

## Memorandum

From Fintan Coffey  
Assistant Planner

To Nicholas O'Kane  
Senior Planner

*NOL* *10/2/2020*

Date 10<sup>th</sup> February 2020

Planning Reg. No: 19/521

Applicant: Hugh Brady

Type of Application: Permission

Development Description: Construct 1 no. poultry house with associated site works, underground washings holding tanks, concrete aprons and meal silos. The 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 to 2013.

Municipal District: Bailieborough/Cootehill

### Site location

The subject site is located in Laragh, which is 2km NW of Stradone on the Local Road L6078-0. A white site notice was erected on the dates of the site inspections, in accordance with the Regulations, and was clearly visible and legible from the public road.

### Development Plan

The site is situated in Laragh. Laragh does not have a development limit as it lies outside Tiers 1 to 6 of the Development Plan Settlement Hierarchy. As such, it forms part of Tier 7 which is "open countryside and a number of small clusters that have one or more services and a cluster of housing around or near to these services".

**Agriculture Policies and Objectives, Cavan County Development Plan 2014-2020**

**Policy EDP3:** To promote sustainable agricultural development whilst ensuring that development does not have an undue negative impact on the visual amenity of the countryside.

**Objective EDO1:** To promote the continued development and expansion of the Agri-Food Sector.

**Objective EDO4:** To ensure that all agricultural activities comply with legislation on water quality, such as the Phosphorous Regulations, Water Framework Directive and Nitrates Directive.

**Objective EDO5:** To encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

**Objective EDO6:** To recognise and support the role of farmers as custodians of the natural resources of the countryside and of rural landscapes which are valuable to existing and future generations. Ensure that development does not have an undue negative impact on the visual and scenic amenity of the countryside. Protect soil, groundwater, wildlife habitats, conservation areas, rural amenities and scenic views from adverse environmental impacts as a result of agricultural practices.

**Objective EDO7:** To support agricultural development as a contributory means of maintaining the population in the rural area and sustaining the rural economy, whilst maintaining and enhancing the standing of the rural environment and through application of the Water Framework and Habitats Directive.

**Planning History**

18/563 – Hugh Brady got permission to construct 1 no. poultry house together with associated site works, underground effluent holding tank, concrete aprons and meal silo. The application related to a development which was for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency Acts 1994 to 2013.

18/254 – Hugh Brady withdrew this application to construct 1 no. poultry house together with associated site works, underground effluent holding tank, concrete aprons and meal silo.

14/88 – Hugh Brady was granted planning permission to construct one poultry house and underground effluent housing tank, concrete aprons and meal silo. This application was not accompanied by an EIS

07/1936 – Hugh Brady was granted planning permission to construct 3 bay slatted cubicle shed with creep area, underground slurry storage tanks and adjoining aprons.

89/1854 – Hugh Brady was granted planning permission to construct slatted house.

#### **Pre-application consultations**

None.

#### **Submissions**

None received.

#### **Representations**

**Environmental Protection Agency** in its report dated 17/1/2020 states:

"I refer to your correspondence received 03/01/2020 requesting comments from the Agency on the planning application and EIAR for the above referenced development. In accordance with Section 87(1F) of the EPA Act 1992 as amended (hereafter referred to as the EPA Act), the Agency makes the following observations.

The development proposed may require a licence under Class 6.1 of the EPA Act. The Agency has not received a licence application relating to the development described above.

It is noted that the planning application was accompanied by an EIAR. Should the Agency receive a licence application for the development, the applicant will be required to submit the associated EIAR to the Agency as part of the licence application. The EIAR will be considered and assessed by the Agency and the Agency shall ensure that before the licence is granted, the licence application will be

made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act. In addition, consultation on the licence application and EIAR will be carried out in accordance with Section 87 (1B) to (1H) of the EPA Act as appropriate. All observations from the planning authority will be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application. Please also note that you will be requested to provide the documentation relating to the EIA you have carried out to the Agency under Section 173A(4) of the Planning and Development Act 2000 as amended<sup>11</sup>.

Should a licence application be received by the Agency all matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIAR will be considered and assessed by the Agency.

Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

Should an IE licence application be received in relation to the above referenced development, it will define the site boundary. In most cases, the site boundary only relates to the site of the poultry rearing and directly associated activities which occur within that defined site boundary. Activities such as the processing of animal feed, use of organic fertiliser as fertiliser beyond the site boundary etc. cannot be controlled by a condition of an IE licence which may be granted for the poultry rearing activity because they do not occur within the defined site boundary. In relation to the management and use of organic fertiliser, when it leaves the installation (poultry rearing activity), the IE licence cannot specify conditions governing, and making the licensee liable for, the use of organic fertiliser by, or the actions of, the subsequent holder of the organic fertiliser generated. The recipient

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<sup>11</sup> Please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012 (S.I. No. 282 of 2012)



of organic fertiliser is responsible for the management and use of the organic fertiliser in accordance with the applicable regulations (European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and Animal By-Products Regulations (Regulation (EC) No. 1069/2009)).

Finally, please note that in accordance with section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development above until a planning decision has been made."

Inland Fisheries Ireland has responded to this application by its report dated 21/1/2020. The following is a bullet point summary of that representation:

- Any development or expansion in the production of poultry waste represents an increase in organic and nutrient leading to receiving waterbodies and thus poses an increased risk to their integrity with resultant adverse effect on fish. Therefore, compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014 is required.
- Applicant must follow Department of Agriculture's *Explanatory Handbook for Good Agricultural Practice Regulations*.
- In addition, the disposal of dead birds must adhere to the Department of Agriculture's *Code of Good Practice Guidelines for Poultry Farmers*.
- The construction of the proposed development must adhere to the Department of Agriculture's *Farm Building and Structure Specifications*. Before use, all new tanks or pipelines should be tested for water-tightness and integrity, and thereafter tested at least every five years.
- Only clean, uncontaminated water should be discharged to a soakaway system or to surface water.
- No mixing of foul and surface water should be permitted. Attenuation of surface waters should be considered to minimise flood risk.
- Recommend protection of all watercourses on site and biodiversity, ditches, hedgerows etc.
- Caution around the spreading of poultry manure and impact on watercourses.
- Recommend systems to be put in place during construction phase to minimise environmental damage, including control of sediment run-off, damage to riparian vegetation, spillages, discharges etc. Reference to IFI guidelines: "*Requirements*

*for the Protection of Fisheries Habitat during Construction and Development Works at River Sites" and "Fishery Guidelines for Local Authority Works".*

- Measures should be taken during construction to prevent the introduction of invasive species.

