

MONAGHAN COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Chief Executive's Order No: P1183/18

Reference Number: 18/363

Name of Applicant: Peter Foy

Address: Derrynaresco
Knockatallon
Co.Monaghan

Nature of Application: Permission to erect a chicken poultry unit, insert a holding tank and erect a meal bin and all associated site works. Significant further information received comprises details of 1. proposal to relocate holding tank. 2. The provision of an appropriate assessment screening report in relation to the hen harrier due to the close proximity of the site to Sliabh Beagh special protection area

Location of Development: Derrynaresco
Knockatallon
Co.Monaghan

ORDER:

I hereby decide, pursuant to the provisions of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) to grant permission for the above development in accordance with documents submitted, subject to the 7 condition(s) set out in the Schedule attached hereto.

I further decide that PERMISSION be granted subject to the same conditions on the expiration of the period for the taking of an appeal to An Bord Pleanala against this decision if there is then no appeal before the Bord.


Adrian Hughes
SENIOR PLANNER


Date

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MONAGHAN COUNTY COUNCIL

TO: Peter Foy

18/363
19/11/2018

Derrynaheisco
Knockatallon
Co.Monaghan

Re: Planning and Development Act 2000 (as amended)
NOTIFICATION OF DECISION

Monaghan County Council has by order dated 19/11/2018 decided to GRANT permission to the above named for development of land, in accordance with the documents submitted namely for:- Permission to erect a chicken poultry unit, insert a holding tank and erect a meal bin and all associated site works. Significant further information received comprises details of 1. proposal to relocate holding tank. 2. The provision of an appropriate assessment screening report in relation to the hen harrier due to the close proximity of the site to Sliabh Beagh special protection area at Derrynaheisco, Knockatallon subject to the 7 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council


ADMINISTRATIVE OFFICER

19. 11. 2018
DATE

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

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

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Act of 2000 (as amended) may be made to An Bord Pleanala. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. Appeals should be addressed to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. In the case of an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.
 - (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is **€1,500 or €3,000** if there is an EIS or NIS involved. Commercial Development means development for the purpose of any professional, commercial or industrial

undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

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

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

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

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

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

Tel: 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

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18/363 Peter Foy Derrynaresco, Knockatallon, Co. Monaghan

- 1
 - a. The developer shall pay to Monaghan County Council a sum of **€3668.00** in accordance with the General Development Contribution Scheme 2013-2019 (as revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
 - b. The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
 - c. No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.
- 2
 - a. Prior to commencement of development, developer shall submit to the Planning Authority for agreement in writing, the following:
 - (i) a revised site drainage plan illustrating soiled water flowing to holding water tank only. There shall be no overflow facility on the holding water tank.
 - (ii) Using SUDS solutions, demonstrate that surface water arising from the proposed development shall be adequately pre-treated prior to discharge to ACO drain.
 - b. Development shall be carried out in accordance with these details or as otherwise agreed in writing with the Planning Authority.
- 3
 - a. Silt traps shall be installed to service the proposed new concrete area at the development.
 - b. Silt traps shall be frequently inspected and adequately maintained.
 - c. Developer shall ensure run-off from soiled yard areas is kept to a minimum, collected in suitably constructed tanks and landspread in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
 - d. Developer shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled "*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*". This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html>

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- e. All surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- f. Developer shall ensure completely separate foul and surface water drainage systems are in place.
- g. There shall be no change in poultry type, change in system which results in change in Dry Matter content of the manure or increase in the number of poultry proposed without prior written consent from the Planning Authority.
- h. There shall be no increase in livestock numbers as stated on the application form except in accordance with an approved Farm Waste and Nutrient Management Plan and without the prior written consent from the Planning Authority.
- i. All structures and buildings shall be designed and constructed to the relevant Department of Agriculture specifications and in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- j. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- k. All manure/organic fertilisers arising from the development shall be collected in leak proof/suitably constructed tanks and stored in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- l. Manure/ Organic fertilisers taken off site shall conform with the Department of Agriculture Food and the Marine requirements and guidance under Animal By Products legislation and local authority guidance on the protection of sensitive waters including water supply sources.
- m. Manure shall be taken off site in accordance with details submitted with the application by a contractor registered with the Department of Agriculture Food and Marine and shall be utilised in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- n. Receipts for manure collection and removal shall be submitted to the Environment Section by the 31st of December each year or as otherwise agreed in writing with the Planning Authority. Receipts shall include tonnages and dates of movement.

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- o. Records of manure movement's offsite shall be recorded on Record 3 forms (as prescribed by the Department of Agriculture Food and Marine). These forms shall be maintained on site and submitted to the Environmental Services Section of Monaghan County Council on request. Records maintained shall comply with requirements of Article 23 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and as a minimum shall include:
- Name and address of Contractor/Haulier
 Date of each disposal operation
 Quantity (weight and volume) disposed of
 The name of receiving premises.
 Any other information as may be required by Monaghan County Council.
 Any intention to change haulier or intention to utilise any manure shall be agreed in writing with the Planning Authority.
- p. If at any time Monaghan County Council is satisfied that this development is causing environmental pollution the operator shall submit a remediation action plan to address the identified issues within a specified timeframe.
- 4 a. Roofing material shall be dark green, dark grey, dark blue or black in colour.
- b. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
- 5 a. The undefined site boundaries shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly. Landscaping of the site shall be fully implemented prior to any occupancy of the development hereby approved and shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.
- b. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operations.
- c. The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.
- 6 a. Prior to any other works commencing, visibility splays of 80 metres, measured to the roadside road edge in each direction, shall be provided from a point in the centre of the entrance 3.0 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 0.26 metre and 2.0 metres above ground level in both directions. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.

