9520.00

### Appropriate Assessment

Section 4.88, policies APP1-AAP5 and policy ADP1 of the Monaghan County Development Plan 2013-2019 apply.

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 (i.e. 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*".

The site lies within 10km from Slieve Beagh SPA and within 1km from Kilroosky Lough Cluster SAC.

The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA and Kilroosky Lough Cluster SAC.
- The relevant policies within the County Monaghan Development Plan 2013-2019 in respect of the protection of Natura 2000 sites.
- The in combination effects of the proposed development with other plans or projects.

The conservation objective of Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.

The conservation objective of Kilroosky Lough Cluster SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected namely:

- White Clawed Crayfish
- Hard oligo-mesotrophic waters
- Calcareous fens
- Alkaline fens.

It is considered that by virtue of the nature of the proposed development and the distance of the site from the both of the Natura 2000 sites, there will not be any significant effects on the integrity of the Natura 2000 site.

In addition, there are no watercourses in proximity to the application site and no pathway connectors with the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of both the proposed development and any other plan or project, the development is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.



SCANNED

### Recommendation

That the following **ADDITIONAL INFORMATION** is requested:

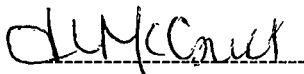
1. The submitted Environmental Impact Statement (EIS) is inadequately detailed as per Schedule 6 of the Planning and Development Regulations 2001. Specifically the submitted EIS has failed to provide the following information:

**Schedule 6, 2(b):** The inter-relationship between human beings, fauna, flora, soil, water, air, climatic factors, the landscape, material assets including the architectural and archaeological heritage and the cultural heritage.


**Schedule 6, 2(d):** An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

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 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 fully complies with the aforementioned policy.
3. As per Area Engineer's report dated 25<sup>th</sup> November 2013
4. As per Environment report dated 5<sup>th</sup> December 2013 (AS AMENDED)
5. Points 1 and 2 of Bernie O'Flaherty's report dated 20<sup>th</sup> December 2013

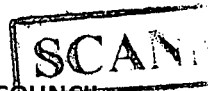


Helen McCourt  
Assistant Planner  
9<sup>th</sup> January 2014

  
10.01.13

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MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT REPORT

File Ref: 13/304

Applicant: Enda Connolly

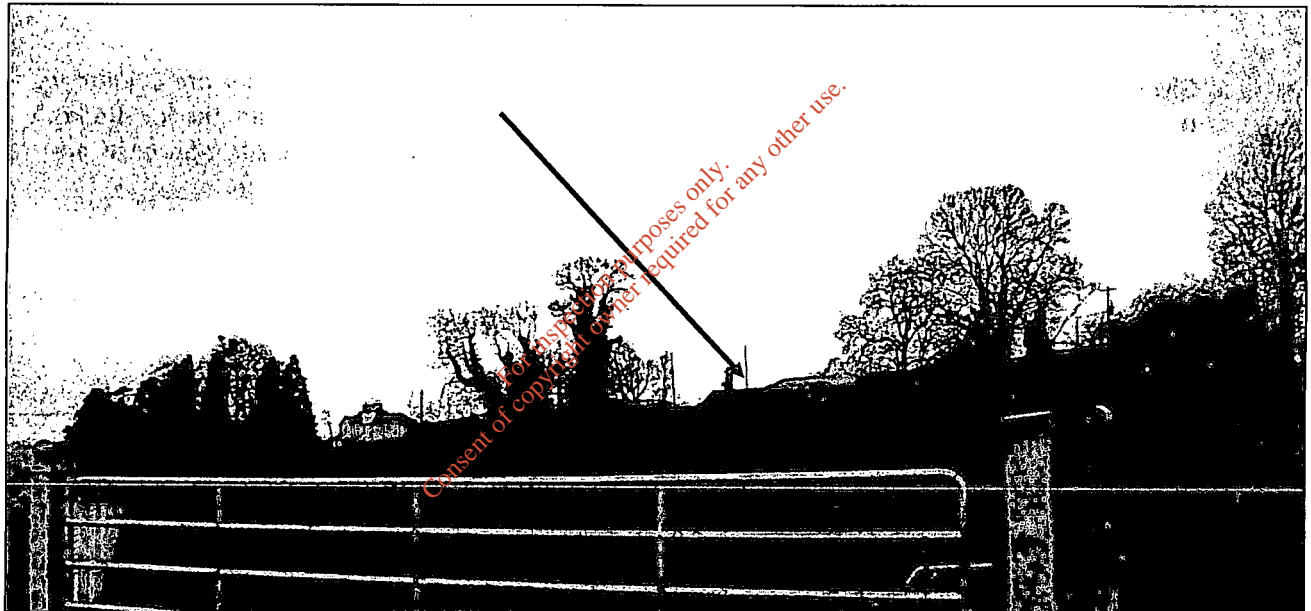
Development: Permission to erect a poultry unit, underground waste water washing storage tank, 2 vertical meal bins, use existing agricultural entrance and all ancillary site works within existing farm complex