## Internal Reports

Environment Section report (dated 29/1/2020) notes:

"This application is to construct 1 no. poultry house with associated site works, underground washing holding tanks, concrete aprons and meal silos. The application relates to a development which is for the purpose of an activity requiring a licence under Part IV of the Environmental Protection Agency Acts 1994 - 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application.

The proposed development is located in the Laragh-020. This water body is currently classed as Good Ecological Status. This status must be maintained in accordance with the requirements of the Water Framework Directive. The development is also located in the Cavan Ground Water Body which is currently classed as Good Status.

Having assessed the Cavan Groundwater Protection Scheme Maps, prepared for Cavan County Council by the Geological Survey of Ireland, it is evident that the development is located in an area designated as a Poor Aquifer with Extreme Vulnerability.

An EIAR was submitted by Nevin Traynor, Traynor Environmental Ltd and the following was noted:

- The application is for a poultry house for c. 50,000 birds, which will bring his total proposed bird holding on the farm to 143,000 birds which is above the threshold of 40,000 and therefore requires an EPA IED Licence. It is stated that an EPA Licence will be applied for once planning permission is granted for the

development. It will operate for broiler rearing where birds will be reared in a 6 – 7 week cycle with 1-2 weeks at the end of each cycle where there will be no birds and the houses will be cleaned out.

- It is proposed that surface water will discharge via storm drains to an open watercourse. In Section 6.3 mitigation measures are set out.
- The proposed water supply source for the proposed development will be from the Mountain Lodge group water scheme.
- Soiled water will be generated from the cleaning of houses at the end of each 5-6 week cycle. The estimated soiled water production will be c.930m<sup>3</sup> per annum. It is proposed that this soiled water will be collected in an underground wastewater tank. It is proposed to landspread this soiled water on the applicant's land of 48.69 Ha. The application of the soiled water will increase the N loading by 25.9 Kg N/Ha to a stocking rate of 103.1 Kg N/Ha which does not exceed the 170kg of organic N/ha limit.
- Poultry manure will be removed off site for disposal by authorised contractor CLR Co-op. It is estimated that 2988.26m<sup>3</sup> of manure will be produced annually.
- The report states that poultry carcasses will be moved off site and taken for disposal by Hereford Meats Ltd. However no supporting documentation was submitted therefore inadequate information was provided for the proposed disposal route for carcasses i.e. company details and proof of a disposal contract.
- The proposed development is not likely to have any adverse noise impact. There are 7 noise locations within 150 meters of the proposed development. Noise monitoring was undertaken.  
Odour emissions are not perceived to cause a nuisance with exception to during times of manure disposal. In Section 9.3 Mitigation measures for potential air and noise impacts are set out.
- A Habitats Directive Assessment Screening report was submitted as part of the EIAR, this report concludes that the development will have no impacts upon Natura 2000 sites. I recommend that this report be referred to the Heritage Officer.
- That waste materials generated during the construction and operation phases of the development, will be collected and transported off site by appropriately authorised waste contractors. I recommend that this report be referred to the Waste Management Section.



#### Recommendation

- Insofar as the Council can make judgement on the environmental issues of the proposed development at this facility, I recommend unconditionally.
- I recommend that the EPA and Inland Fisheries Ireland should be notified regarding the details of this application."

The Municipal District Engineers report (10/1/2020) states:

- Previous conditions to apply.
- Sightlines in a northern direction shall be improved. In this regard, recommend application trim/maintain hedgeline located in a north western direction within landholding.

The previous conditions (from 18/563) stated:

"The MD Office has no objection in principle to this development subject to the following conditions:

The existing entrance shall be paved from public road L6078 for a minimum length of 15m into the site. The pavement shall be of designed thickness to withstand anticipated loading and be finished in either tarmacadam wearing course or concrete apron paying particular attention to the joint with the public roadway where it shall finish flush.

This pavement shall incorporate a drainage channel or appropriately spaced gullies to prevent surface water flowing from the site onto the public road or from the roadway into the site. It shall discharge to open drainage ditch or on-site drainage system."



## Outline of the Proposed Development

### Application details:

- Site area 1.835 ha.
- 1 poultry house: gross floor area of proposed works 2,500 sq m.
- The proposed development is to house 50,000 broilers. This is in addition to the 43,000 broilers housed on the site and the additional 50,000 broilers permitted under Planning file 18/563. The proposed development, if permitted, would bring the total broiler numbers on site to 143,000.
- External dimensions of poultry house would measure 122.05m long (excl. concrete apron) x 20.7m wide x 2.65m high side walls pitched roof rising to 4.2m at the apex (including the raised ventilation canopy).
- 1 no. underground effluent holding tank (of 18 cubic metres); 2 no. meal silos (8m high) and concrete apron.
- No new entrance proposed onto public road.

The 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 to 2013.

This is a development proposal for a fifth poultry shed in an existing farm complex, together with the supporting ancillary structures of two meal silos, underground effluent storage tank, and concrete apron. The proposed poultry house is to house 50,000 broilers. This is in addition to the existing operation comprising 43,000 broilers across three older sheds to the front of the site, and the fourth poultry house more recently permitted under Planning Register Reference 18/563 for 50,000 broilers. When complete, the five poultry houses (existing, permitted, and proposed) would accommodate a total of 143,000 broilers.

The planning application is accompanied by a report by Traynor Environmental Ltd. which provides information on the likely environmental impacts of the proposed development, in both its construction and operational phases.

It is intended that the proposed development (which I describe as Shed 5) would be the same design as the shed permitted under 18/563 (which I describe as Shed 4), and that both would be constructed simultaneously and to the same design.

The proposed development is designed on an internal gross floor area of 2,500 sq m, and 122 metres long by 20.7 metres wide by external measurements. The total height would be 4.2 metres. This is substantially the same as that granted under Planning file 18/563 and designed to accommodate the same number of broilers (50,000).

The roof would consist of corrugated aluminium roof (silver or brown). Building sides would comprise TGV vac treated timber cladding (green), and a rendered plinth.

It is proposed that surface water will discharge via storm drains to the open watercourse shown on the site layout plan.

The proposed water supply source for the proposed development would be the Mountain Lodge GWS.