- b. Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.
- c. Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the planning authority.
- d. The new entrance shall form a bellmouth of 4 metres radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
- e. Entrance/access road shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres and the surface shall be graded back so that its level at 3.0 metres from the edge of the carriageway is a minimum of 100 mm below road level. Gradient of access road shall be not greater than 1:20 (5.0%) for the first 5 metres from boundary and 1:10 (10.0%) thereafter.
- f. French drain consisting of 300mm diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application shall be made to Monaghan County Council if this requires a road opening licence).
- g. Cattlegrid/ACO Drain/Gullies shall be installed at proposed entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.
- h. Provision shall be made within the site for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded.
- i. No development exempt or otherwise shall be erected over the public sewer, drain or water-main, unless otherwise agreed in writing with the planning authority.
- j. Before any work is commenced on this development a security, by way of a cash deposit, in the sum of €2250, shall be paid to the planning authority by the developer to ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactorily. Failure to carry out all entrance works to a standard to the satisfaction of the planning authority will result in forfeiture of part or all of the cash security.

7. The development shall be carried out in accordance with plans and documentation submitted on the 1st August 2018 as amended by plans and documentation submitted on the 26th October 2018 except as may otherwise be required in order to comply with the above conditions.

The reason for the imposition of the above conditions

1. It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.
2. In the interest of orderly development.
3. In the interest of environmental protection.
4. In the interest of visual amenity.
5. In the interest of visual amenity.
6. In the interest of road safety.
7. In the interest of orderly development and to prevent unauthorised development.


Adrian Hughes
Senior Planner

19.11.18
Date

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P1183/18

Pas4/18a1 left @ knockatallon
to Kels
then turn right
Beside dwellers
with projection
22/11/2018

PLANNING APPLICATION CONTROL FORM

Application Reference No.: 18/363 Decision due by 25/09/2018

Previous Ref. Nos.:

Date of Receipt of Application: 01/08/2018 (26.10.18)

Applicant: Peter Foy

Address: Derrynaesco Knockatallon Co.Monaghan

Location of Development: Derrynaesco Knockatallon Co.Monaghan

Des: Permission to erect a chicken poultry unit, insert holding tank and erect a meal bin and all associated site
erec works. Significant information received comprises details of 1. Proposal to relocate holding tank. 2. The
erec provision of an appropriate assessment screening report in relation to the hen harrier due to the close
erec proximity of the site to Sliabh Beagh special protection area

VALIDATION

Validated by: Date of Validation:

SITE NOTICE

Was Notice published on site Yes ☒ No ☐

Inspected by: A. McLocher Date of Inspection: 31/8/18

Refer file for reports to:

DOCHG	<input checked="" type="checkbox"/>	Laura Nulty	<input checked="" type="checkbox"/>
An Taisce	<input checked="" type="checkbox"/>	S.E.E. Environment	<input checked="" type="checkbox"/>
IFI.	<input checked="" type="checkbox"/>	S.E. Planner	<input checked="" type="checkbox"/>
S.E. Water Services	<input checked="" type="checkbox"/>		

**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 18/363

Applicant: Peter Foy

Development: Permission to erect a chicken poultry unit, insert a holding tank and erect a meal bin and all associated site works.

Location: Derrynaresco, Knockatallon

Characteristics of the Site

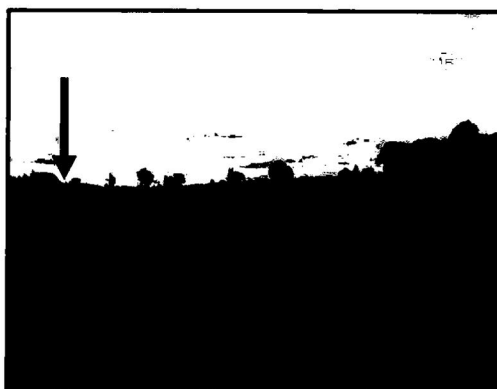
The site comprises a greenfield site measuring 1.198 hectares in size. The roadside boundary is defined by a post and wire fence as is the eastern boundary. The western and southern boundaries are defined by scrappy hedging interspersed with trees. The site rises gently from the roadside boundary towards the rear site boundary and then from the middle of the site gradually towards the eastern site boundary. There are no long-range views of the site.



Site notice present on site



Site of proposed development



Site of proposed development

Characteristics of Area

The site is located along local secondary road 5000 in the townland of Derynahesco. The surrounding area is undulating in nature and maintains a strong rural feel.

Relevant Site History

No previous planning history relating to the site area.

Consultee Responses

Environment Section: Additional information requested as per report dated 23rd August 2018.

Dept. of Culture, Heritage and the Gaeltacht: Additional information requested as per report dated 31st August 2018

Inland Fisheries Ireland: No objection as per report dated 31st August 2018

Flood Risk Assessment: No objection as per report dated 31st August 2018

An Taisce: No report received.

Objections/Representations Received

No objections/representations received.

Planning Assessment

- Planning Policy

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

Policy AFP1

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

Policy AFP2

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

- i. It is necessary for the running of the enterprise

This application seeks permission for one number poultry unit. The site is a greenfield site with no existing agricultural buildings located upon same. A number of existing agricultural buildings are located within the applicant's landholding although none of these are poultry units. Applicant has failed to demonstrate that the proposed development is necessary for the running of the enterprise.

