

PLANNING APPLICATION CONTROL FORM

P833/20
✓ 1639/2000

Application Reference No.: 20/194

Decision due by (29/07/2020)

17/9/2020

Previous Ref. Nos.:

Date of Receipt of Application: (04/06/2020) 21/8/2020

Applicant : Liam McCague

Address: CLW Environmental Planners Ltd The Mews 23 Farnham St Cavan

Location of

Development: Tullyard (DED Monaghan Rural) Monaghan Co Monaghan

Description : Permission to construct 1 no poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tanks(s)) and site works (to include new site entrance) Significant further information relates to entrance drainage proposals, appropriate assessment screening, flood risk assessment and revised site plan.

VALIDATION

Validated by: _____

Date of Validation: _____

SITE NOTICE

Was Notice published on site

Yes

No

Inspected by: AN

Date of Inspection: _____

Refer file for reports to:

Municipal District

Heritage Officer

E.H.O.

S.E.E. Roads

S.E.E. Water Services

S.E.E. Environment

Irish Water

S.E. Planner

NRA/TII

Housing

DoECLG

Fire Officer

An Taisce

I.F.I.

Roisin Moore

Flooding Section

Build Heritage

OPW

?

**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 20/194

Applicant: Liam McCague

Development: Permission to construct 1 no poultry house together with all ancillary structures (to include meal storage bin) and soiled water tanks and site works to include new site entrance

Location: Tullyard, DED Monaghan Rural, Co Monaghan

Characteristics of the Site

The application site is located between a local tertiary road and a laneway which serves a farmhouse on a site which initially falls below the public road and then rises to the north west. The site is taken from a larger field and does not benefit from any existing natural boundaries. There is no existing roadside boundary at the site and screen planting is minimal. The application site measures 1.28hectares. The site is low lying in the wider area but is visible from the R188 regional road in the surrounding area which is at a higher level.



View from R188 - applicants dwelling in the foreground and farmhouse in the background

Characteristics of Area

The site is located in an area with adjoining lands which are in agricultural use and one off dwellings. There is a traditional farmhouse dwelling and outbuildings located directly the rear of the site which is accessed from the adjoining laneway and located on higher ground level to that of the proposed poultry unit. The applicants dwelling is located to the east of the proposed development, also at a higher ground level.

Relevant Site History

None

Consultee Responses

Environment Section: no objection subject to conditions

DoECLG – no comment received

An Taisce – no comment received

Objections/Representations Received

No submissions received

Planning Assessment

Description of Development

Permission is sought to erect a poultry house to accommodate 38,000 bird numbers, the works also include a vertical meal bin, underground wash tanks, new agricultural entrance and all ancillary site works. The proposed poultry house has a proposed floor area of 1593sqm with a ridge height of 5.9m. Two feed silos are proposed which extend to 9.1m.

- **Planning Policy**

Section 15.15 and Policy AGP1 of the Monaghan County Development Plan 2019-2025

The Development Plan notes the importance of agriculture in County Monaghan but also notes that due to modern farming practices the traditional form of agricultural buildings is disappearing from the landscape and modern farm buildings which have the appearance of industrial buildings can have significant visual impacts as a result of their scale and mass.

Policy for Agricultural Development	
AGP 1	<p>To permit development on new and established agricultural or forestry holdings where it is demonstrated that;</p> <ul style="list-style-type: none">a) It is necessary for the efficient use of the agricultural holding or enterprise The site of the proposed development is on a greenfield site. No justification has been provided for the location of a poultry unit on this site.b) The appearance, character and scale are appropriate to its location, The design and scale of the proposed structures are standard with regard to agricultural buildings. The site is set back from the public road and is low lying in the wider area. The height of the silos will be visually obtrusive in the landscape but given the undulating nature of the surrounding landscape and their location to the east of the proposed unit, they are considered acceptable.c) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary, There is very little by way of existing screen planting within the site or the wider field and additional screen planting will be required if a decision to grant is being considered.d) The proposal will not have an adverse impact on the natural or built heritage, There is stream that runs along the field boundary (not the site boundary) to the south west and north west of the proposed unit. The soil conditions on site would indicate poor draining soil is located within the lower lying part of the site towards the public road. It is considered that a screening for AA is required to ensure that there is no adverse impact on the natural heritage of the area as a result of the proposed development.e) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise,

smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided.

