



# Comhairle Contae Mhuineacháin Monaghan County Council

Acmhainní Daonna  
Human Resources  
047 30588

Airgeadas  
Finance  
047 30589

Na Bóithre  
Roads  
047 30597

Clár na dToghthóirí  
Register of Electors  
047 30551

Comhshaol  
Environment  
042 9661240

Na hEalaíona  
Arts  
047 38182

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  
Community  
047 73719

Rialú Dóiteáin/Foirgnimh  
Fire/Building Control  
047 30521

Oifig Fiontair Áitiúil  
Local Enterprise Office  
047 71818

Seirbhís Uisce  
Water Services  
047 30504/30571

Tuesday, 19 January 2016

Noeleen Keavey, Programme Officer,  
EPA Headquarters PO Box 3000,  
Johnstown Castle Estate,  
County Wexford.

Your Ref: Reg. No. P1029-01

Environmental Protection  
Agency  
20 JAN 2016

## Notification under Section 87 (1E) (a) of the EPA Act 1992 - Gerard & Raymond Tierney, Davagh Otra

Dear Noeleen,

I refer to your correspondence dated 10<sup>th</sup> September 2015.

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 and the extension of duration application.

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

Yours faithfully,

Joan Ryan  
Administrative Officer  
Planning

Fáilteonn an tUdarás Áitiúil roimh chomhfhreagras i nGaeilge.

Comhairle Contae Mhuineacháin, Oifigí an Chontae, An Gleann, Muineachán, Éire.  
Monaghan County Council, Council Offices, The Glen, Monaghan, Ireland.

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

✉ eolas@monaghancoco.ie info@monaghancoco.ie

## Appendix 1

Copy of Permission 07/740 (decision notice) along with copy of planning officer's report.

For inspection purposes only.  
Consent of copyright owner required for any other use.

**MONAGHAN COUNTY COUNCIL**

**TO:** Gerard Tierney  
C/o Brendan Quigley  
Lisdoogan  
Monaghan  
Co. Monaghan.

07/2138  
16/05/2008

**Re: Planning and Development Acts 2000 to 2006**  
**NOTIFICATION OF DECISION**

Monaghan County Council has by order dated 16/05/2008 decided to GRANT PERMISSION to the above named for development of land, in accordance with the documents submitted namely:- erect two no. poultry houses. An Environmental Impact Statement is also submitted to the Planning Authority with the application, and this Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, during the office hours of Monaghan Council. at Davagh Otra,, Emyvale, subject to the 5 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council

  
ADMINISTRATIVE OFFICER

16.5.08  
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 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.

- (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 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.**

1. 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)

**P07/2138 – Gerard Tierney, Davagh Otra, Emyvale, Co. Monaghan**

1. Cladding and roofing material shall be dark green, dark grey, dark blue or black in colour.
2. The eastern site boundary shall be planted with trees and shrubs of a species native to the area to form a naturalised hedgerow. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly. Planting as required, shall be carried out in the first planting season following commencement of building operations and permanently retained thereafter. Any plant which fails in the first planting season shall be replaced.
3. Facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area.
4. The applicant shall obtain an Integrated Pollution Prevention Control license (IPPC) from the Environmental Protection Agency as the proposed development relates to an activity requiring an IPPC license. The operation of the development hereby granted shall not commence until the associated IPPC licence has been issued.
5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 07/11/07 as amended on the 26/03/08, except as may otherwise be required in order to comply with the above conditions.

**THE REASON FOR THE IMPOSITION OF THE ABOVE CONDITIONS:**

1. In the interest of visual amenity.
2. In the interest of visual amenity.
3. To secure a satisfactory standard of development.
4. In the interest of environmental protection.
5. In the interest of proper planning and sustainable development.

MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT

Environmental Protection  
Agency  
20 JAN 2016

**File Ref:** 07/2138

**Applicant:** G Tierney

**Development:** Permission to erect 2 poultry houses (EIS included).

**Location:** Davagh Otra, Emyvale, Co. Monaghan.

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**Characteristics of Site/Area**

The site encompasses a 'one unit' poultry farm, which is above the adjoining local road level. The surrounding area is characterised by agricultural drumlin landscape and with regard to policy AGR4; there are two dwelling houses to the west and northeast that are within 100m of the proposed poultry units.

**Planning History**

There are no recent permissions on the site.

**Consultation**

Environment Section – Proposal requires an IPPC licence, EPA jurisdiction, IPPC licence required before new house is stocked.

**Representations/Objections**

None received.

**EIS Consideration**

The development is effectively described in non-technical terms.

However, the main body of the submitted EIS is inadequately detailed as per *Schedule 6* of the *Planning and Development Regulations 2001 to 2006*. The applicant has not (i) outlined any other alternatives explored during the design process, (ii) clearly indicated the main reasons for the final design choice, or (iii) detailed any difficulties encountered in compiling the required information.

**Planning Issues**

The proposed units are to be set in close proximity (either side) to the existing poultry house. They are typically designed and acceptably dimensioned. It is also noted that any views into the site are established and that an acceptable degree of facilitating site work is required.

As an integration precaution, screen planting is to be conditioned along the eastern site boundary.

**Conclusion**

Through an A.I. request, the applicant is to supplement the submitted EIS, as per the outstanding points mentioned above. Letters of consent are also to be requested in relation to the AGR4 issue.



## **Recommendation**

To request **ADDITIONAL INFORMATION:**

1. You are to note that new agricultural development is not permitted within 100m of any residential property not located on the holding, unless with the express written consent of the owner of that property (Policy AGR4 of the Monaghan County Development Plan 2007).

As per the submitted details, there are two dwelling houses to the west and northeast of the subject site that are within 100m of the proposed poultry units.

In order to permit the development as proposed, you are to submit signed letters of consent accordingly.

2. The submitted EIS is inadequately detailed as per *Schedule 6* of the *Planning and Development Regulations 2001 to 2006*. You have not (i) outlined any other alternatives explored during the design process, (ii) clearly indicated the main reasons for the final design choice, or (iii) detailed any difficulties encountered in compiling the required information.

Accordingly, you are to now submit the appropriate details, in accordance with the points raised above, needed to complete the submitted EIS.

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An according submission was received on the 26/03/08.

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### Recommendation

That Permission is **GRANTED** subject to the following conditions.

1. Cladding and roofing material shall be dark green, dark grey, dark blue or black in colour.

Reason: In the interest of visual amenity.

2. The eastern site boundary shall be planted with trees and shrubs of a species native to the area to form a naturalised hedgerow. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly. Planting as required, shall be carried out in the first planting season following commencement of building operations and permanently retained thereafter. Any plant which fails in the first planting season shall be replaced.

Reason: In the interest of visual amenity.

3. Facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area.

Reason: To secure a satisfactory standard of development.

4. The applicant shall obtain an Integrated Pollution Prevention Control license (IPPC) from the Environmental Protection Agency as the proposed development relates to an activity requiring an IPPC license. The operation of the development hereby granted shall not commence until the associated IPPC licence has been issued.

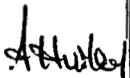
Reason: In the interest of environmental protection.

5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 07/11/07 as amended on the 26/03/08, except as may otherwise be required in order to comply with the above conditions.

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



Ben Clerkin  
Assistant Planner  
14 May 2008



14/5/08