- ii. *Is appropriate in terms of scale, location and design*
The design and scale of the proposed poultry unit is standard with regard to agricultural buildings. Notably no plans of the proposed meal bin have been submitted.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*
The site rises very gradually from the roadside boundary towards the rear site boundary and consequently the ground works required to facilitate the proposed development will be minimal. The proposed poultry unit will be located 5 metres from the existing eastern site boundary which will provide adequate screening to the proposed development.
- iv. *Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for operational or other reasons.*
As per point (i) above, applicant has failed to provide any justification for the location of these buildings on a greenfield site outside any defined farm complex.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape.*
As per point iii above.
- vi. *Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.*
The site in question is not located within 100 metres of any third-party residential dwelling.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*
Given the location of the site detached from any third-party residential property, it is considered that there will be no impact on the amenity of any nearby residents by reason of noise, smell, pollution or general disturbance.
- viii. *Will not result in a traffic hazard:*
Sight distances of 80 metres can be achieved at the proposed entrance point.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*
Environment Section has been consulted and has requested additional information.

- Development in Areas with Potential Flood Risk

Section 8.4.6 of the Monaghan County Development Plan and The Planning System and Flood Risk Management – Guidelines for Planning Authorities and policy FLP 3 apply

There is no evidence that the site area floods.

Environmental Impact Assessment Report

The proposed development will afford for 39,900 birds. The numbers do not result in the development within this farm being of a class listed in Part 1 or paragraphs 1-12 of Part 2 of the Schedule as defined in the Planning and Development Regulations (2001). Furthermore, having regard to Schedule 7 of the Planning and development Regulations (2001), the nature and scale of the development proposed, and the likely implications of the construction works and related activities thereafter, it is considered that the proposed development is not likely to have significant effects on the environment.

Appropriate Assessment

- Background

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

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment". This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). Notably no Screening Report has been submitted as part of this planning application.

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

- Proposal

The site in question lies just outside the Slieve Beagh SPA. The primary objective of the Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.



Location of site with respect to Slieve Beagh SPA

The Slieve Beagh SPA comprises much of the eastern and south-eastern sectors of the Slieve Beagh upland area that extends from County Monaghan into Northern Ireland. Mountain blanket bog is well developed at the higher altitudes and especially at Eshbrack (peak of 365 m). The vegetation is largely dominated by Deergrass (*Scirpus cespitosus*), Ling Heather (*Calluna vulgaris*), Cross-leaved Heath (*Erica tetralix*), Hare's-tail Cottongrass (*Eriophorum vaginatum*), Common Cottongrass (*E. angustifolium*), Crowberry (*Empetrum nigrum*) and a range of mosses such as *Sphagnum capillifolium*, *S. papillosum*, *S. tenellum* and *Hypnum cupressiforme*. In places, Cranberry (*Vaccinium oxycoccos*) is an abundant component of the vegetation. Elsewhere the bog is mostly cutover and

there are also wet and dry heaths present. In total, bog and heath occupies 43% of the site. The mid-slopes are afforested (40% of site), with plantations of various ages (open canopy, closed canopy, clear-fell). The remainder of the site is rough or marginal grassland (16%). Some of the old field systems support species-rich wet grassland vegetation dominated by Soft Rush (*Juncus effusus*). Several small dystrophic lakes are present within the site.

This SPA is one of the strongholds for Hen Harrier in the country. A survey in 2005 resulted in four confirmed breeding pairs, representing over 2.5% of the national total. However, when the Northern Ireland sector of Slieve Beagh is considered, there was a total of 10 breeding pairs in 2005. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.

The site also supports breeding Merlin, a species that is also listed on Annex I of the E.U. Birds Directive. Two probable pairs were recorded in 2002-03 during survey work for a wind farm but further survey is required to determine the exact status of this small falcon. Red Grouse is found in unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red listed. Peregrine, another E.U. Birds Directive Annex I species, nests in the Northern Ireland sector of Slieve Beagh and can be seen over the site at times.

Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier and is one of the top sites in the country for the species. It may also be of national importance for breeding Merlin.

As a result of the location of the development and in conjunction with the response received from the Department of Culture, Heritage and the Gaeltacht, an Appropriate Assessment Screening report shall be requested.

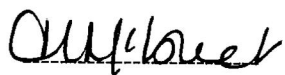
Conclusion

In principle, the location of two poultry units at this location is acceptable, given the rural locality. A number of issues require addressing prior to a final decision being made.

Recommendation

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

1. Policy AFP2 subsections (i) and (iv) of the Monaghan County Development Plan 2013-2019 state that planning permission for an agricultural development will be permitted where it *"is necessary for the running of the enterprise"* and where it *"is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons"*. The proposed poultry unit will be located on a greenfield site detached from any existing operational farm complex. Applicant shall submit a detailed justification for the location of the poultry unit on this greenfield site in accordance with the provisions of the aforementioned policies.
2. Policy AAP1 of the Monaghan County Development Plan 2013-2019 states that *"all plans and projects in the County, not directly connected with or necessary to the management of a Natura 2000 site, but likely to have a significant effect, either directly or indirectly, on a*



Helen McCourt
Assistant Planner
19th July 2018

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**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 18/363

Applicant: Peter Foy

Development: Permission to erect a chicken poultry unit, insert a holding tank and erect a meal bin and all associated site works.