Soiled water would be generated from the cleaning of houses at the end of each 5-6 week cycle. The estimated soiled water production will be c.930m<sup>3</sup> per annum. The soiled water would be collected in an underground wastewater tank, before being land-spread on the applicant's landholding.

Poultry manure would be removed off site for disposal by authorised contractor CLR Co-op.

Poultry carcasses would be removed from site and taken for disposal by Hereford Meats Ltd.

### **Requirement for Environmental Impact Assessment Report**

An EIAR is required as stated under Schedule 5 of the Planning and Development Regulations 2001-2015 where:

#### **Part 1**

17. Installations for the intensive rearing of poultry with more than 85,000 places for broilers or 60,000 places for hens

#### **Part 2**

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

The proposed development is for 50,000 broilers. If granted planning permission, this would bring the total number of broilers on site to 143,000. Cumulatively, this is above the threshold for Part 1 above, which is for 85,000 broilers, but this threshold was already exceeded with the previous application 18/563, which brought the broiler population up to 93,000 and therefore triggered EIA. The question then is whether the additional increase of 50,000 broilers proposed in the current application would trigger another EIAR for this site given the cumulative impacts of the various development proposals.

In making such a determination, the Planning Authority is to have regard to the likely significant effects of the development on any site, area, land, place or feature as appropriate, as set out under Article 103 (2) of the Planning and Development Regulations, as amended. In so doing, the Planning Authority must have regard to the criteria set out in Annex III of the EU Directive 2014, mirrored in Schedule 7 of the Planning and Development Regulations, 2001, as amended, which are set out in the next section under the three headings: (1) Characteristics of proposed development (2) Location of proposed development and (3) Types and characteristics of potential impacts.

Part 2 relates to installations for intensive rear of poultry not included in Part 1. In other words, intensive poultry rearing that does not comprise hens or broilers. As the subject planning application is for broilers. Part 2 does not apply in this instance.



## **1. Characteristics of proposed development**

The characteristics of proposed development, in particular—

- (a) the size and design of the whole of the proposed development,
- (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,
- (c) the nature of any associated demolition works,
- (d) the use of natural resources, in particular land, soil, water and biodiversity,
- (e) the production of waste,
- (f) pollution and nuisances,
- (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and
- (h) the risks to human health (for example, due to water contamination or air pollution).

In considering the characteristics of the proposed development under 1(a) to (h) above, my assessment is that a significant environmental effect could arise under 1(a) (b), (d) to (f) and (h). They relates to the impact of the proposed development in terms of size, its combination with the existing poultry and farm developments on the site, and its potential to produce significant environment effects in terms of groundwater contamination, noise or odour impacts on adjacent sensitive receptors, and on human health.



## **2. Location of proposed development**

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

(a) the existing and approved land use,

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,

(c) the absorption capacity of the natural environment, paying particular attention to the following areas:

(i) wetlands, riparian areas, river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;

(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;

(vii) densely populated areas;

(viii) landscapes and sites of historical, cultural or archaeological significance.

My assessment is that the proposed development is not likely to give rise to a significant environmental effect having regard to this second criteria above which relates to

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environmental sensitivity, landscape and receiving environment. The proposed development is at the back of an existing farmyard complex where the environmental sensitivity of the receiving environment is minimal, and where the absorption capacity is high having regard to the criteria listed above.

### 3. Types and characteristics of potential impacts

The likely significant effects on the environment of the proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in section 171A<sup>1</sup> of the Act, taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),
- (b) the nature of the impact,
- (c) the transboundary nature of the impact,
- (d) the intensity and complexity of the impact,
- (e) the probability of the impact,
- (f) the expected onset, duration, frequency and reversibility of the impact,

<sup>1</sup> Section 171A(b) of the Act requires an EIA to include—

(i) an examination, analysis and evaluation, carried out by the planning authority or the Board, as the case may be, in accordance with this Part and regulations made thereunder, that identifies, describes and assesses, in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following

- (I) population and human health;
- (II) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;
- (III) land, soil, water, air and climate;
- (IV) material assets, cultural heritage and the landscape;
- (V) the interaction between the factors mentioned in clauses (I) to (IV)

(g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and

(h) the possibility of effectively reducing the impact.

My assessment of the proposed development under the above criteria is that the likelihood of a significant environmental effect cannot be excluded under (g) above. It is considered that the proposed development in cumulation with those developments or consents for the purpose of s.172(1A)(b) may be likely to give rise to a significant environmental effect.

My conclusion is, therefore, that an EIAR is required in this instance having regard to Annex III of the EIA Directive.

#### **Environmental Impact Assessment**

Section 172 of Planning and Development Act, 2000, as amended, requires planning authorities to carry out an Environmental Impact Assessment in relevant cases. Section 171A set outs in detail, what the assessment must comprise. The assessment must include an examination, analysis and evaluation and it must identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of EIA Directive, the direct and indirect effects of a proposed development on the following.

- a) Population and human health
- b) Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- c) Land, soil, water, air and climate
- d) Materials assets, cultural heritage and the landscape
- e) The interaction between the factors mentioned in points (a) to (d)



## **Summary of submitted EIAR**

### Identification of the Likely Significant Impacts

A scoping exercise was carried out in the preparation of the EIAR using current EPA Advice Notes for Preparing Environmental Impact Statements (Draft 2015) which includes specific guidance in relation to poultry operations. Issues surrounding waste handling and odours are identified as the principle causes for concern. A Habitats Directive Screening report has also been submitted with this planning application.

### Baseline Information

To assess the direct and indirect significant effects of the proposed development, baseline information has been gathered in the EIAR for the environmental factors required by the EIA Directive. Information from various bodies and organisations was sought in the preparation of the EIAR. 10 information sources are listed. No limitations or deficiencies in the data have been identified, and evidence was also used from the many similar poultry operations in the county.

### Description of the Effects - definitions

Section 2.2.2 of the EIAR sets out the definitions of impacts (effects) as contained in the Draft EPA Guidelines 2017. The type, quality, significance, magnitude, probability duration of effects are all categorised and defined as per the Draft EPA Guidelines.

### Alternative Considerations – Site Selection

The site was selected for a number of reasons:

- Proximity to other poultry sheds on the farm. Location allows for more streamlined integration with existing farm activities.
- Existing utilities and services on site.
- Distance to dwellings.
- Existing topography, buildings and hedgerows allow for visual integration of development.
- No impact on any Natura 2000 site.
- The site is not visible from any scenic routes, ecological designation or areas of secondary amenity value.
- Existing access point, and sight lines / visibility splays can be achieved.