There are no third-party dwelling is located within 100 metres of the site. The existing farmhouse dwelling adjoining the site is located 109m from the proposed poultry house.

- f) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water,
The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.
- g) Proper provision for disposal of liquid and solid waste is provided.
The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.
- h) The proposal will not result in a traffic hazard.
The site is accessed off a local tertiary road where sight distances of 20x 2.4 x 1.05 are required. The applicant has demonstrated that the required sight distances can be achieved at the proposed entrance but it is unclear if the lands adjoining the entrance where works are required in order to achieve the sightlines are under the control of the applicant. Additional information is required in this regard.

Where a new building is proposed applicants must also provide the following information:

- i) Outline why there is no suitable existing building on the holding that cannot be used.
It is stated that the applicant does not have access to a suitable building on his lands.
- j) Design, scale and materials which are sympathetic to the locality and adjacent buildings.
The design and scale of the proposed structures are standard with regard to agricultural buildings.
- k) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.
This is a greenfield site and it is stated that bio-security problems dictate that the proposed development should be located away from other existing livestock enterprises.
- l) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings.
Notwithstanding the undulating topography of the area, additional screen planting is required in order to aid the visual integration of the proposed development within the landscape.
- m) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity.
Assessment under k above.

Policy for Intensive Agriculture /Poultry and Pig Farming

AGP 2 In addition to the information required under AGP 1 the following additional information will be required for assessing applications for intensive poultry units or similar specialised agri-developments the Council:

- a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment.

As a result of the overall bird numbers, 38,000 an E.I.A.R is not required with respect to the proposed development. A screening for AA is required and has not been submitted.

- b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site.

It is submitted that there will be interaction between the proposed and the existing poultry units in the area and the proposed development is a sustainable farm diversification.

- c) Methods for waste management including frequency and location of disposal relative to the proposed unit.

The submitted documentation states that College Proteins will collect dead birds and general waste will be disposed of to landfill/recycling as required.

- d) Details of air pollution arising from the units and effluent storage, transportation and spreading.

There will be no adverse odour or nuisance as a result of the proposed development.

- e) Proximity of development to aquifers and water courses and its impact on them.

The site is located in an area classified as a poor aquifer (PI). The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.

- f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner.

There are no dwellings within 100m of the proposed site

- g) Details of associated activities such as cleaning, ventilation and heating.

Details have been submitted which are acceptable.

- h) A comprehensive landscaping plan has been submitted.

Whilst landscaping has been detailed on the plans submitted it is considered additional planting is required at this site.

- i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration.

The site was selected as it was not imposing on the landscape and the most suitable in order to comply with the requirements of Monaghan County Development Plan and the DFM Bord Bia requirements.

- j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals.

Due to the scale of the development this shall not be required. However, works are required to raise the ground levels at the proposed entrance and no details of this has been submitted. Surface water drainage proposals are also required.

Flooding

The provisions of Section 15.34 of the Monaghan County Development apply. This state that flooding issues must be properly assessed, and that development should be restricted unless it is demonstrated that the flooding concerns can be addressed. The OPW flood maps indicate that part of the site is at risk of fluvial flooding along an existing watercourse which bounds the application. Additional information is required to ensure that the proposed development does not impede the flow paths of this watercourse and/or exacerbate flood risk within the wider area.



Environmental Impact Assessment

In accordance with Schedule 5, Part 1, 17 and Schedule 5 Part 2, 1(e)(i) of the Planning and Development Regulations, the proposed development does not require an E.I.A.R. Bird numbers on the site will total 38,00. Assessing the proposed development against the criteria as defined in Schedule 7 of the Planning and Development Regulations (2001) and assessing the proposed development in the context of the site it is not considered that the proposed development is likely to have significant effects on the environment. An Environmental Impact Assessment Report is therefore not required to accompany this planning application.

Appropriate Assessment

Section 15.30 and policy AAP1 of the Monaghan County Development Plan 2019-2025 apply.

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact of the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). In respect of the Monaghan County Development Plan 2019-2025, policy AAP1 states that "all projects and plans will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive".