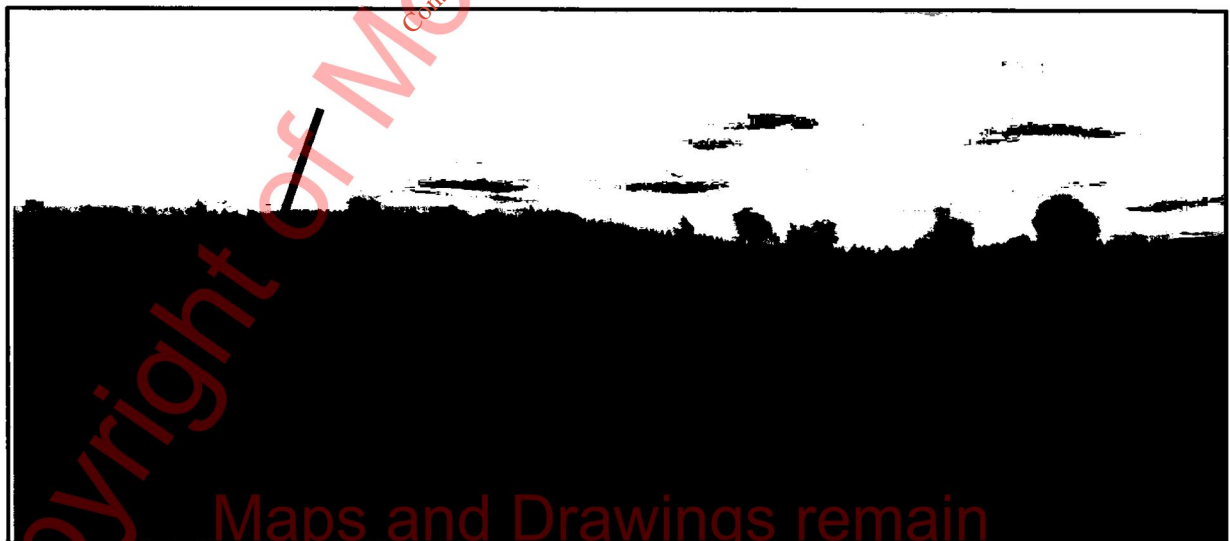
Location: Derrynaresco, Knockatallon

Characteristics of the Site

The site comprises a greenfield site measuring 1.198 hectares in size. The roadside boundary is defined by a post and wire fence as is the eastern boundary. The western and southern boundaries are defined by scrappy hedging interspersed with trees. The site rises gently from the roadside boundary towards the rear site boundary and then from the middle of the site gradually towards the eastern site boundary. There are no long-range views of the site.

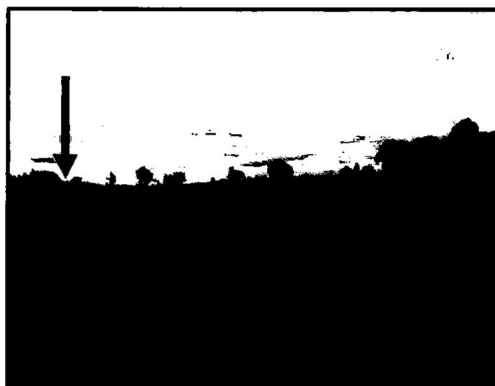


Site notice present on site



Site of proposed development

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Site of proposed development

Characteristics of Area

The site is located along local secondary road 5000 in the townland of Derynahesco. The surrounding area is undulating in nature and maintains a strong rural feel.

Relevant Site History

No previous planning history relating to the site area.

Consultee Responses

Environment Section: Additional information requested as per report dated 23rd August 2018.

Dept. of Culture, Heritage and the Gaeltacht: Additional information requested as per report dated 31st August 2018

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Objections/Representations Received

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Planning Assessment

- Planning Policy

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Policy AFP1

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

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

- i. It is necessary for the running of the enterprise

This application seeks permission for one number poultry unit. The site is a greenfield site with no existing agricultural buildings located upon same. A number of existing agricultural buildings are located within the applicant's landholding although none of these are poultry units. Applicant has failed to demonstrate that the proposed development is necessary for the running of the enterprise.

- ii. *Is appropriate in terms of scale, location and design*
The design and scale of the proposed poultry unit is standard with regard to agricultural buildings. Notably no plans of the proposed meal bin have been submitted.
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As per point iii above.
- vi. *Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.*
The site in question is not located within 100 metres of any third-party residential dwelling.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*
Given the location of the site detached from any third-party residential property, it is considered that there will be no impact on the amenity of any nearby residents by reason of noise, smell, pollution or general disturbance.
- viii. *Will not result in a traffic hazard:*
Sight distances of 80 metres can be achieved at the proposed entrance point.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*
Environment Section has been consulted and has requested additional information.

- **Development in Areas with Potential Flood Risk**

Section 8.4.6 of the Monaghan County Development Plan and The Planning System and Flood Risk Management – Guidelines for Planning Authorities and policy FLP 3 apply

There is no evidence that the site area floods.

Environmental Impact Assessment Report

The proposed development will afford for 39,900 birds. The numbers do not result in the development within this farm being of a class listed in Part 1 or paragraphs 1-12 of Part 2 of the Schedule as defined in the Planning and Development Regulations (2001). Furthermore, having regard to Schedule 7 of the Planning and development Regulations (2001), the nature and scale of the development proposed, and the likely implications of the construction works and related activities thereafter, it is considered that the proposed development is not likely to have significant effects on the environment.

Appropriate Assessment

- Background

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

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment". This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). Notably no Screening Report has been submitted as part of this planning application.

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

- Proposal

The site in question lies just outside the Slieve Beagh SPA. The primary objective of the Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.



Location of site with respect to Slieve Beagh SPA

The Slieve Beagh SPA comprises much of the eastern and south-eastern sectors of the Slieve Beagh upland area that extends from County Monaghan into Northern Ireland. Mountain blanket bog is well developed at the higher altitudes and especially at Eshbrack (peak of 365 m). The vegetation is largely dominated by Deergrass (*Scirpus cespitosus*), Ling Heather (*Calluna vulgaris*), Cross-leaved Heath (*Erica tetralix*), Hare's-tail Cottongrass (*Eriophorum vaginatum*), Common Cottongrass (*E. angustifolium*), Crowberry (*Empetrum nigrum*) and a range of mosses such as *Sphagnum capillifolium*, *S. papillosum*, *S. tenellum* and *Hypnum cupressiforme*. In places, Cranberry (*Vaccinium oxycoccos*) is an abundant component of the vegetation. Elsewhere the bog is mostly cutover and

there are also wet and dry heaths present. In total, bog and heath occupies 43% of the site. The mid-slopes are afforested (40% of site), with plantations of various ages (open canopy, closed canopy, clear-fell). The remainder of the site is rough or marginal grassland (16%). Some of the old field systems support species-rich wet grassland vegetation dominated by Soft Rush (*Juncus effusus*). Several small dystrophic lakes are present within the site.