Location: Gortnawhinny, Clones

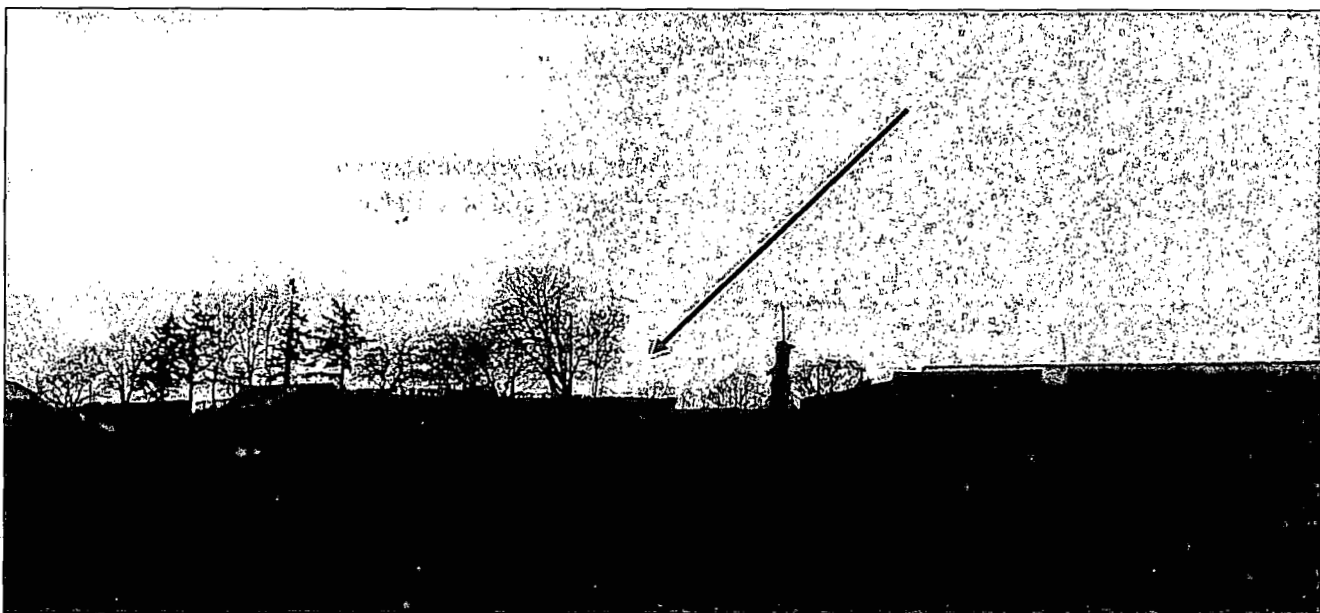
**Characteristics of the Site**

The site comprises an existing farm complex which is located on an elevated site above road level. The site is accessed via an existing, established laneway which leads which leads to both the family home and the farm complex. The boundaries of the site are not defined but the site is located at a lower level than the adjoining laneway.

The majority of the existing farm buildings are located to the east of the proposed site and comprise 3 existing poultry houses, a spent poultry litter store and various other standard agricultural sheds.



*Site viewed from north eastern approach – site is located beyond existing structures.*



*Site located on lower land behind existing hedging.*

Given the elevated nature of the site, views of elements of the existing complex are evident when travelling from a north eastern approach. By virtue of the curvature of the road, the location of the existing dwelling and existing vegetation, views of the site from the opposite approach are not apparent in the wider landscape.

#### **Characteristics of Area**

The site is located along local primary road 2110, in the townland of Gortnawhinny, less than 2km north east of Clones. The surrounding area is undulating and rural in nature.