The site lies within 16km of Kilrooskey Lough and within 14km of Slieve Beagh SPA. The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of the sites
- The relevant policies within the County Monaghan Development Plan 2019-2025 in respect of the protection of Natura 2000 sites.
- The in combination effects of the proposed development with other plans or projects.

The conservation objective of Kilrooskey Lough SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Code Description 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae* 7230 Alkaline fens. The conservation objective of Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.

Having regard to the nature and scale of the development proposed it is considered that a Stage 1 AA Screening Report should be submitted with particular assessment given to the ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

Conclusion

Additional information is required in relation to a number of issues in order to complete the assessment of the proposed development.

Additional Information is requested as follows:

1. The Planning Authority notes that the submitted site layout plan fails to clearly demonstrate how it is proposed to provide a clear and unobstructed visibility (forward, rear and site visibility) of 50 metres in lands which are under the control of the applicant. In the interests of road safety, the applicant shall submit the following;
 - a. a revised site layout plan to scale 1:500 illustrating visibility splays of 50 metres along the adjoining public road measured to the nearside road edge in each direction, provided from a point in the centre of the entrance 2.4 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 1.05 metre and 2.0 metres above ground level in both directions.
 - b. An updated site layout should include the location of all fences, road edge, hedgerows, etc over the extents of the visibility splay and the full extents of works required, to provide the necessary visibility requirements.
 - c. Clearly indicate the scope of works required in order to provide the minimum visibility standards as set out in the Monaghan County Development Plan.
 - d. Where sight distances are not achievable within the site area and where the hedgerows/embankments do not belong to the applicant, legal agreements with adjoining landowners giving their consent to allow removal of their embankment and or hedges and maintain the hedges/grass verge by trimming/cutting regularly to provide the required sight distance shall be submitted to the Planning Authority (as per Appendix 14 of the Monaghan County Development Plan 2019-2025).
Please note if the lands where works are required to achieve the sightlines are within the applicant's control, independent documentation to indicate this must be submitted.
2. Applicant requested to submit drainage proposals for the proposed entrance to prevent any surface water flowing from the site on to the public road and similarly measures to prevent road surface water from flowing onto the entrance. This is to discharge to the nearest watercourse.
3. The subject site is located within 15km to Sliabh Beagh and 16kms to Kilroosky Lough Cluster Natura 2000 site. The EU (Natural Habitats) Regulations 1997 Regulation 27(1) states that a

local authority should require an appropriate assessment where an application is likely to have a significant effect on a European site.

In light of the above and the necessity to ensure protection of the habitats and species present, you are requested to submit an **Appropriate Assessment Screening Report** from a **suitably qualified and indemnified ecologist** addressing the impact of the development for the site in view of the sites' qualifying interests and conservation objectives including the impact of ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

The applicant is advised that in the event that the screening process identifies that significant effects are certain, or likely or uncertain, and/or that mitigation measures are required, the proposal must proceed to Natura Impact Statement (NIS) Stage 2 (Appropriate Assessment).

As part of the response and in the event a NIS (stage 2) report is necessary both a newspaper and site notice referring to the NIS is required under Article 240 of the Planning & Development Regulations 2011.

Please note that the final paragraph of the said site notice and newspaper notice must state that – *“A submission or observation in relation to the further information may be made in writing to the Planning Authority not later than 5 weeks beginning on the date of receipt of the newspaper and site notice by the Planning Authority on payment of the prescribed fee of €20.00, except in the case of a person or body who has already made a submission or observation”.*

4. The Office of Public Work Preliminary Flood Risk Maps indicate that the site is at risk to fluvial flooding. Accordingly, please submit a flood risk assessment for the proposed development, completed by a professionally qualified, independent and competent person, confirming that the development:
- Will not be at risk of flooding;
 - Will not result in a loss/reduction of fluvial flood water storage capacity on-site;
 - Will not result in flood water displacement off-site or exacerbate flooding in the immediate vicinity or wider area;
 - Will not obstruct or impede important flow paths;
 - Will not result in residual risks to the area and/or development that cannot be managed to an acceptable level.

The flood risk assessment shall also clearly demonstrate proposed management of any residual risks.