### Alternative Considerations – Site Layout, Design, Size

Development has been designed according to BAT requirements for the intensive rearing of poultry. The design and layout facilitates economy of scale for a development of this nature, which has typically been operated by individual farmers. The capacity for circa 143,000 broilers on this site is identified as a quantity typically managed by individual farmers and allows for economies of scale for the applicant whilst meeting the requirements of the processor (in this case, Western Brand).

### Alternative Management of Byproduct

The management of poultry manure and soiled water would comply with the Nitrates Directive. In this instance, soiled water would be spread on the applicant's own land. Manure will be exported off site by a registered contractor.

### **Impact on Environmental Factors**

#### Soils and Geology

The site is underlain by the Lough Avaghon Formation which is grey coarse grained massive quartz/greywackes/sandstones. Approximately 150 metres north of the site, the bedrock geology comprises the Dinantian Limestones. No bedrock outcrops are present within the site boundary. The closest bedrock fault line is 500 metres NE of the site. There is no geological heritage identified within a 16.6km radius of the site.

During construction phase, it is envisaged that the impact of the proposed land take would be imperceptible. No excess soil would be generated during the 'cut and fill' phases of the construction. However, if left unmitigated, the following could affect the soil quality by:

- Washout of exposed bare soils.
- Potential for accidental spillages from machinery fuel/oils, if not stored correctly.

At operational phase, similar accidental spillages could occur from site machinery during the removal of organic manure and at the cleaning phase of operations. A series of mitigation measures are proposed on p.21 of the EIAR.

### Hydrogeology

All of the site is underlain by Silurian Metasediments and Volcanics. SE of the site is underlain by Dinantian Limestones comprising mixed sandstones, shales and limestones. Under the site, the bedrock aquifer is described as PI – Poor Aquifer – bedroom which is generally unproductive except for Local Zones.

There are two groundwater vulnerability classifications found within the site. Approximately 50% of the site is classified as "H" – High vulnerability, with the remaining classified as "E" - Extreme vulnerability.

The potential impact of the proposed development has been assessed against the different ratings of magnitude as set out in Table 7 of the EIAR.

During the construction phase and operation phases, activities on site are considered not to pose a significant risk providing that protocols are in place to avoid fuel or oil spillages by ensuring correct storage and handling of these substances. A series of mitigation measures are set out on pp.26-27 of the EIAR.

During the operation phase, potential impacts if left unmitigated would relate to accidental spillage of fuels or hydraulic oils from site machinery leading to contamination of the underlying aquifer, and the over-application of organic manure and oiled water to farm lands leading to eutrophication and contamination.

It is estimated that circa 930 cubic metres of soiled water would be generated on the entire site (existing, permitted and proposed developments). This would be applied to 48.69 hectares of land. Calculations are presented to show that this is below the statutory limit of nitrogen loading and is therefore in compliance with the Nitrates Directive.

### Hydrology

An analysis of the predicted effects of the proposed/existing poultry development on hydrology during the construction and operational phases is presented in the EIAR. Laragh Stream is the closest waterbody, but not close to the site. The EIAR lists the following potential risks:

Potential for accidental spillage of diesel fuel and hydraulic oils from site machinery during the construction phase, if those materials are not stored correctly, and this could potentially impact on Laragh stream. During construction, any washout and erosion of exposed bare soil may cause excessive siltation of the drainage channel.

At the operational phase, there would be no effluent / process discharge to any surface waterbody, but potential impacts if left unmitigated again include the accidental spillage of fuels / oils, and over application of organic manure to the receiving lands.

Mitigation measures for all of the above are set out on p.29 of the EIAR.

#### Ecology

There are no protected flora or fauna identified within or in close proximity to the site. There are two Natura 2000 sites within a 15km radius of the site, Lough Oughter and Associated Loughs SAC 10.9kms away and Lough Oughter Complex SPA 12kms away.

The application site lies within the Erne Hydrometric Area and Catchment and Laragh Sub-Catchment and Sub-Basin. The proposed development would be drained from an open channel which eventually feeds towards the main channel of the Laragh River which is over 150m north of the application site. EPA has identified the ecological status of this river and its tributaries as good. Under the Water Framework Directive, this status must be maintained.

It is not envisaged that the construction or operational phases of the proposed development would pose a significant ecological risk. To minimise the loss of habitat during construction phase, it is considered that the area of construction should be minimised. Construction should be approached from the existing operations on the site, thereby avoiding disturbance to neighbouring habitats. Water flow to drainage ditches should be managed and improved if required. Without mitigation, the following effects could occur: destruction of habitat and contamination of waterbody and subsequent effect on aquatic life arising from silt, hydrocarbon or nutrient pollution.



Similarly, during the operational phase it is not envisaged that any activities on site would pose a significant risk. However, if mitigation measures are not in place, several effects could occur. These effects relate to the impact of rodents/pests on animal welfare, or contamination of waterbodies with subsequent effects on aquatic life as a consequence of silt, hydrocarbon or nutrient pollution.

A series of mitigation measures are outlined on p.32 of the EIA in relation to the protection of ecology.

Overall, no significant adverse ecological impacts are anticipated for the construction and operational phases of the proposed development.

#### Archaeology and Cultural Heritage

The closest archaeological site is a ringfort at Killycrone (Ref. No. CV021-043) situated c.0.1kms west of the application site. A nearby graveyard and church are located 0.2km north of the application site.

Given the distance to the nearest archaeological heritage site it is not envisaged that there would be any impact on it arising from the proposed development. No buffer zones for cultural or archaeological structures are located within the boundary of the application site. Figure 8.0 of the EIA shows the location of the nearest cultural and heritage sites.

The impact of the proposed development on cultural heritage would be imperceptible.

#### Air, Climate and Noise

For air and climate, predicted impacts include vehicle emissions and CO<sub>2</sub> from both construction and operational traffic. Greenhouses gases from poultry is considerably less than cattle or sheep.

Odour emissions during operational phase would be limited to times of manure disposal, and envisaged to be brief and limited to times of manure removal from the premises. Mitigating measures are set out to minimise this (pp.39-40).

EPA conditions stipulate operating noise levels that should not be exceeded at any noise sensitive location surrounding the site.