This SPA is one of the strongholds for Hen Harrier in the country. A survey in 2005 resulted in four confirmed breeding pairs, representing over 2.5% of the national total. However, when the Northern Ireland sector of Slieve Beagh is considered, there was a total of 10 breeding pairs in 2005. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.

The site also supports breeding Merlin, a species that is also listed on Annex I of the E.U. Birds Directive. Two probable pairs were recorded in 2002-03 during survey work for a wind farm but further survey is required to determine the exact status of this small falcon. Red Grouse is found in unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red listed. Peregrine, another E.U. Birds Directive Annex I species, nests in the Northern Ireland sector of Slieve Beagh and can be seen over the site at times.

Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier and is one of the top sites in the country for the species. It may also be of national importance for breeding Merlin.

As a result of the location of the development and in conjunction with the response received from the Department of Culture, Heritage and the Gaeltacht, an Appropriate Assessment Screening report shall be requested.

Conclusion

In principle, the location of two poultry units at this location is acceptable, given the rural locality. A number of issues require addressing prior to a final decision being made.

Request for Additional Information

The following additional information was requested on the 21st September 2018:

1. Policy AFP2 subsections (i) and (iv) of the Monaghan County Development Plan 2013-2019 state that planning permission for an agricultural development will be permitted where it *"is necessary for the running of the enterprise"* and where it *"is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons"*. The proposed poultry unit will be located on a greenfield site detached from any existing operational farm complex. Applicant shall submit a detailed justification for the location of the poultry unit on this greenfield site in accordance with the provisions of the aforementioned policies.
2. Policy AAP1 of the Monaghan County Development Plan 2013-2019 states that *"all plans and projects in the County, not directly connected with or necessary to the management of a Natura 2000 site, but likely to have a significant effect, either directly or indirectly, on a*

Natura 2000 sites, either alone or in combination with other plans or projects, are subject to Appropriate Assessment Screening in accordance with Article 6 of the Habitats Directive." The Planning Authority is of the opinion that, by virtue of the location of the proposed development within close proximity to the Slieve Beagh Special Protection Area (SPA), an Appropriate Assessment Screening Report shall be undertaken to afford for the assessment of the proposed development upon the qualifying feature of the SPA, the Hen Harrier. The screening report should be undertaken by an appropriately qualified professional and shall include the following information:

- i. A focus upon the potential impacts of the proposed development in view of the conservation objectives and integrity of the Slieve Beagh SPA.
 - ii. A dedicated survey of the site for Hen Harriers to be carried out during the breeding season for assessment by the Planning Authority.
 - iii. Details demonstrating how any rodent control programme(s) which may be implemented within the proposed site will not pose a threat to Hen Harriers or other birds which exist within the SPA.
 - iv. Details demonstrating how provision of services to the proposed site will not pose any threat to Hen Harriers or other birds which exist within the SPA.
 - v. Details demonstrating how noise generation from the development as proposed will not affect the integrity of the SPA.
 - vi. Details in respect of provision of services to the site and detail how provision of such works may impact on the integrity and qualifying features of the SPA. Measures to ensure the avoidance, reduction and mitigation against any such impacts
3. Submit plans for the proposed meal bin.
4. In the interest of environmental protection, applicant shall submit the following:
- a. A revised site drainage plan to a minimum scale of 1:500 detailing the following:
 - i. All proposed foul water drainage pipes in red.
 - ii. Proposals for SUDS solution to treat the surface water arising on the proposed concrete area at the development site prior to discharge.
 - b. A nutrient management assessment (including both Nitrogen and Phosphorus) to demonstrate how it is proposed to sustainably use wash waters arising from the proposed development. This assessment shall take account of the requirements of the European Union (Good Agricultural Protection for Protection of Waters) Regulations 2017. This assessment shall include stocking rate for 2018 and also shall accommodate the use of organic fertiliser from the current bovine herd. This assessment shall be prepared by a qualified agricultural advisor/consultant.
 - c. Submit correspondence from a collector registered with the Department of Agriculture, Food and the Marine under the S.I No. 187/2014- European Union (animal By-Products) Regulations stating that they are in a position to remove the dead birds arising at the proposed development.
 - d. Submit an Ordnance survey map identifying all lands available for the addition of soiled waters (outlined in blue).

Applicant shall contact Environment Section with respect to point 4 above.

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Receipt of Additional Information

Following this request for additional information, revised plans and documentation were submitted on the 26th October 2018. The original request for additional information has been addressed as follows:

1. With respect to the location of the proposed poultry unit on a greenfield site the applicant has submitted the following justification:
 - a. The land has been purchased by the applicant with a view to erecting a poultry unit.
 - b. The laneway up to the family landholding/farm buildings would not allow an articulated lorry access because of the sharp bends.
 - c. The site in question has direct access to the public road.
 - d. The site is not as elevated as the site adjacent to the existing farm buildings.
 - e. There will be no disturbance to existing hedgerows.
 - f. If the proposed development was constructed adjacent to the existing farm buildings, extensive excavation and the removal of existing mature hedgerows would be required.
2. An Appropriate Assessment Screening Report undertaken by Noreen McLaughlin has now been submitted. Conclusions reached in the report are detailed as follows:
 - a. There will be no land take from any designated site or no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.
 - b. No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.
 - c. There will be no impacts on any designated site arising from emissions to surface water features. Only clean surface water run-off will be directed into local watercourses and silt traps will be installed on all lines.
 - d. Any associated land-spreading of the manure or washwater from the development will be done in accordance with S.I 605 of 2017 (as amended) which will minimise runoff from land into local watercourses.
 - e. In order to predict atmospheric emissions (ammonia and nitrogen) from the facility a SCAIL model (Simple Calculation of Atmospheric Impact Limits) was run. It was determined that the load of ammonia at the edge of the SPA will be below the critical load.
 - f. The deposition of nitrogen at the edge of the SPA was also considered. As there are no nitrogen sensitive habitats or species listed as qualifying interests within the SPA, generating critical load for nitrogen at this site was not possible within the SCAIL model. However it was determined that an extra contribution of 8.2% was result.
 - g. The main noise generated will be during the site preparation and construction phase when large machines will be on site. The applicant will endeavour to have all major site works completed over the winter months, outside of the Hen Harrier breeding season.
 - h. Excavated material from the construction will be used on site. Bare soil will be reseeded straight away where appropriate. Any remaining soil will be disposed of in a responsible manner in a licensed facility away from designated sites.
 - i. No other developments have been granted permission in the townland in the preceding five years.
 - j. In the future any development that has the potential to impact upon the SPA will be screened for AA or brought to Stage II where necessary.

- k. There will be no loss of any habitat used by the Hen Harrier for breeding or nesting arising from the development of the site and therefore there will be no impacts upon this species arising from cumulative habitat loss or fragmentation.
- l. There are other agricultural activities ongoing close to the current application site, therefore impacts arising from the operation of these farms together were considered.
- m. There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

In addition to the above, the application describes the likely changes to the SPA as a result of the development. These issues are summarised below:

- a. The proposed development lies outside the boundary of the Natura 2000 sites identified.
- b. There will be no reduction of designated habitat area or habitats used by the Hen Harrier within the application site.
- c. There will be no interference with the boundaries of any designated site.
- d. Only three breeding pairs of Hen Harrier were confirmed in Slieve Beagh in 2017. Additional information received from the NPWS revealed the presence of one breeding pair of harriers within 1km of the site in 2015. It is concluded that the nesting site is within the SPA.
- e. There are no suitable habitats within the application site for the Hen Harrier. Traditionally, breeding harries nested on the ground in heather dominated moorland, but due to fundamental changes in the upland landscape in Ireland, including wide spread planting of non-native coniferous forests, these birds have largely switched to ground nesting in pre-thicket forest plantations and early growth second rotation forest. They will nest in dense vegetation including scrub. None of these habitats occur within the application site. The Hen Harrier may continue to forage close to and possibly over the application site but the construction and operation of the development will not have any negative impacts on the foraging behaviour of this species.
- f. All rodenticide will be used responsibly and in accordance with the best practice guidelines issued by the Campaign for Responsible Rodenticide Use. Its responsible use will lead to no threats to the Hen Harrier.
- g. There will be no habitat or species fragmentation within any SAC or SPA.
- h. No ecological corridors between the proposed site and any designated area will be damaged or destroyed.
- i. There will be no reduction in species density.
- j. There will be no negative impacts upon surface or ground water quality.
- k. there will be no negative impacts upon the water quality in any designated site.

In conclusion, the Screening Report details findings of non significant effects. A summary is detailed as follows:

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Finding of No Significant Effects Report Matrix	
Name of project	Development of a Poultry Farm at Derrynahisco, Knockatain, Co. Monaghan.
Name and location of Natura 2000 site	The closest Natura 2000 Site to the application site is the Slieve Beagh and this adjacent to the application site.
Description of project	An Agricultural Development
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	All farm land surrounding this proposed development must operate within the requirements of S.I. 603 of 2007. Compliance with the legislation will minimise any in-combination effects.
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	No impacts likely
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM, Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Monaghan County Council
Level of assessment completed	Stages Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

- The Screening Report concludes by stating that in view of best scientific knowledge and on the basis of objective information, it can be concluded that the proposed development, whether individually or in combination with other plans and projects will have no impacts upon the Slieve Beagh SPA or its qualifying interest. The report states that the integrity of the site will be maintained and the habitats and species associated with the site will not be adversely affected. The report specifically notes that a Stage II assessment is not required. Notably no further correspondence has been received from the Department of Culture, Heritage and the Gaeltacht.
- Plans of the meal bin have now been submitted.
 - Environment Section has been re-consulted and has no further objections to the proposed development subject to conditions.

Conclusion

The information submitted on the 26th October 2018 has addressed the original request for additional information. There are no further objections to the proposed development. No objections were received to the planning application.

Maps and Drawings remain
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Recommendation

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

- 1a. The developer shall pay to Monaghan County Council a sum of **€3668.00** in accordance with the General Development Contribution Scheme 2013-2019 (as revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
- b. The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
- c. No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

Reason: It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.

- 2a. Prior to commencement of development, developer shall submit to the Planning Authority for agreement in writing, the following:
 - i. a revised site drainage plan illustrating soiled water flowing to holding water tank only. There shall be no overflow facility on the holding water tank.
 - ii. Using SUDS solutions, demonstrate that surface water arising from the proposed development shall be adequately pre-treated prior to discharge to ACO drain.
- b. Development shall be carried out in accordance with these details or as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of orderly development.

- 3a. Silt traps shall be installed to service the proposed new concrete area at the development.
- b. Silt traps shall be frequently inspected and adequately maintained.
- c. Developer shall ensure run-off from soiled yard areas is kept to a minimum, collected in suitably constructed tanks and landspread in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- d. Developer shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled "*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*". This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html>
- e. All surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- f. Developer shall ensure completely separate foul and surface water drainage systems are in place.
- g. There shall be no change in poultry type, change in system which results in change in Dry Matter content of the manure or increase in the number of poultry proposed without prior written consent from the Planning Authority.
- h. There shall be no increase in livestock numbers as stated on the application form except in accordance with an approved Farm Waste and Nutrient Management Plan and without the prior written consent from the Planning Authority.