5. Policy AGP 2 'Intensive Agriculture/Poultry and Pig Farming' and Landscaping Policies LCP 1 & 2 of the Monaghan County Development Plan 2019-2025 require planning applications for poultry units to include a comprehensive landscaping plan commensurate to the scale of development on-site. It is noted that the proposed development has very little by of existing screen boundary planting and notwithstanding the planting detailed on the site layout plan, the submitted landscaping details are therefore considered to be insufficient. The applicant is requested to submit a compliant and comprehensive landscaping plan, which is commensurate to the scale of development on-site in accordance with policies AGP (h) and LCP 1 & 2 of the Monaghan County Development Plan 2019-2025.

Note 1: Applicant to note the information required above may constitute significant additional information. In accordance with Article 35 of the Planning and Development Regulations

(2006) a revised site notice shall be erected on site and shall be submitted to the Planning Authority along with a revised press notice indicating the revisions to the application.

Laura Nulty

Laura Nulty

Executive Planner

Date: 22/7/2020.

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**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 20/194

Applicant: Liam McCague

Development: Permission to construct 1 no poultry house together with all ancillary structures (to include meal storage bin) and soiled water tanks and site works to include new site entrance

Location: Tullyard, DED Monaghan Rural, Co Monaghan

Characteristics of the Site

The application site is located between a local tertiary road and a laneway which serves a farmhouse on a site which initially falls below the public road and then rises to the north west. The site is taken from a larger field and does not benefit from any existing natural boundaries. There is no existing roadside boundary at the site and screen planting is minimal. The application site measures 1.28hectares. The site is low lying in the wider area but is visible from the R188 regional road in the surrounding area which is at a higher level.



View from R188 - applicants dwelling in the foreground and farmhouse in the background

Characteristics of Area

The site is located in an area with adjoining lands which are in agricultural use and one off dwellings. There is a traditional farmhouse dwelling and outbuildings located directly to the rear of the site which is accessed from the adjoining laneway and located on higher ground level to that of the proposed poultry unit. The applicants dwelling is located to the east of the proposed development, also at a higher ground level.

Relevant Site History

None

Consultee Responses

Environment Section: no objection subject to conditions

DoECLG – no comment received

An Taisce – no comment received

Objections/Representations Received

No submissions received

Planning Assessment

Description of Development

Permission is sought to erect a poultry house to accommodate 38,000 bird numbers, the works also include a vertical meal bin, underground wash tanks, new agricultural entrance and all ancillary site works. The proposed poultry house has a proposed floor area of 1593sqm with a ridge height of 5.9m. Two feed silos are proposed which extend to 9.1m.

- **Planning Policy**

Section 15.15 and Policy AGP1 of the Monaghan County Development Plan 2019-2025

The Development Plan notes the importance of agriculture in County Monaghan but also notes that due to modern farming practices the traditional form of agricultural buildings is disappearing from the landscape and modern farm buildings which have the appearance of industrial buildings can have significant visual impacts as a result of their scale and mass.

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AGP 1	<p>To permit development on new and established agricultural or forestry holdings where it is demonstrated that;</p> <ul style="list-style-type: none">a) It is necessary for the efficient use of the agricultural holding or enterprise The site of the proposed development is on a greenfield site. No justification has been provided for the location of a poultry unit on this site.b) The appearance, character and scale are appropriate to its location, The design and scale of the proposed structures are standard with regard to agricultural buildings. The site is set back from the public road and is low lying in the wider area. The height of the silos will be visually obtrusive in the landscape but given the undulating nature of the surrounding landscape and their location to the east of the proposed unit, they are considered acceptable.c) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary, There is very little by way of existing screen planting within the site or the wider field and additional screen planting will be required if a decision to grant is being considered.d) The proposal will not have an adverse impact on the natural or built heritage, There is a stream that runs along the field boundary (not the site boundary) to the south west and north west of the proposed unit. The soil conditions on site would indicate poor draining soil is located within the lower lying part of the site towards the public road. It is considered that a screening for AA is required to ensure that there is no adverse impact on the natural heritage of the area as a result of the proposed development.e) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise,

smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided.

There are no third-party dwelling is located within 100 metres of the site. The existing farmhouse dwelling adjoining the site is located 109m from the proposed poultry house.

