

**PLANNING AND DEVELOPMENT ACT 2000 - 2020**  
**NOTIFICATION OF FINAL GRANT**

**COUNCIL OF THE COUNTY OF CAVAN**

TO: Hugh Brady  
C/o J. M. Johnston  
53 Church Street  
Cavan  
Co. Cavan

Planning Register Number: 20/319

Application Receipt Date: 29/07/2020

**Further Information Received Date:**

In pursuance of the powers conferred upon them by the above-mentioned Act, Cavan County Council have by Order dated 17/09/2020 **GRANTED RETENTION** to the above named, for the development of land, namely:-  
to retain the following: (1) 2 No. as constructed poultry houses (total floor area of 1,086m<sup>2</sup>), with associated underground washing holding tanks, concrete aprons and meal silos; and (2) revised location and extended floor area for previously approved poultry house (previous planning Reg. No. 14/88) at Killycrone, Stradone, Co. Cavan in accordance with the plans submitted with the application.

Subject to the 5 condition(s) set out in the 2<sup>nd</sup> Schedule and for the reason set out in the 1<sup>st</sup> Schedule.

Signed on behalf of Cavan County Council.

  
SENIOR STAFF OFFICER

Date: 23 October, 2020

**Note:**

It should be noted that an Outline Permission is a permission subject to the subsequent permission of the Planning Authority and that until such subsequent permission has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED**. Where Outline Permission has been granted any subsequent application for permission must be made not later than 3 years beginning on the date of the grant of outline permission.

Planning permission granted shall, on the expiration of the period of 5 years beginning on the date of the granting of permission, cease to have effect as regards:-

- (1) In case the development to which the permission relates is not commenced during the period, the entire development and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

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**PLANNING & DEVELOPMENT ACTS 2000 – 2020**

**PLANNING APPLICATION:** Hugh Brady.

**REG. NO. 20/319**

**SCHEDULE 1**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area, give rise to a traffic hazard or be prejudicial to public health and would be in accordance with the proper planning and development of the area.

**SCHEDULE 2**

1. (a) The retained development shall in accordance with the plans and particulars lodged with the application on the 29<sup>th</sup> July 2020, 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) Poultry houses 1, 2 and 3 shall collectively provide for no more than 43,000 places for the rearing of broilers.

**Reason:** In the interest of clarity.

2. The developer shall pay the sum of €9,610 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 within 6 months of the date of this grant of permission 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. Within 12 months of the date of this grant of permission the following works shall be carried out:

- (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 tarmac 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.

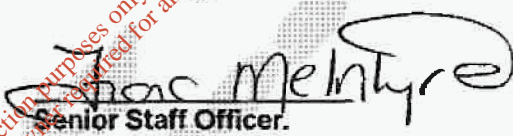
4. During the construction phase the developer shall be responsible for ensuring that no pavement or structural damage occurs to the adjoining public road network as a consequence of heavy plant using the local system and any damage shall be repaired by the Council at cost to the developer.

Reason: In the interest of traffic safety.

5. 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.

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Senior Staff Officer.

## Fiona McIntyre

**From:** Nicholas O'Kane  
**Sent:** 17 September 2020 11:52  
**To:** Fiona McIntyre  
**Subject:** FW: 20 319  
**Attachments:** 20 31915092020.pdf

I recommend a grant of permission as per AP report.

Regards  
Nicholas O Kane  
Senior Planner

-----Original Message-----

**From:** Fiona McIntyre <FMCINTYRE@cavancoco.ie>  
**Sent:** Tuesday 15 September 2020 09:51  
**To:** Nicholas O'Kane <nokane@cavancoco.ie>  
**Subject:** 20 319

CE file 20/319 attached.