- i. All structures and buildings shall be designed and constructed to the relevant Department of Agriculture specifications and in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- j. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- k. All manure/organic fertilisers arising from the development shall be collected in leak proof/suitably constructed tanks and stored in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- l. Manure/ Organic fertilisers taken off site shall conform with the Department of Agriculture Food and the Marine requirements and guidance under Animal By Products legislation and local authority guidance on the protection of sensitive waters including water supply sources.
- m. Manure shall be taken off site in accordance with details submitted with the application by a contractor registered with the Department of Agriculture Food and Marine and shall be utilised in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- n. Receipts for manure collection and removal shall be submitted to the Environment Section by the 31st of December each year or as otherwise agreed in writing with the Planning Authority. Receipts shall include tonnages and dates of movement.
- o. Records of manure movement's offsite shall be recorded on Record 3 forms (as prescribed by the Department of Agriculture Food and Marine). These forms shall be maintained on site and submitted to the Environmental Services Section of Monaghan County Council on request. Records maintained shall comply with requirements of Article 23 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and as a minimum shall include:
 - i. Name and address of Contractor/Haulier
 - ii. Date of each disposal operation
 - iii. Quantity (weight and volume) disposed of
 - iv. The name of receiving premises.
 - v. Any other information as may be required by Monaghan County Council.
 - vi. Any intention to change haulier or intention to utilise any manure shall be agreed in writing with the Planning Authority.
- p. If at any time Monaghan County Council is satisfied that this development is causing environmental pollution the operator shall submit a remediation action plan to address the identified issues within a specified timeframe.

Reason: In the interest of environmental protection.

- 4a. Roofing material shall be dark green, dark grey, dark blue or black in colour.
- b. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure

Reason: In the interest of visual amenity.

- 5a. The undefined site boundaries shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly. Landscaping of the site shall be fully implemented prior to any occupancy of the dwelling hereby approved and shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

- b. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operations.
- c. The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.

Reason: In the interest of visual amenity.

- 6a. Prior to any other works commencing, visibility splays of **80 metres**, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the entrance 3.0 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 0.26 metre and 2.0 metres above ground level in both directions. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- b. Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.
- c. Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the planning authority.
- d. The new entrance shall form a bellmouth of **4 metres** radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
- e. Entrance/access road shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres and the surface shall be graded back so that its level at 3.0 metres from the edge of the carriageway is a minimum of 100 mm below road level. Gradient of access road shall be not greater than 1:20 (5.0%) for the first 5 metres from boundary and 1:10 (10.0%) thereafter.
- f. French drain consisting of **300mm** diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application shall be made to Monaghan County Council if this requires a road opening licence).
- g. Cattlegrid/ACO Drain/Gullies shall be installed at proposed entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.
- h. Provision shall be made within the site for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded.

PLANNING APPLICATION DECISION FORM

Planning Application
Reference No. 18363

Decision due by: _____

Reports received from:

Municipal District _____

S.E.E. Roads _____

E.H.O. _____

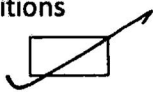
S.E.E. Environment _____

S.E.E. Water Services _____

Planning Officer _____

I recommend that planning permission be:

Granted, subject to the conditions
outlined in the enclosed



Refused, for the reasons
outlined in the enclosed

☐

Planning Officer's Report

Planning Officer's Report

Recommended by Senior
Executive Planner: _____

Date: _____

Recommended by:

WJ Hulse
Senior Planner

Date: 19.11.18

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions
recommended in

☒

Refused

☐

Planning Officer's Report

☐

Other

☐

WJ Hulse
Senior Planner

19.11.18
Date

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Comhairle Contae Mhuineacháin Monaghan County Council

21/12/2018

Acmhainní Daonna
Human Resources
047 30586

To: Peter Foy
Derrynaesco
Knockatallon
Co.Monaghan

Airgeadas
Finance
047 30589

File Number - 18/363

Na Bóithre
Roads
047 30597

Planning and Development Act 2000 (as amended)

NOTIFICATION OF FINAL GRANT

Clár na dTeaghthóirí
Register of Electors
047 30551

Comhshaol
Environment
042 9661240

Monaghan County Council has by order dated 19/11/2018 granted the above named, for the development of land namely for:- Permission to erect a chicken poultry unit, insert a holding tank and erect a meal bin and all associated site works. Significant further information received comprises details of 1. proposal to relocate holding tank. 2. The provision of an appropriate assessment screening report in relation to the hen harrier due to the close proximity of the site to Sliabh Beagh special protection area, at Derrynaesco, Knockatallon, Co.Monaghan, subject to the 7 condition(s) set out in the Schedule attached.

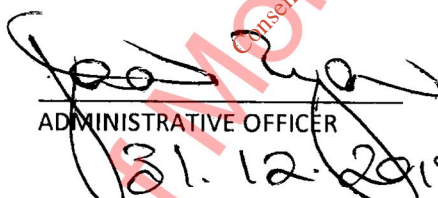
Na hEalaíona
Arts
047 38162

Iasachtaí /Deontais Tithíochta
Housing Loans/Grants
047 30527

Leabharlann an Chontae
County Library
047 74700

Signed on behalf of MONAGHAN COUNTY COUNCIL.

Mótarcháin
Motor Tax
047 81175


ADMINISTRATIVE OFFICER
31.12.2018
DATE

Músaem an Chontae
County Museum
047 82928

Pleanáil
Planning
047 30532

It should be noted that an outline permission is a permission subject to the subsequent approval of the Planning Authority and that until such approval has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED**.