- f) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water,
The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.
- g) Proper provision for disposal of liquid and solid waste is provided.
The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.
- h) The proposal will not result in a traffic hazard.
The site is accessed off a local tertiary road where sight distances of 50x 2.4 x 1.05 are required. The applicant has demonstrated that the required sight distances can be achieved at the proposed entrance but it is unclear if the lands adjoining the entrance where works are required in order to achieve the sightlines are under the control of the applicant. Additional information is required in this regard.

Where a new building is proposed applicants must also provide the following information:

- i) Outline why there is no suitable existing building on the holding that cannot be used.
It is stated that the applicant does not have access to a suitable building on his lands.
- j) Design, scale and materials which are sympathetic to the locality and adjacent buildings.
The design and scale of the proposed structures are standard with regard to agricultural buildings.
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This is a greenfield site and it is stated that bio-security problems dictate that the proposed development should be located away from other existing livestock enterprises.
- l) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings.
Notwithstanding the undulating topography of the area, additional screen planting is required in order to aid the visual integration of the proposed development within the landscape.
- m) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity.
Assessment under k above.

Policy for Intensive Agriculture /Poultry and Pig Farming

AGP 2 In addition to the information required under AGP 1 the following additional information will be required for assessing applications for intensive poultry units or similar specialised agri-developments the Council:

- a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment.

As a result of the overall bird numbers, 38,000 an E.I.A.R is not required with respect to the proposed development. A screening for AA is required and has not been submitted.

- b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site.

It is submitted that there will be interaction between the proposed and the existing poultry units in the area and the proposed development is a sustainable farm diversification.

- c) Methods for waste management including frequency and location of disposal relative to the proposed unit.

The submitted documentation states that College Proteins will collect dead birds and general waste will be disposed of to landfill/recycling as required.

- d) Details of air pollution arising from the units and effluent storage, transportation and spreading.

There will be no adverse odour or nuisance as a result of the proposed development.

- e) Proximity of development to aquifers and water courses and its impact on them.

The site is located in an area classified a poor aquifer (PI). The information submitted is acceptable. A report has been received from Environment stating no objections subject to conditions.

- f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner.

There are no dwellings within 100m of the proposed site

- g) Details of associated activities such as cleaning, ventilation and heating.

Details have been submitted which are acceptable.

- h) A comprehensive landscaping plan has been submitted.

Whilst landscaping has been detailed on the plans submitted it is considered additional planting is required at this site.

- i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration.

The site was selected as it was not imposing on the landscape and the most suitable in order to comply with the requirements of Monaghan County Development Plan and the DFM Bord Bia requirements.

- j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals.

Due to the scale of the development this shall not be required. However, works are required to raise the ground levels at the proposed entrance and no details of this has been submitted. Surface water drainage proposals are also required.

Flooding

The provisions of Section 15.34 of the Monaghan County Development apply. This states that flooding issues must be properly assessed, and that development should be restricted unless it is demonstrated that the flooding concerns can be addressed. The OPW flood maps indicate that part of the site is at risk of fluvial flooding along an existing watercourse which bounds the application. Additional information is required to ensure that the proposed development does not impede the flow paths of this watercourse and/or exacerbate flood risk within the wider area.



Environmental Impact Assessment

In accordance with Schedule 5, Part 1, 17 and Schedule 5 Part 2, 1(e)(i) of the Planning and Development Regulations, the proposed development does not require an E.I.A.R. Bird numbers on the site will total 38,000. Assessing the proposed development against the criteria as defined in Schedule 7 of the Planning and Development Regulations (2001) and assessing the proposed development in the context of the site it is not considered that the proposed development is likely to have significant effects on the environment. An Environmental Impact Assessment Report is therefore not required to accompany this planning application.

Appropriate Assessment

Section 15.30 and policy AAP1 of the Monaghan County Development Plan 2019-2025 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 the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). In respect of the Monaghan County Development Plan 2019-2025, policy AAP1 states that "all projects and plans will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive".

The site lies within 16km of Kilrooskey Lough and within 14km of Slieve Beagh SPA. The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of the sites
- The relevant policies within the County Monaghan Development Plan 2019-2025 in respect of the protection of Natura 2000 sites.
- The in combination effects of the proposed development with other plans or projects.

The conservation objective of Kilrooskey Lough SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Code Description 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae* 7230 Alkaline fens. The conservation objective of Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.