#### **Relevant Site History**

No previous site history on this particular portion of land.

#### **Consultee Responses**

**Environment Section:** Additional information required as per report dated 5/12/13.

**E.H.O:** No objections as per report dated 03/01/14

**Area Engineer:** Additional information required as per report dated 25/11/13.

**E.P.A:** Comments received dated 26/11/13 are noted.

**I.F.I:** Comments received dated 27/11/13 are noted.

#### **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**

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

### Policy AFP2

The Planning Authority recognises the 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 existing established farm complex to the immediate east of the site, within the ownership of the applicant, the Planning Authority is of the opinion that the development is required to aid 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 5.946 metres and length of 91.5 metres
- Meal bulk storage silo's – height of 8 metres.

It is considered that the design and scale of the structures is acceptable. Although the site is elevated the field within which the proposals will be located falls from south to north and therefore the structures will not be overly apparent in the wider landscape. In addition, the southern boundary of the field is well defined by existing vegetation which provides screening to where the proposed structures will be located.

iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*

As indicated above, given the levels of the site and the existing mature vegetation along the southern site boundary adequate screening of the site is achieved. By virtue of the nature of the surrounding landscaping and location of existing vegetation, views of the site are not apparent in the wider environment. An additional landscaping scheme will however be requested given the currently undefined site boundaries.

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.*

Whilst the site does not contain any additional agricultural buildings, the main complex is located to the immediate east of it, within the ownership of the applicant and accordingly, complies with the above requirement.

v. *Is sited so as to benefit from any screening provided by topography or existing landscape*

Given the level of the site in comparison to the surrounding area, the set back nature of the nature and the limited views of the site, the proposed structures will not be apparent in the wider landscape. However the applicant shall be requested to submit a detailed landscaping scheme for the site boundaries to further aid the integration of the structures.

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 located on third party land.

vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*

There are no third party 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 requested additional information with regard to same.

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 requested additional information.

Policy AFP4

The proposal seeks approval for an additional poultry shed within a farm complex.

Policy AFP9

Poultry manure is removed off site by an authorised contractor however Environment Section has requested up-to-date correspondence from this contractor prior to issuing an approval of the application. This shall be requested as additional information.

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 has been submitted with this application. It is noted that a site drainage plan has not been submitted and shall therefore be requested.

**Environmental Impact Statement**

The proposed development will afford for 40,000 birds 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:

- Preamble
- Alternatives Selected
- A non technical summary
- Construction Operations
- Operational Details
- Human Beings
- Fauna and Flora
- Soils and Geology
- Water
- Air
- Noise
- Climate
- Landscape
- Material Assets
- Disease Control
- Waste Management
- Decommission of Buildings

- Traffic
- Mitigation
- Conclusions

#### **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:

- (a) human beings, fauna and flora;
- (b) soil, water, air, climate and the landscape;
- (c) material assets and the cultural heritage;
- (d) 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. In addition the EIS indicates the following mitigation with regarding to human beings:

- Natural screening surrounding the site will reduce the impact of dust and odour to the surrounding environment.
- Dust in transit will be mitigated by the litter waste being covered by a tarpaulin cover to the lorry.
- There will be a presence of odour nuisance during the transit of the litter waste however this will only occur 6 days a year.

Regarding the impact on flora and fauna, the EIS notes that the complex is located in an area of poor ecological value and that the site is not located close to any sensitive ecological areas. The site is however located about 1km south east of Kilroosky Lough Cluster SAC however the impact of the development on this Natura 2000 site is discussed further in the Appropriate Assessment section of this report. The EIS notes that whilst some earthworks and topsoil removal will have to be undertaken prior to the commencement of the development, the site was chosen as a result of its relative level nature with regard to topography to reduce the amount of earthworks required. In addition, the proposed development will not require the removal of any existing trees and hedgerows. The EIS indicates the following mitigation with regarding to flora and fauna:

- A management system is currently in place regarding pest and rodent control.
- Sedimentation will be controlled by ensuring that earthworks are undertaken in dry weather.
- Contractor will use good industry standard practices to prevent sedimentation of drains and ditches.
- Gortnawinney Lake is located approximately 600m from the site but due to the topography of the land and the distance from the site the development will have no impact on the lakes of the flora and fauna habitats.