Within a radius of 300 metres, three Noise Sensitive Locations (NSLs), all dwellings, have been selected, and four other Noise Locations (NLs). Background noise was measured at each location.

During the development phase it is not envisaged that the proposed development would cause a nuisance or exceed the legal limit outside the site boundary. At operational stage, the principle noise sources are vehicle movements and the operation of power equipment. These are not envisaged to reach a nuisance level or exceed the EIA limits outside the site boundary.

#### Landscape and Visual Impact

A Visual and Landscape Impact Assessment is submitted with this application (Ch. 10 of EIAR). That VIA includes Figures 11.0 and 12.0 which are photomontages of the proposed development.

The assessment is based on the following criteria:- landscape character, value and sensitivity, magnitude of the likely impacts, and significant of the landscape effects. The sensitivity of the landscape to change is the degree to which a particular landscape receptor (landscape character area, or feature) can accommodate changes or new elements without unacceptable detrimental effects to its essential characteristics. The visual impact of the proposed development is assessed by weighing the sensitivity of visual receptors against the magnitude of the visual effect. Visual receptors are selected in accordance with the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> edition, 2013) by the institute of Environmental Management and Assessment (EMA). The magnitude of visual effects is determined on the basis of two factors: the visual presence (relative visual dominance) of the proposal, and its effect on visual amenity.

In this assessment, a 5km radius study area was selected, with a particular focus on receptors contained within 2kms. At construction stage, potential visual impacts are related to temporary works, site activity and the increase in vehicular movement in the immediate area. All construction impacts would be temporary, and would include site

preparation works, site infrastructure works, construction traffic, dust and other emissions, temporary site lighting, temporary site buildings, and drainage. The extent of visual impact during construction phase is likely to be similar to that of the operational phase.

When constructed, it is stated in the EIAR that the visual impact would be very dependent on the attitude of the viewer. If no development occurs, the present character of the site will remain, which may be positive, negative or neutral, depending on how well a development is perceived by the public.

#### Material Assets

In the EIAR the effects of the proposed development on the following material assets were considered:

- Built services and utilities
- Natural resources
- Roads and traffic
- Waste management
- Surrounding properties, and
- Surrounding agricultural holdings

The construction phase would take approximately 3 months, and based on other developments in the county, the proposed development could be regarded as average sized. A limited quality of natural resources would be required, however it is not envisaged to have a negative impact. Given the scale of the development and duration of the construction process there would be no adverse impact on the local road infrastructure as the site is well serviced by the local road network.

As construction would be confined to the site, there would not be any impact to third parties, properties or land holdings.

It is considered that the following impacts could have an effect on the surrounding material assets if left unmitigated during the construction phase:



- Inappropriate sourcing of construction materials.
- Mismanagement of construction and demolition waste generated. This may lead to water or soil contamination with subsequent ecological or human health impacts. Improper disposal may also lead to landscape visual impacts.

Similarly, at the operational phase site activities would be confined to the site and would not negatively impact on surrounding property or land.

Operational traffic would increase to transport feed, manure, gas, wood shavings, birds (in and out), and mortalities. Estimated traffic volume for the proposed development (i.e. additional traffic to what currently exists) would amount of a total of c.40 additional truck movements per batch to and from the site. This equates to an average total of c.7 vehicular movements per week. It is predicted that this would not cause an adverse impact on the local road infrastructure.

Organic waste arising from the proposed development (manure and soiled water) would be handled in accordance with the Nitrates Directive. Spent fluorescent light tubes, a potential source of hazardous waste, would be disposed of in accordance with the WEEE Directive.

Energy requirements including gas heating for the proposed development would be minimised by the use of BAT. Water and electricity services are currently in place at the site. The poultry meal based diet is considered as a renewable natural resource. The proposed development in the operational phase would not result in a negative impact on natural resources.

Mitigation measures are proposed on p.51 of the EIAR regarding waste disposal, traffic to the site, and for the minimisation of energy consumption on site.

#### Population and Human Health

The 2017 EIAR Draft Guidelines outline typical headings under which the environmental factor 'population and human health' could be addressed. These include employment, human health and amenity.

The predicted impacts on population include additional employment benefits and job security, including economic benefits to the wider economy (suppliers, services, contractors to the farm etc.). A number of potential impacts on human health and population have been identified in previous sections of the EIAR which include:

- Impact of contamination of drinking water at construction or operational phases.
- Odour nuisance during operational phase.

Mitigation measures are set out on p.52 of the EIAR to prevent hydrogeological contamination and odour migration from the site. Using this mitigations would ensure that all potential impacts associated with the development would be imperceptible.

#### Inter-relationships and Cumulative Effects

##### ➤ Soils and Geology

Soil contamination during construction or operation phases has the potential to cause adverse impacts on surrounding hydrogeology, hydrology and ecology, but if the proposed mitigation measures are implemented this would not occur and therefore a neutral impact on the environment would result.

##### ➤ Hydrogeology

Contamination/enrichment to the underlying aquifer during construction or operation phases has the potential to cause adverse impacts on surrounding hydrology via baseflow and subsequent indirect alteration to aquatic ecology. Also, contamination of groundwater has the potential to impact on human health should the boreholes/ wells in the vicinity of the site become contaminated. However, the EIAR points out that if the proposed mitigation measures are implemented this would not occur and therefore a neutral impact would result.

##### ➤ Hydrology

Contamination/enrichment during construction or operation phases has the potential to cause adverse impacts on aquatic ecology. Algal blooms caused by eutrophication can also adversely impact on the landscape. However, the EIAR again points out that if the proposed mitigation measures are implemented this would not occur and therefore a neutral impact would result.

➤ **Ecology**

The inter-relationships between ecology and the other environmental factors have been described under previous headings.

➤ **Archaeological / Cultural Heritage**

No inter-relationships between archaeological / cultural heritage and the other environmental factors have been identified.

➤ **Air, Noise & Climate**

Odour emissions during the operational phase, should they occur, have the potential to cause an adverse impact on population and human health. However, if the proposed mitigation measures are implemented this would not occur and therefore a neutral impact would result.

➤ **Landscape and Visual Impact**

The inter-relationships between the landscape and hydrology/ecology have been described under previous headings. Also, improper waste disposal (i.e. material assets) can impact on the landscape. However, if the proposed mitigation measures are implemented this would not occur and therefore a neutral impact would result.