Having regard to the nature and scale of the development proposed it is considered that a Stage 1 AA Screening Report should be submitted with particular assessment given to the ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

Assessment of Additional Information

Additional Information was requested in relation to the above issues on 24/07/2020 and a response was received on 21/08/2020. A new advertisement was required as the information submitted was deemed to be significant. No submissions were received during the additional consultation phase.

The following response was received to the issues raised in the AI Request;

1. The Planning Authority notes that the submitted site layout plan fails to clearly demonstrate how it is proposed to provide a clear and unobstructed visibility (forward, rear and site visibility) of 50 metres in lands which are under the control of the applicant. In the interests of road safety, the applicant shall submit the following;
 - a. a revised site layout plan to scale 1:500 illustrating visibility splays of 50 metres along the adjoining public road measured to the nearside road edge in each direction, provided from a point in the centre of the entrance 2.4 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 1.05 metre and 2.0 metres above ground level in both directions.
 - b. An updated site layout should include the location of all fences, road edge, hedgerows, etc over the extents of the visibility splay and the full extents of works required, to provide the necessary visibility requirements.
 - c. Clearly indicate the scope of works required in order to provide the minimum visibility standards as set out in the Monaghan County Development Plan.
 - d. Where sight distances are not achievable within the site area and where the hedgerows/embankments do not belong to the applicant, legal agreements with adjoining landowners giving their consent to allow removal of their embankment and or hedges and maintain the hedges/grass verge by trimming/cutting regularly to provide the required sight distance shall be submitted to the Planning Authority (as per Appendix 14 of the Monaghan County Development Plan 2019-2025).
 - Please note if the lands where works are required to achieve the sightlines are within the applicant's control, independent documentation to indicate this must be submitted.

Response: Details of the applicant's folio has been submitted which indicate that the required works to achieve the sightlines do not encroach over third party lands.

2. Applicant requested to submit drainage proposals for the proposed entrance to prevent any surface water flowing from the site on to the public road and similarly measures to prevent road surface water from flowing onto the entrance. This is to discharge to the nearest watercourse.

Response: Drainage details proposed at the entrance have been provided that indicate measures to prevent surface water from flowing onto the public road.

3. The subject site is located within 15km to Sliabh Beagh and 16kms to Kilroosky Lough Cluster Natura 2000 site. The EU (Natural Habitats) Regulations 1997 Regulation 27(1) states that a local authority should require an appropriate assessment where an application is likely to have a significant effect on a European site.

In light of the above and the necessity to ensure protection of the habitats and species present, you are requested to submit an **Appropriate Assessment Screening Report** from a **suitably qualified and indemnified ecologist** addressing the impact of the development for the site in view of the sites qualifying interests and conservation objectives including the impact of ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

The applicant is advised that in the event that the screening process identifies that significant effects are certain, or likely or uncertain, and/or that mitigation measures are required, the proposal must proceed to Natura Impact Statement (NIS) Stage 2 (Appropriate Assessment).

As part of the response and in the event a NIS (stage 2) report is necessary both a newspaper and site notice referring to the NIS is required under Article 240 of the Planning & Development Regulations 2011.

Please note that the final paragraph of the said site notice and newspaper notice must state that – *“A submission or observation in relation to the further information may be made in writing to the Planning Authority not later than 5 weeks beginning on the date of receipt of the newspaper and site notice by the Planning Authority on payment of the prescribed fee of €20.00, except in the case of a person or body who has already made a submission or observation”.*

Response: A statement of screening for AA as per the requirements of Article 6(3) of the EU Habitats Directive has been submitted. There are two Natura 2000 sites within 15km of the application site and one Natura 2000 site with a hydrological connection to it. This report concludes that the proposed development, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites.

4. The Office of Public Work Preliminary Flood Risk Maps indicate that the site is at risk to fluvial flooding. Accordingly, please submit a flood risk assessment for the proposed development, completed by a professionally qualified, independent and competent person, confirming that the development:
 - Will not be at risk of flooding;
 - Will not result in a loss/reduction of fluvial flood water storage capacity on-site;
 - Will not result in flood water displacement off-site or exacerbate flooding in the immediate vicinity or wider area;
 - Will not obstruct or impede important flow paths;
 - Will not result in residual risks to the area and/or development that cannot be managed to an acceptable level.

The flood risk assessment shall also clearly demonstrate proposed management of any residual risks.