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 the soils around the proposed development have no intrinsic value and stripping of topsoil is required to accommodate the development. It is stated that topsoil will be temporarily stockpiled and sealed before being regraded in and around the new structure.

The EIS states that the proposed development will be constructed on grassland with no significant rivers or streams within the surrounding area. The building will not emit any adverse emission which could contaminate local groundwater, however it is noted that the main source of contamination to groundwater and local ditches would be waste water from the cleaning of the building appliances which takes place 6 times a year. Mitigation proposed includes the following:

- A new reinforced concrete waste water underground collections tank will be located to the front of the main delivery doors with a storage volume of approximately 22,000 litres.
- Organic fertiliser or soiled water shall not be applied to land within:
  - 5 metres of streams or drains
  - 20 metres of lakeshores
  - 25m of domestic wells
  - 100-200m of public water supplies.
- In the case of spills/leaks from the drinking system in the house the dry bed floor will absorb the water spill and will be removed accordingly ensuring that no waste water from the operation phase of the growing can enter the outside environment.
- The drinking systems are checked 4 times for leaks/breakdowns.
- The surface water drainage strategy collects the uncontaminated water directly from the building roof into a gutter and gully system to an underground lateral drainage system and connect directly into the existing surface water drainage network leading to a drainage ditch.

Effects on air include a degree of dust nuisance during construction phase and during the operational phase a level of dust and ventilation will discharge spent air into the atmosphere however these are not considered to be a cause of concern. During the removal of spent litter from the floors of the house a level of dust will be generated although this will be localised. Additional HGV vehicles will be required during the removal/depopulation process although the traffic pollutants into the atmosphere will be negligible. Mitigation proposed in the EIS includes the following:

- Dust generated from the removal of spent litter will be localised and will take place 6 times a year. This area is isolated from the remaining farming activities and is not in close proximity to any third party dwellings.
- Odour caused by the operational/growing phase will be managed by good practices such as:
  - Ventilation and temperature control and monitoring
  - Thorough cleaning and disinfecting of the poultry house and the surrounding yards.
  - Strict adherence to good land spread practice
  - Chicken mortality carcasses stored in sealed container and collected twice a week.

The potential impacts of the development with regard to noise will be during the construction process as well as during operational process regarding the transport of livestock and of chicken meal. The EIS states however, that noise from the proposed development will be minimal and will be mitigated by the natural screening environment. Mitigation includes the fact that construction of the buildings will take place during normal working hours.

It is ascertained that the proposed development will have a negligible impact on the local or extended climate.



The EIS notes that the proposed building will be constructed away from public roads or direct public viewing. The building will be finished in green cladding to further aid its integration.

With regard to material assets, including the architectural and archaeological heritage and cultural heritage the development will not place any adverse affects on these resources. There are no known areas of archaeological interest within the vicinity of the site.

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

The EIS has failed to provide detail with regard to the inter-relationships between points (a)-(d). This shall be requested as additional information

In addition, the EIS contains information with regard to disease control, waste management, decommissioning of buildings and traffic. The EIS concludes that the developer currently manages an efficient and licensed operation and that as per the content of the EIS the proposed structures will have little or negligible impact on the surrounding area.

It is also noted that the EIS does not provide details of any difficulties encountered as required in Schedule 6 Part 2(d) of the Regulations.

#### 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 10-12 weeks 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 the interrelation between the factors and technical difficulties encountered is required before a final decision can be made.

#### **Development Contributions**

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

Floor space of proposed structures = 2104 square metres.

First 300 square metres = exempt.

Contributions are therefore applicable on the remaining 1804 square metres.

€500 + €5 x 1804 = €9520.00

### Appropriate Assessment

Section 4.88, policies APP1-AAP5 and policy ADP1 of the Monaghan County Development Plan 2013-2019 apply.

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 (i.e. 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"*.

The site lies within 10km from Slieve Beagh SPA and within 1km from Kilroosky Lough Cluster SAC.

The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA and Kilroosky Lough Cluster SAC.
- The relevant policies within the County Monaghan Development Plan 2013-2019 in respect of the protection of Natura 2000 sites.
- The in combination effects of the proposed development with other plans or projects.

The conservation objective of Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.

The conservation objective of Kilroosky Lough Cluster SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected namely:

- White Clawed Crayfish
- Hard oligo-mesotrophic waters
- Calcareous fens
- Alkaline fens.