Can you recommend it to go to CE please

Fiona

-----Original Message-----

**From:** Scanning <scanning@cavancoco.ie>  
**Sent:** 15 September 2020 09:49  
**To:** Fiona McIntyre <FMCINTYRE@cavancoco.ie>  
**Subject:** 20 319

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and take great care to ensure security and confidentiality is maintained at all times. You may view our Privacy Policy at [www.cavancoco.ie](http://www.cavancoco.ie) which also explains how you can exercise your rights under GDPR.

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## Memorandum

From **Fintan Coffey**  
**Assistant Planner**

To **Nicholas O'Kane**  
**Senior Planner**

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Date 14<sup>th</sup> September 2020

**Planning Reg. No:** 20/319  
**Applicant:** Hugh Brady  
**Type of Application:** Permission  
**Development Description:** Retain the following: (1) 2 No. as constructed poultry houses (total floor area of 1,086m<sup>2</sup>), with associated underground washing holding tanks, concrete aprons and meal silos; and (2) revised location and extended floor area for previously approved poultry house (previous planning Reg. No. 14/88). 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 application site is located in Laragh, which is 2km NW of Stradone on the Local Road L6078-0 in the townland of Kilycrone. A white site notice was erected on the dates of the site inspections, in accordance with the Regulations, and was conspicuous and legible on the public road fronting the site

## **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**

- 19/521 – Hugh Brady got permission for 1 no. poultry house with associated site works, underground washings holding tanks, concrete aprons and meal silos. An



EIAR was carried out for this application. This development brings the total site population to 143,000 broilers.

This shed has not yet been constructed, although site clearance has taken place.

- 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. An EIAR was carried out for this application.

This shed has not yet been constructed, although site clearance has taken place.

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

Application was withdrawn.

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

This shed was built, but in the wrong place. Retention is sought under 20/319 for its relocation and for its unauthorised extension of 195 sqm.

- 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.

- There is no planning history for Poultry Sheds 1 & 2, each 543 sqm (i.e. total 1,086 sqm). Retention is sought for them in this application 20/319.

## **Pre-application consultations**

None.

## **Submissions**

None received.

## **Representations**

### **Environmental Protection Agency**

The application was referred, but no response received at time of writing.

### **Inland Fisheries Ireland**

This application was not referred to IFI. IFI was previously notified of applications on this site, recommending standard conditions for the protection of rivers and groundwater.

## **Internal reports**

### **Environment Section**

Report dated 27/8/2020 states:

This application is to retain the following; (1) 2 No. as constructed poultry houses (total floor area of 1,086m<sup>2</sup>), with associated underground washing holding tanks, concrete aprons and meal silos; and (2) revised location and extended floor area for previously approved poultry house (previous planning Reg. No. 14/88).

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 as part of previous planning application 19/521. The report was submitted with proposed bird holding of 143,000 birds therefore the EIAR stands in conjunction with this planning application as there is no increase to bird flock number. However it is noted that the total existing bird holding on the farm is 143,000 birds which is above the threshold of 40,000 and therefore requires an EPA IED Licence. It was stated within the EIAR submitted (19/521 ) that an EPA Licence would be applied for once planning permission was granted for the development, however no supporting documentation was been submitted with this application that the applicant has or is the process of submitting an application for an EPA IED Licence.

#### 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.

#### MD Engineer

No referral response received,

Recommendations from previous application 19/521 noted relating to entrance and drainage, and not implemented on site.

## Planning Assessment

### Summary of proposed development:

- Site area 1.835 ha.
- Retention is sought for Poultry House No. 1 = 543 sqm. 10,500 broilers.
- Retention is sought for Poultry House No. 2 = 543 sqm. 10,500 broilers.
- Retention is sought for the unauthorised extension of Poultry House No. 3 = 195 sqm extension = 3,000 broilers. (This house was built to dimensions 67.06 x 16.76m instead of the permitted 61.41 x 15.69m.)
- Retention sought for the varied position of Poultry House No. 3 – original and retained position shown on site layout plan for 20/319.