➤ **Material Assets**

Improper disposal of C&D waste during construction, or the mishandling of organic waste during the operational phase, have the potential to cause an adverse impact on the soil, hydrogeology, hydrology, landscape and air quality, with subsequent indirect impacts on ecology and human health.

➤ **Population and Human Health**

The inter-relationships between population / human health and the other environmental factors have been described under previous sections of the EIAR.

**In summary:**

A matrix is included in the EIAR indicating the inter-relationships between the EIA factors.



- It is not anticipated that the proposed development will, when combined with other projects, result in a cumulative impact that is collectively significant.
- The do-nothing scenario would not result in any change to hydrogeology, hydrology, air quality, noise, climate, landscape, and cultural heritage.
- The main impact on the human environment if the proposal does not proceed is the loss of direct and indirect employment.
- The production of poultry manure and applicant to tillage farm lands as an organic fertiliser represents a slight positive impact on soils which would be lost if the development did not proceed.
- Hedgerow/trees are to be planted creating a slight positive impact on the local ecology.

#### **Overall conclusion of the EIAR**

No significant adverse residual effects are likely to occur though in-combination and/or cumulative impacts. Any effects identified can be mitigated by management of the construction and operational processes by adherence to the mitigation measures set out in the EIAR.

#### **Planning Authority Assessment**

The EIAR concludes that there are no significant adverse residual effects are likely to occur from the proposed development either individually or in combination with other development. On the evidence submitted, I concur with this. Any effects identified can be mitigated by management of the construction and operational processes by adherence to the mitigation measures set out in the EIAR.

The EIAR has identified mitigation measures to substantially reduce any impacts on human health, some of which are well established by best practice, and others which are additional recommendations set out in this EIAR.

The EIAR includes predicted noise levels at seven noise sensitive locations from a typical operation of this nature, measured up to 300 metres from the source operation. Three of the test locations were residential properties, and the background noise results

measured. The EPA stipulates operating noise levels that should not be exceeded at any noise sensitive locations surrounding the site.

My assessment is that the site of the proposed development is sustainable given the nature of operations already on the site and following the assessment of alternatives presented in the EIAR. It would optimise efficiency in terms of managing the environment, traffic and disease prevention, and ultimately human health.

Operational controls to reduce the risk of disease outbreak include temperature control, ventilation checks and control, regular inspection of feedlines and drinkers, regular inspection of appearance of birds, regular inspection of litter condition, strict visitor control and a rodent control programme.

Below I have assessed the proposed development in relation to the environmental factors outlined in the EIAR:

#### (a) Population & Human Health

The most significant impact on population and human health include noise emissions, disease control, air quality, waste management, traffic, landscape and material assets.

During construction a certain amount of noise will be generated by transport and site traffic. The construction noise will be temporary in nature and it will be carried out during normal working hours avoiding early morning or late evening work. Operational noise will include transport of feed, bird deliveries/collections, waste and manure collection. Mitigation measures will involve operating during normal working hours and to keep poultry doors closed when possible.

Regarding visual impact I concur with the Visual Impact Assessment Report enclosed within the EIAR that the proposed development would be positioned within an existing farmyard complex, and therefore would not have the same impact as an entirely greenfield site. From the front of the site, the proposal would not be visible given its position to the rear of the farm complex. External materials should integrate with the existing poultry sheds on site.

In common with all such facilities, strict disease control procedures would be applied to the proposed development. These will be carried out according to procedures set out by the Department of Agriculture, Food and the Marine in consultation with the National Expert Epidemiological Group.

The principal sources of waste during construction and operation phases of the proposed development are anticipated to be:

- Clean water to be discharged to local watercourse via discharge points
- Solid wastes to be removed from site by an experienced contractor.
- Soiled water to be allocated to farmland in accordance with best practice and current regulations.
- Bird fatalities to be collected by sealed leak proof container to an authorised facility, in line with EPA and County Council requirements.

I concur with the EIAR which concludes that, in terms of wastes generated by the development, the associated environmental burden is expected to be minimal.

The proposed development will generate additional operational traffic including feed delivery, transport of manure off site, delivery of livestock, and waste collection. Traffic would increase by an average of 7 truck movements into the site each week, using an existing access into the site. Construction traffic will comprise a variety of plant such as excavators, lifting equipment, and dumper trucks. There would be vehicular movements to and from the site during this phase. The cumulative impact of traffic has not been made expressly clear in the EIAR, for example, it is reasonable to assume that the economies of scale would increase the logistical efficiency of traffic into the site. The addition of 7 truck movements into the site per week can, in my opinion, be absorbed into this site, even taking into account the fourth shed which is currently not operational.

Early in the process, potential odour issues were identified as a key issue for developments of this nature. The EIAR outlines a number of management practices that should be implemented to minimise potential odour emissions including, storage regimes and procedures around the removal of dead birds, cleaning and hygiene routines, the transport of manure off site in covered trailers, controlled stocking rates within the houses, proper management of temperature and humidity.



The EIAR concludes that the proposal is unlikely to have any adverse impacts, and if impacts do occur they would be imperceptible by human population. The EIAR has identified mitigation measures to substantially reduce any impacts on human health, which I consider to be well established by best practice, and reasonable.

### **(b) Biodiversity**

A Screening Exercise for Appropriate Assessment has already been carried out on this site, and included as Appendix 18 in the EIAR. The report notes the main habitat surrounding the site is improved agricultural grassland. Other habitats present include small areas of scrub and woodland, hedgerows, treelines, wet grassland and surface water features. Within the site itself, the main habitat is described as improved agricultural grassland, which is of low biodiversity value. The NW and NE site boundaries comprise hedgerow. The remaining sides are unbounded.

Records show no presence of any notable species from within the relevant 1km grid squares (H5105 and H5104) of the application site.

The site lies within the Erne Hydrometric Area and Catchment, and the Laragh Sub-catchment/Sub-Basin. There is an open drain along the eastern site boundary and clean surface water from the application site would be directed into this drain. From here, surface water would flow in a NE direction towards the main channel of the Laragh River, which is 149 metres from the application site. The Laragh River is a tributary of the Stradone River and the joining of these two watercourses occurs 6.8kms north of the application site.

The EPA has defined the ecological status of the Laragh River and its tributaries at points close to the site as good. This status must be maintained by requirements of the Water Framework Directive.