Response: A flood risk assessment has been carried out for the proposed development where an assessment of the potential for fluvial flooding in the vicinity of the site exists. A stage 2 scoping assessment was carried out. As infilling works are proposed within a defined flood area compensatory

storage is required in order to offset the loss of this floodplain and this compensation is hydraulically linked to the existing flood plain. The proposed works can be classified as an 'open area' and therefore being a 'water compatible development' of low vulnerability it is deemed appropriate from a flood risk perspective and as such a justification test is not required. Furthermore the report concludes that the proposed infilling subject to the aforementioned mitigation measures being implemented, will not pose a flood risk or exacerbate flooding in the immediate vicinity of the site.

5. Policy AGP 2 'Intensive Agriculture/Poultry and Pig Farming' and Landscaping Policies LCP 1 & 2 of the Monaghan County Development Plan 2019-2025 require planning applications for poultry units to include a comprehensive landscaping plan commensurate to the scale of development on-site. It is noted that the proposed development has very little by of existing screen boundary planting and notwithstanding the planting detailed on the site layout plan, the submitted landscaping details are therefore considered to be insufficient. The applicant is requested to submit a compliant and comprehensive landscaping plan, which is commensurate to the scale of development on-site in accordance with policies AGP (h) and LCP 1 & 2 of the Monaghan County Development Plan 2019-2025.

Response: A revised site layout plan has been submitted which provides details of additional landscaping proposed on site.

Assessment of Additional Information

The principle of a poultry unit at this site is considered appropriate and in accordance with the requirements of Policy AGP1 and AGP2 of the Monaghan County Development Plan 2019-2025. Having regard to the additional details provided in the AI response it is considered that the proposed development will not have an adverse impact on the amenities of the area.

The Planning Authority notes the additional information submitted on the 21/08/2020. Having regard to same, the Planning Authority remains of the opinion that the development for which permission is sought is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.

Conclusion

Having regard to the AA screening report, FRA and the full documentation submitted with the planning application as well as that information submitted as additional information, it is considered that the proposed development accords with Section 15.15 and Section 6.7 of Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

Recommendation:

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

- 1.a. The developer shall pay to Monaghan County Council a sum of **€3840.00** 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.

- 2.a. Any existing trees and hedgerows bounding the 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 operation.
- b. The planting details and associated site works shall be fully implemented prior to the use of the development hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
- c. Landscaping works within the site area shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

Reason: In the interest of visual amenity and orderly development.

- 3.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.

Reason: In the interest of visual amenity

4. a) The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

b) There shall be no change in poultry type or change in system which results in change in dry Matter content of the manure or increase in the number of poultry proposed without prior approval from the planning authority.

c) During and post construction phase appropriate measures shall be taken to prevent any discharges of polluting matter to waters.

d) Prior to the commencement of development, drainage arrangements for the site, including the disposal of surface and soiled water, shall be submitted to and agreed in writing with the Planning Authority. In this regard;

- (i) contaminated surface water run-off shall be disposed of directly in a sealed system
- (ii) all soiled waters shall be directed to a storage tank
- (iii) no effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.
- (iv) all surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately size sub-soil polishing filter.
- (v) The silt trap shall be inspected regularly and adequately maintained.
- (vi) An inspection manhole shall be installed for sampling and inspection purposes and shall be located on the surface/storm water line after the silt trap and prior to the sub-soil polishing filter.

e) All drainage works shall be carried out in accordance with these agreed details.

- f) 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 2014.
- g) All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.
- h) All organic fertiliser generated by the proposed development shall be disposed of in accordance with the details submitted to the Planning Authority on 04/06/2020 and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- i) There shall be no change in poultry type or increase in the numbers of poultry being accommodated at this site unless otherwise agreed in writing with the Planning Authority in accordance with an approved Farm Waste and Nutrient Management Plan..
- j) Any intention to change haulier or intention to utilize any manure shall be pre-notified for approval by the Environment Section.
- k) Records of manure movements 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 at all times and submitted to the Environment Section of Monaghan County Council upon 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 and herd number of the receiving farm
 - V. Any other information as may be required from time to time by the Planning Authority
- l) If at any time the Planning Authority is satisfied that this development is causing environmental pollution and / or a public health nuisance, the operation shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the said authority.
- m) Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 as amended.
- n) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 as amended, and records of such shall be kept on site.
- o) (i) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be banded.
(ii) All bunds will be designed to contain 110 % of the capacity of the largest storage container located within the bund.
(iii) There shall be no overflow drain facility from any bunds on site and all filling and off-take points shall be located within a bund.

Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 as amended.

- p) The applicant shall immediately inform the Planning Authority & Inland Fisheries Board of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body.
- q) Within six months from date of grant of planning permission, an ammonia management programme outlining ammonia reduction measures, including timeframes for implementation, appropriate for the site, shall be submitted to the planning authority. The ammonia management programme shall be reviewed annually and a copy of the reviewed ammonia management programme shall be submitted annually to Monaghan County Council by December 31st. The reduction in ammonia emissions from the site using Best Available Techniques (BAT) shall be detailed in the annual ammonia management programme.

Reason: In the interest of environmental protection and public health.

- 5.
 - a) Sight distance of 50 metres in each direction shall be provided from a point in the entrance 2.4 metres from the road edge at a height of between 1.05m and 2m above ground level to an object height of between 1.05m and 2m above ground level in both directions. Sight distances shall be measured to the nearside road edge in both directions. Where it is necessary to remove hedges in order to achieve this sight distance, the new boundary should be located clear of sightlines.
 - b) Any pole or column materially affecting visibility shall be removed. No work shall commence on site until the visibility splays have been provided. Any public utility poles which may be exposed by the removal of the front boundary fence shall be re-sited in a position alongside the new front fence line concurrently with overall site development works.
 - c) 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.
 - d) The new entrance shall form a bellmouth of 4.0 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 to be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres.
 - f) The existing open drain adjacent to the road edge to be piped with 900mm 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 40m intervals. A separate application shall be made to Monaghan County Council if this requires a road opening licence.
 - g) Applicant to install Cattlegrid/ACO Drain/Gullies at proposed entrance constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly measures must be taken to prevent road surface water from flowing onto the entrance. The discharge from the above to be piped to drainage pipeline.
 - h) The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage to remain unimpeded.
 - i) Before any work is commenced on this development a security, by way of a cash deposit, in the sum of **€2,250** 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 satisfactory.

j) All site works required in relation to sight distance and drainage works shall be carried out prior to the commencement of any building operations. Failure to do this will result in forfeiture of part or all of cash security.

Reason: In the interest of road safety.

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

Reason: In the interests of traffic safety.

7. All mitigation measures as outlined in the Flood Risk Assessment report submitted with this application shall be implemented in full prior to the occupation of the building.

Reason: In the interests of road safety.

8. The development shall be carried out in accordance with plans and documentation submitted on the 04/06/2020 as amended by plans and documentation submitted on the 21/08/2020 except as may otherwise be required in order to comply with the above conditions.

Reason: In the interest of orderly development and to prevent unauthorised development.

Laura Nulty

Laura Nulty
Executive Planner

Date: 9/9/2020

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Development Contributions Calculations - Non Residential Development					
Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3 Comm, Rec, Amenity	(g) The provision of buildings or other structures for the purposes of agriculture (including canopies/overhanging roofs but excluding any open yards or concrete areas/aprons)	Up to 300 m ² (3229 sq ft) footprint Exempt Over 300 m ² footprint €540 plus €2 per m ² over 300 m ² Extensions €2 per m ² of footprint	Poultry units 1884sqm Meal Bins 12sqm x 2 = 24sqm Wash tank = 42sqm Total Area = 1950sqm	1950-300= 1650sqm €540 + (1650x 2) = €3840	€3840.00
Contributions Due (€)					€3840.00
Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)					
Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)	
				n/a	
Total Amount Due					Total Due (€)
Contributions Due – Discount					€3840.00
Checked / Date					
AP / EP		AO	SEP		
xov					

L. Nulty
 Laura Nulty
 Executive Planner

Date: 9.9.2020.

PLANNING APPLICATION DECISION FORM

Planning Application
Reference No. 20194

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
Executive Planner: _____

Date: _____

Recommended by:

T. Cowley
Senior Planner

Date: 17-9-2020

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions
recommended in

Refused

Planning Officer's Report

Other

T. Cowley
Senior Planner

17-9-2020
Date