This application is not accompanied by EIAR as there is no increase in poultry population (i.e. 143,000 broilers) and/or environmental impact than what was previously assessed under the EIAR submitted for Planning Register Reference 19/521.

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.

### Assessment

This established poultry farm site is currently operating with 40,000 broilers within poultry houses 1, 2 and 3, as poultry houses 4 and 5 have not yet been built. When poultry houses 4 and 5 are built, the site will operate to 143,000 broilers, which is the maximum number permitted by Condition No. 2(b) of the preceding permission 19/521.

The proposed development for retention will not give rise to any additional poultry numbers than what has already been assessed by EIA for the preceding planning permission 19/521. As the authorised developments were in situ during the assessment of 19/521 their cumulative environmental impacts were already assessed by EIA. Consequently, no EIAR was required to be presented with this application as the environmental effects have already been assessed.

I have assessed the unauthorised developments on site for this current application 20/319. Poultry houses 1 and 2 are older houses (built circa 1984), relatively small in scale and not visible outside the site. They each house 10,500 birds. At a modest 3.3 metres high, they have a low profile presence on the site and are sited close to the adjoining farmyard.

The repositioned and increased dimensions of poultry house 3 are material not just in terms of its 42 metre setback to the east, but also its extension by 195 sqm resulting from altered building dimensions. 3,000 additional birds are accommodated within the expanded floor area.

The original (permitted) position of poultry house 3 made sense in the context of the poultry buildings terminating at this point, but in the context of the two permissions that followed (18/563 and 19/521), and to allow the farm laneway to extend further south to service them, a repositioned poultry house 3 was required. This, in my opinion, is entirely plausible and is a logical rearrangement to allow the extended yard to develop more cohesively. The differences in building length and breadth dimensions are not physically discernible on site.

I also consider the unauthorised elements to be consistent with the overall use of the site. The three poultry houses concerned will constitute the three smallest houses on this site once the entire facility is constructed in accordance with the most recent permissions 18/563 and 19/521.

In relation to site operations such as litter removal, hygiene and effluent management, the site operates with a regime already in place using approved contractors. All solid wastes are collected and drained to dedicated soiled water for each poultry house – full dimensions shown on submitted floor plans for each house. Manure is then spread on the applicants own spreadlands. This poultry farm is part of a working livestock farm (110 cattle), diversifying to poultry to sustain farm income.

Surface water discharges 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.

The Environment Section notes that the rearing of 143,000 chickens (broilers) are now permitted at this facility which is above the threshold of 40,000 and therefore requires an EPA IED Licence. It was stated within the EIAR submitted (19/521) that an EPA Licence would be applied for once planning permission was granted for the development, and it notes that there are no documents submitted indicating that a licence has been made. An EPA licence is mandatory on this site. The Planning Authority cannot impose planning conditions which are the remit of EPA.

The management of organic fertiliser is already regulated by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and Animal By-Products Regulations (Regulation (EC) No. 1069/2009)).

A previous recommended planning condition of the ME Engineer in relation to this site has not yet been implemented i.e. providing a paved internal roadway from the site entrance for a minimum distance of 15 metres into the site, to be carried out during the course of construction of development permitted under 18/563 and 19/521. I recommend that permission be repeated in the current application as no works have yet commenced in relation to those permissions.

I recommend a maximum bird capacity of the three poultry houses to be retained in order to regulate those developments alone in the event that the two most recent permissions 18/563 and 19/521 are not carried out. Poultry houses 1, 2 and 3 together accommodate 43,000 broilers. This would be consistent with the planning application documents submitted in respect of planning ref. 14/88 which stated 40,000 birds, excluding the subsequent unauthorised extension of 195 sqm that houses 3,000 birds.

## **Appropriate Assessment**

The site is contained within the buffer zones of Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA. A Screening Exercise for Appropriate Assessment was carried out for this site under 19/521 encompassing the entire site for the 5 poultry houses. The following is a summary of its conclusions:

Two Natura 2000 sites were 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 concluded that there would be no impacts upon the integrity of the site structure or function of the designated sites identified. It concluded that a Stage 2 of the Appropriate Assessment was not required. I concurred with that assessment on the findings presented.