It is considered that by virtue of the nature of the proposed development and the distance of the site from the both of the Natura 2000 sites, there will not be any significant effects on the integrity of the Natura 2000 site.

In addition, there are no watercourses in proximity to the application site and no pathway connectors with the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of both the proposed development and any other plan or project, the development is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.

### Request for Additional Information

The following additional information was requested on 7<sup>th</sup> January 2014:

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:

**Schedule 6, 2(b):** The inter-relationship between human beings, fauna, flora, soil, water, air, climatic factors, the landscape, material assets including the architectural and archaeological heritage and the cultural heritage.

**Schedule 6, 2(d):** An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

---

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 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 fully complies with the aforementioned policy.
3. As per Area Engineer's report dated 25<sup>th</sup> November 2013
4. As per Environment report dated 5<sup>th</sup> December 2013 (AS AMENDED)
5. Points 1 and 2 of Bernie O'Flaherty's report dated 20<sup>th</sup> December 2013

### Receipt of Additional Information

Following this request for additional information, revised plans and documentation were submitted to the Planning Authority on the 31<sup>st</sup> January 2014. The original request for additional information has been addressed as follows:

1. An amended EIS has been submitted in accordance with point 1 above. A table has now been inserted into the EIS which indicates the inter-relationship between the topics as requested in Schedule 6, 2(b).

A paragraph detailing the technical difficulties has also been included within the revised EIS.

2. A landscaping scheme has been submitted. The schedule indicated the number, species and location of all proposed planting and is considered to be acceptable.
3. The Area Engineer has been reconsulted and has no objection to the proposal.
4. Environment Section has indicated that as the operation is an IPPC Facility, conditions will be attached by the EPA.

5. As point 4 above.

### Conclusion

The information submitted on the 31<sup>st</sup> January 2014 has adequately addressed the concerns of the Planning Authority. There are no further objections to this 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 **€9520.00** 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 31<sup>st</sup> January 2014 shall be implemented in entirety prior to any use of the development hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
- b. 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.
- c. The line of the recessed entrance in conjunction with planting works as required under part (a) of this condition to be planted with hedgerow species and shrubs of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species to include thorn, beech, ash, oak, hazel, sycamore and holly.
- d. Any boundary fencing to be of stained wood.

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

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3. As per Area Engineer's report dated 11<sup>th</sup> February 2014.

**Reason: In the interest of orderly development and road safety.**

4. The development shall be carried out in accordance with details as submitted to the Planning Authority on the 14<sup>th</sup> November 2013 as amended by details received on 31<sup>st</sup> January 2014, except as may otherwise be required in order to comply with the above conditions.

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

*Helen McCourt*

Helen McCourt  
Assistant Planner

17<sup>th</sup> February 2014

*Alan Hunter*

21.02.14

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## Appendix 2

Copy of condition suggested by Environment Section

In relation to Item 3 this Council recommends that

- (a) All licenced facilities depending on off-site disposal of organic fertilizers and their agents should take account of sensitive areas identified in the County Development Plan 2013 to 2019. The licensee should demonstrate that County Development Plan objectives and policies for protection of waters are integrated into site management, landbank selection and nutrient management planning (including phosphorus application rates). The proposed use of landbanks by licensee and their agents in the catchment of water supply sources should seek approval in writing from the Local Authority.
- (b) A fully traceable manure movement system for off- site movement of manures is provided by licensee.

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- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application is made, where the application relates to unauthorised development is **€4,500 or €9,000** if there is an EIS or NIS involved.
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development, other than an appeal mentioned at (a) or (b) is **€660**.
- (d) Appeal other than appeal mentioned at (a), (b), (c), or (f) is **€220**.
- (e) Application for leave to appeal is **€110**.
- (f) Appeal following a grant of leave to appeal is **€110**.

**The appeal must be fully complete, with your name and address, the subject matter of the appeal, the full grounds of appeal and supporting arguments and material, appropriate fee and evidence of payment of submission fee to the Planning Authority.**

**In the case of a third party appeal, the acknowledgement from the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage should be submitted and the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.**

- 3. Submissions or observations to the Board by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of **€50**.

For more information on Appeals you can contact An Bord Pleanála at:-

Tel: 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: [bord@pleanala.ie](mailto:bord@pleanala.ie)

Web: [www.pleanala.ie](http://www.pleanala.ie)

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