Pobal
Community
047 73719

I refer you to the Health and Safety Authority website www.hsa.ie for new responsibilities for homeowners under Safety, Health and Welfare at Work (Construction) Regulations 2013.

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Oifig Fiontair Áitiúil
Local Enterprise Office
047 71818

Seirbhís Uisce
Water Services
047 30504/30571

Fálíonn an tUdarás Áitiúil roimh chomhfhreagras i nGaeilge.
Comhairle Contae Mhuineacháin, Oifigí an Chontae, An Gleann, Muineachán, Éire.
Monaghan County Council, Council Offices, The Glen, Monaghan, Ireland.

00353 47 30500 00353 47 82739 www.monaghan.ie
eolas@monaghancoco.ie info@monaghancoco.ie

18/363 Peter Foy Derrynaheisco, Knockatallon, Co. Monaghan

- 1
 - a. The developer shall pay to Monaghan County Council a sum of **€3668.00** in accordance with the General Development Contribution Scheme 2013-2019 (as revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
 - b. The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
 - c. No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.
- 2
 - a. Prior to commencement of development, developer shall submit to the Planning Authority for agreement in writing, the following:
 - (i) a revised site drainage plan illustrating soiled water flowing to holding water tank only. There shall be no overflow facility on the holding water tank.
 - (ii) Using SUDS solutions, demonstrate that surface water arising from the proposed development shall be adequately pre-treated prior to discharge to ACO drain.
 - b. Development shall be carried out in accordance with these details or as otherwise agreed in writing with the Planning Authority.
- 3
 - a. Silt traps shall be installed to service the proposed new concrete area at the development.
 - b. Silt traps shall be frequently inspected and adequately maintained.
 - c. Developer shall ensure run-off from soiled yard areas is kept to a minimum, collected in suitably constructed tanks and landspread in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
 - d. Developer shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled "*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*". This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html>

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- e. All surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- f. Developer shall ensure completely separate foul and surface water drainage systems are in place.
- g. There shall be no change in poultry type, change in system which results in change in Dry Matter content of the manure or increase in the number of poultry proposed without prior written consent from the Planning Authority.
- h. There shall be no increase in livestock numbers as stated on the application form except in accordance with an approved Farm Waste and Nutrient Management Plan and without the prior written consent from the Planning Authority.
- i. All structures and buildings shall be designed and constructed to the relevant Department of Agriculture specifications and in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- j. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- k. All manure/organic fertilisers arising from the development shall be collected in leak proof/suitably constructed tanks and stored in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- l. Manure/ Organic fertilisers taken off site shall conform with the Department of Agriculture Food and the Marine requirements and guidance under Animal By Products legislation and local authority guidance on the protection of sensitive waters including water supply sources.
- m. Manure shall be taken off site in accordance with details submitted with the application by a contractor registered with the Department of Agriculture Food and Marine and shall be utilised in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- n. Receipts for manure collection and removal shall be submitted to the Environment Section by the 31st of December each year or as otherwise agreed in writing with the Planning Authority. Receipts shall include tonnages and dates of movement.

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- o. Records of manure movement's offsite shall be recorded on Record 3 forms (as prescribed by the Department of Agriculture Food and Marine). These forms shall be maintained on site and submitted to the Environmental Services Section of Monaghan County Council on request. Records maintained shall comply with requirements of Article 23 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and as a minimum shall include:
- Name and address of Contractor/Haulier
 Date of each disposal operation
 Quantity (weight and volume) disposed of
 The name of receiving premises.
 Any other information as may be required by Monaghan County Council.
 Any intention to change haulier or intention to utilise any manure shall be agreed in writing with the Planning Authority.
- p. If at any time Monaghan County Council is satisfied that this development is causing environmental pollution the operator shall submit a remediation action plan to address the identified issues within a specified timeframe.
- 4 a. Roofing material shall be dark green, dark grey, dark blue or black in colour.
- b. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
- 5 a. The undefined site boundaries shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly. Landscaping of the site shall be fully implemented prior to any occupancy of the development hereby approved and shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.
- b. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operations.
- c. The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.
- 6 a. Prior to any other works commencing, visibility splays of **80 metres**, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the entrance 3.0 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 0.26 metre and 2.0 metres above ground level in both directions. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.

- b. Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.
- c. Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the planning authority.
- d. The new entrance shall form a bellmouth of 4 metres radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
- e. Entrance/access road shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres and the surface shall be graded back so that its level at 3.0 metres from the edge of the carriageway is a minimum of 100 mm below road level. Gradient of access road shall be not greater than 1:20 (5.0%) for the first 5 metres from boundary and 1:10 (10.0%) thereafter.
- f. French drain consisting of 300mm diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application shall be made to Monaghan County Council if this requires a road opening licence).
- g. Cattlegrid/ACO Drain/Gullies shall be installed at proposed entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.
- h. Provision shall be made within the site for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded.
- i. No development exempt or otherwise shall be erected over the public sewer, drain or water-main, unless otherwise agreed in writing with the planning authority.
- j. Before any work is commenced on this development a security, by way of a cash deposit, in the sum of €2250, shall be paid to the planning authority by the developer to ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactorily. Failure to carry out all entrance works to a standard to the satisfaction of the planning authority will result in forfeiture of part or all of the cash security.

7. The development shall be carried out in accordance with plans and documentation submitted on the 1st August 2018 as amended by plans and documentation submitted on the 26th October 2018 except as may otherwise be required in order to comply with the above conditions.

The reason for the imposition of the above conditions

1. It is considered appropriate that the developer should contribute towards the expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity infrastructure and facilities in the area.
2. In the interest of orderly development.
3. In the interest of environmental protection.
4. In the interest of visual amenity.
5. In the interest of visual amenity.
6. In the interest of road safety.
7. In the interest of orderly development and to prevent unauthorised development.

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