I consider that the above conclusion is equally applicable for the proposed development under 20/319 as no new development is proposed from what already existed at the time of that screening exercise. The retained development, either individually or in combination with any other plan or project, does not have an adverse impact on any Natura 2000 site.

## **Development Contribution**

### Agricultural Structures

Development for retention:

- Poultry house No. 1 = 543 sqm
- Poultry house No. 2 = 543 sqm
- Extension to Poultry house No. 3 = 195 sqm

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

Total unauthorised floor area: 1,281 sqm

X €5 per sqm = €6,405

X 1.5 for retention = €9,607.50, rounded to €9,610.

### Recommendation

Having regard to the size and agricultural nature of the 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 development would therefore, be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. (a) The retained development shall be in accordance with the plans and particulars lodged with the application on the 29<sup>th</sup> July 2020, 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) Poultry houses 1, 2 and 3 shall collectively provide for no more than 43,000 places for the rearing of broilers.

Reason: In the interest of clarity.

2. The developer shall pay the sum of €9,610 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 within 6 months of the date of this grant of permission 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. Within 12 months of the date of this grant of permission the following works shall be carried out:

- (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 tarmac 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.

4. 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.

5. 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.

PLANNER SIGNATURE



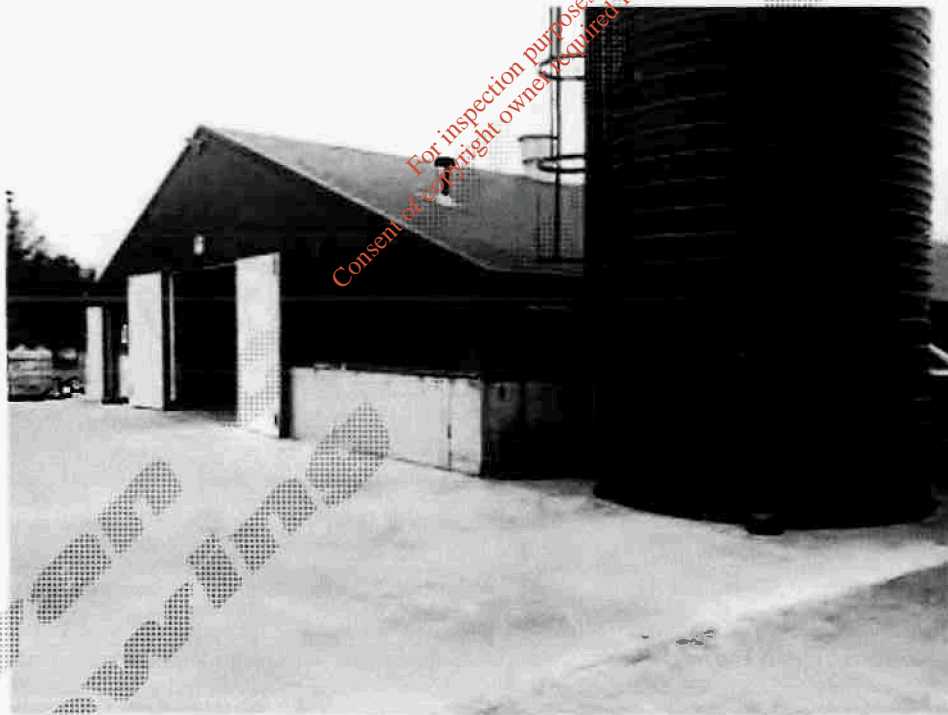
DATE

14/9/20

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**Poultry houses 1 & 2 to be retained (built c.1984), including silos and aprons**



**Poultry house 3, repositioned and extended by 195 sqm.  
Changes to be retained.**