Two Natura 2000 sites are identified within a distance of 15km from the application site and associated spreadlands. These are:

- Lough Oughter and Associated Loughs SAC – located 10.9kms NW and 25.2km upstream via Laragh/Stradone and Annalee Rivers. Qualifying Interests: natural Eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation, bog woodland, and Otter *Lutra lutra*.
- Lough Oughter Complex SPA - located 12kms NW and 32.8km upstream via Laragh/Stradone and Annalee Rivers. Qualifying Interests: Great Crested Grebe (*Podiceps cristatus*), Whooper Swan (*Cygnus Cygnus*), Wigeon, Wetland and Waterbirds.

The Stage 1 Assessment concludes that there would be no impacts upon the integrity of the site structure or function of the designated sites identified. Therefore, there would be no impacts on designated habitats or species arising from emissions from the facility. Cumulative impacts with other farms are also considered to be negligible, considering that all farms regardless of whether they are EPA licensed or not, are required to operate within the legislation regarding manure storage, minimisation of soiled water and good agricultural practice etc.

In reference to CJEU Judgement in Case C323/17, the screening report considers it to be unrelated to the current application. The application site is over 25km upstream of the SAC and over 32km upstream of the SPA. There is therefore no likelihood of any impacts on the two designate sites listed. No mitigation measures are required to protect the integrity of these sites and none have been included as part of the screening report. There would be no reduction of habitat area, no disturbance to key species, no habitat or species fragmentation, no reduction in species density, and no negative impacts upon key indicators of conservation value.

I concur with the above findings of the Stage 1 report, and cognisant of all the judgments of the Court of Justice of the European Union as listed in the third party's objection. My conclusion is based on the physical context of the proposed development and surrounding area in conservation terms, and the statements within the scoping report that demonstrate no adverse impacts will arise from the proposed development.



### **(c) Land, soil, water, air and climate**

The combination of mitigation measures, the relative benign impact of poultry farming when compared to cattle and sheep farming in terms of greenhouse gases, and the relatively little groundwork involved with this proposal, my assessment is that the proposed development is acceptable and does not have any significant environmental impact on land, soil, water, air or climate.

The Laragh River is in close proximity which is considered to have "good ecological status, but contained in an area classified as having a Poor Aquifer with Extreme Vulnerability". The nature of the proposed operation, however, which involves the removal of manure off site, and the controlled spreading of soiled water onto spreadlands in accordance with the Nitrates Objective, and mitigation measures to avoid contamination, would ensure that this ecological status is maintained. The plans provide for an underground effluent storage tank, and a separate treatment of uncontaminated surface water. Silt traps are also incorporated prior to discharge to the local watercourse. The proposed development would also be subject to an EPA Licence.

In terms of operational waste, dry litter is routinely used within poultry units, which is engineered to reduce phosphate and nitrate levels within the excreta produced by the flocks being reared to reduce the nutrients contained within the waste to be disposed.

A noise assessment was submitted within the EIAR detailing the location of 7 sensitive receptors in the area. Background noise levels were taken at seven different locations – three residential and considered noise sensitive locations (NSL 1,2,3), and four additional locations (Nos. 1-4), all within 300 metres of the site. The four additional locations included the two churches (one a Protected Structure), the national school, and Laragh Hall.

The finding of the EIAR is that taking the noise survey results into account, the proposal is anticipated to have no adverse impact on any of the selected noise sensitive locations. The EIAR also sets out noise mitigation measures, some of which are physical such as insulation and ventilation systems, and others which are related to management practices on site. I am satisfied on the evidence submitted that noise can be controlled effectively at the nearest noise sensitive locations.



The EIAR states that odour from the proposed development would be brief and limited to periods when manure is being cleared and transported from the site. However, with the mitigation measures set out in the EIAR, these emissions can be effectively controlled and minimised. I consider these assertions to be reasonable, and my observation on site is that odour is minimal or absent.

I also note the recommendations of the Environment Section of Cavan County Council which has examined the planning application documents. It recommends an unconditional grant of permission insofar as it can assess the environmental issues raised in this application.

**(d) Materials assets, cultural heritage and the landscape**

The EIAR has identified two ringforts within 0.5kms of the application site, the nearest being 0.1km west. St. Mark's Church, and adjoining graveyard, is also stated as an archaeological site. It is stated that the application site is outside the buffer zone of these sites. The closest site, St. Mark's Church is 100 metres north of the application site. I accept the findings of the EIAR which state that the proposed development would not impact on these sites given the separation distances involved.

However, under the same heading of cultural heritage, the EIAR has omitted any reference to St. Mark's Church as a Protected Structure (Ref. CV21003). In addition, the adjacent St. Bridget's RC Church, while not a Protected Structure, is included on the National Inventory of Architectural Heritage. The purpose of the Record of Protected Structures under section 51 of the Planning and Development Act is to protect structures or parts of structures, which form part of the architectural heritage of the County or area and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Notwithstanding this omission from the EIAR, I consider the impact of the proposed development on the architectural heritage of the area to be negligible given the backland siting of the proposed development within an existing farm complex. My assessment is that there would be no undue impact, visual or otherwise, on the integrity of the Protected Structure. Similarly, there would be no material impact on St. Bridget's Church, which while not protected under s.51 is arguably nonetheless part of the architectural heritage of the local area.

The greatest potential for environment impact at these receptors is, in my view, not visual but odour or noise related emissions from the proposed development and additional traffic implications. However, as stated above, the EIAR has demonstrated that air / odour pollution, if it would occur, would be limited to brief periods at manure clear-out, although during those operations practices that can be taken (i.e. mitigation measures) to minimise odour escape to outside the confines of site.

Additional traffic is anticipated, but according to the information in the EIAR, this would amount to approximately 7 movements into and from the site per week. In other words, this averages as one additional truck movement to and from the site per day. Even considering the cumulative impacts with the other poultry sheds on the site, they are unlikely to give rise to any significant environmental impact subject to adherence to the mitigation measures outlined in the EIAR.

In terms of landscape impact, I have assessed the landscape visual impact assessment submitted within the EIAR. This is a relatively flat farmyard site in the foreground and where the existing sheds are located, but there is a gradual rise towards the rear of the site which is shown by the 0.5 metre contours in the vicinity of the proposed development. The site is also part of an overall landscape with a gradual rise towards the west / southwest. The finished floor level of the proposed development has responded to this with a proposed level of 89.5, as opposed to the permitted FFL of 88.5 on the shed beside (permitted under 18/563). This height differential at such close proximity (6 metres) is too severe in my opinion and requires the FFL of the proposed development to be lowered to 89.0 instead of 89.5. With careful recontouring of the land around it, a better outcome would be achieved, particularly if supported by a detailed landscape plan. I recommend conditions in this regard in the event of granting planning permission.

In terms of design, the proposed shed is similar in external finishes of, and would be placed parallel to, the poultry shed permitted under Planning Ref. 18/563. This consistency minimises visual impact very effectively, and reduces the visual spread of the development on this site. However, I note that the permitted plans for Shed 4 were the same external finish, except brown in colour. The two units should be the same colour for visual coherence. I recommend a condition in this regard in the event of granting planning permission.

Subject to the above adjustments, I am satisfied that the proposed development, could be absorbed into the landscape sensitively and without any undue visual impact. The extent of intervention on the landscape would be managed and minimised in this case.

**(e) The interaction between the factors above**

The inter-relationships of the ten EIA factors in this EIAR are potentially under-stated, but would not necessarily have changed the outcome of this assessment. For example, the interaction between air quality and biodiversity is that vegetation can act as a purifier for air in absorbing CO2 and giving out oxygen. Dust could affect fauna during the construction phase. Air and soils are also interrelated. Dust from exposed soils during construction could cause deterioration of air quality in the immediate vicinity of the development. In relation to air and climate if local heating of air in the poultry houses this could cause microclimate change in those areas.

**Conclusion of Environmental Impact Assessment**

***Submitted EIAR Conclusion***

The EIAR concludes that the proposed development will make a positive contribution to the rural economy, and that no significant environmental effects would arise. The proposal accords with the provisions of the County Development Plan 2014-2020.

***Planning Authority Conclusion***

I concur that there are no significant adverse impacts during the construction or operational phases of the proposed development. Where real impacts are identified, mitigation measures are proposed to be put in place to reduce their effects insofar as possible. Also, given that the presence of a poultry shed on the site, it is considered that the development of the additional unit will have comparatively less impact than if a wholly new 'greenfield' site was selected.

**Appropriate Assessment**

A Screening Exercise for Appropriate Assessment was carried out for this proposed development and submitted with the planning application.



Two Natura 2000 sites are identified within a distance of 15km from the application site and associated spreadlands. These are:

- Lough Oughter and Associated Loughs SAC – located 10.9kms from the application site; and
- Lough Oughter Complex SPA - located 12kms NW of the application site.

The Stage 1 Assessment concludes that there would be no impacts upon the integrity of the site structure or function of the designated sites identified. The screening report concludes that the proposed development does not need to proceed to Stage 2 of the Appropriate Assessment process. I concur with this assessment on the findings presented. The Stage 1 report is discussed in more detail in the Planning Authority Assessment section above under 'Biodiversity'.

### **Development Contribution**

#### Agricultural Structures

Proposed building = 2,500 sq m

The 300 sq m exemption has already been applied in respect of permission 18/563.

2,500 X €5 = €12,500.

### **Recommendation**

Having regard to the size and agricultural nature of the proposed poultry units and their location in a rural area on the site of an existing poultry operation, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the character of the area and with Policy EDP3 and Objective EDO1 of the Cavan County Development Plan 2014-2020. The proposed development, either individually or in combination with any other plan or projects, would not be likely to have a significant effect on the environment or an adverse impact on any Natura 2000 site, would not cause a deterioration in the quality of waters and would not seriously injure the amenities of property in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

*And the environmental impact assessment report.*

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20<sup>th</sup> December 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.  
(b) The development in combination with the existing operation on the site shall provide no more than 143,000 places for the rearing of broilers.

Reason: In the interest of clarity.

2. The developer shall pay the sum of €12,500 to the Planning Authority in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The materials, colours and textures of all the external finishes of the proposed development including silos shall be agreed with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.



4. The finished floor level of the proposed development shall be 89.0.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the developer shall submit to the Planning Authority for its written agreement a landscape plan for the site detailing boundary treatments against open countryside and the finished contour levels associated with proposed development.

Reason: In the interest of visual amenity.

6. All ecological recommendations outlined in Appendix I of the Habitats Directive Screening Report submitted with the planning application in relation to the protection of local wildlife and water quality shall be carried out in full and in strict compliance with that report.

Reason: In the interest of proper planning and sustainability.

7. The following works shall be carried out as part of the proposed development:

- (a) The existing entrance shall be paved from public road L6078 for a minimum length of 15 metres into the site. The pavement shall be of designed thickness to withstand anticipated loading and be finished in either tarmacadam wearing course or concrete apron paying particular attention to the joint with the public roadway where it shall finish flush.
- (b) This pavement shall incorporate a drainage channel or appropriately spaced gullies to prevent surface water flowing from the site onto the public road or from the roadway into the site. It shall discharge to open drainage ditch or on-site drainage system.

Reason: In the interests of public safety and amenity.

8. During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the adjoining public road



network as a consequence of heavy plant using the local system and any damage shall be repaired by the Council at cost to the developer.

Reason: In the interest of traffic safety.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. Excess soil and stone that is not reused as part of the development shall be removed from the site using appropriately authorised waste collection contractors only, and such soil and stone shall be subject to a waste recovery activity at an appropriately authorised waste facility.

Reason: In the interests of sustainable waste management.

11. Prior to the movement of excess soil and stone off-site, the applicant shall provide details to the Waste Management section of Cavan County Council relating to the waste collection contractor to be used and details of the permitted waste recovery facility to be used.

Reason: In the interests of sustainable waste management.

12. Water supply and drainage arrangements, including the disposal of surface and soiled water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of protecting watercourses and natural habitats and the prevention of environmental pollution.

13. The following landscape measures shall also apply to this site:

- a) All new trees and hedgerows on this site shall comprise native species only.
- b) No non-native species shall be introduced into the site or its boundaries.
- c) The sightline from the site entrance shall be maximised by trimming and maintaining hedge line located in a north western direction within the landholding.
- d) All sound trees on site (including those in surrounding hedgerows) shall be retained except those that require to be removed to facilitate the actual physical development of the site.
- e) Any failures within a tree planting scheme within five years of planting shall be replaced.
- f) No invasive species shall be introduced into the site or its boundaries. Any invasive species occurring on the site shall only be dealt with by an invasive species specialist.

Reason: In the interests of traffic safety and visual amenity.

PLANNER SIGNATURE

*Fritz Gty*

DATE 11-2-2020