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P327/19

PLANNING APPLICATION CONTROL FORM

Application Reference No.: 19/27

Decision due by 20/03/2019

Previous Ref. Nos.: 18444

Date of Receipt of Application: 24/01/2019

Substitute contribution

Applicant : Paul McCarron

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

Development: Knockronaghan Monaghan Co Monaghan

Description : permission to construct 3 No. poultry houses (in lieu of 2 No. Poultry Houses approved under planning ref. 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works (to include new/relocated site entrance) associated with the development. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application.

VALIDATION

Validated by: _____ **Date of Validation:** _____

SITE NOTICE

Was Notice published on site Yes No

Inspected by: J McClock **Date of Inspection:** 22-2-19

Refer file for reports to:

- Mon Municipal District
- E.H.O.
- S.E.E. Roads
- S.E.E. Environment
- S.E.E. Water Services
- S.E. Planner

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**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 19/27

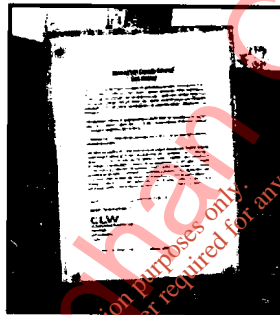
Applicant: Paul McCarron

Development: Permission to construct 3 number poultry houses in lieu of 2 number poultry houses approved under planning reference 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) and site works (to include new/relocated site entrance)). This application relates to a development which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency (Licensing) Regulations 1994-2013. An Environmental Impact Statement (EIS) has been submitted with the planning application.

Location: Knockronaghan, Monaghan.

Characteristics of the Site

The site comprises a greenfield site measuring 2.112 hectares in size and comprises a large grassed agricultural field. The western and northern site boundaries are defined by existing vegetation, whilst the remaining boundaries are undefined. The site falls from west to east.



Characteristics of Area

The site is located along local primary road 1170 in the townland of Knockronaghan. To the west of the site area the applicant's family dwelling and associated agricultural complex is located. Development within the vicinity of the site comprises one off dwellings and agricultural buildings.

Relevant Site History

One previous history relating to the site area:

18/444: Permission to construct 2 No. poultry houses together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) and site works (to include new/relocated site entrance)

This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing Regulations 1994 to 2013. An Environmental Impact Assessment Report EIAR will be submitted with this planning application. Granted.

Consultee Responses

Environment Section: No objections as per report dated 20th February 2019

Municipal District: No objections as per report dated 28th February 2019

Inland Fisheries Ireland: No objections as per report dated 1st March 2019

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 three number purposely designed broiler houses. The applicant has indicated that these houses are necessary to accommodate the poultry enterprise proposed. The submitted documentation notes that the conversion of existing buildings is not an option and existing poultry houses are not available to the applicant on this or any other site. The Planning Authority notes that the proposed development represents a diversification of farming practices.

- ii. *Is appropriate in terms of scale, location and design*

The design and scale of the proposed poultry units are standard with regard to agricultural buildings.

Poultry Units

Height = 5946mm

Floorspace = 1977sqm

Bin Store

Height 3311mm

Floorspace = 17.16sqm

Generator Room
Height 3311mm
Floorspace = 17.16sqm

Meal Bins
Height = 9100mm

- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*
The site is located to the front of the applicant's residential unit, albeit on lower ground levels. Two number existing boundaries are defined, the western and northern, and can be retained as part of the overall development. Additional landscaping will be conditioned along the eastern and southern site boundaries. In addition, it is noted that the land to the west of the site continues to rise creating a backdrop to the proposed development. The site is well screened from the south west as a result of the curvature of the road and surrounding development. A short range view of the site from the opposite approach however the rising land to the west of the site and the existing dwelling and farm buildings will ensure an adequate degree of backdrop 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.*
The submitted documentation indicates that the proposed development is located away from any existing farm buildings and will have independent access to and from the public road to satisfy the processors requirements regarding bio-security. It is essential that new developments are located away from bovine or other enterprises so as to improve bio-security on the site.
- 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:*
The site will be accessed via an existing agricultural entrance point. The submitted documentation notes that an independent access to and from the site to satisfy the processors requirements regarding bio-security. Notably the District Engineer has been consulted and has no objections to the development. Sight distances of 100 metres can be provided at the 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 no objections to the proposed development.

- 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.



No evidence of flooding and the site area.

Environmental Impact Assessment

The proposed development when completed will result in a maximum of 130,000 birds on the site. Therefore, an Environmental Impact Assessment Report is required to be submitted with the application in accordance with Directive 2014/52/EU (application was received after the 15th May 2017).

The Planning Authority will consider the requirements of the Directive and the content of the submitted Environmental Impact Assessment Report (EIAR), dated April 2018, as prepared by CLW Environmental Planners.

This Directive requires the EIAR to assess the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended).

The Directive requires that the EIAR shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:

- a) Population and human health
- b) Biodiversity with particular attention to species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC
- c) Land, soil, water and climate
- d) Material assets, cultural heritage and the landscape
- e) The interaction between the factors referred to in points (a) to (d)

The Directive also requires the assessment of the expected impacts from the vulnerability of the project/proposals to risk of major accidents or disasters which are relevant to the project concerned.

The Directive also requires the assessment of the expected impacts from the vulnerability of the project/proposals to risk of major accidents or disasters which are relevant to the project concerned.

Summary of EIAR

The content of the EIAR is summarised as follows:

Alternative Site

The EIAR explains the rationale for the chosen site.

The current site was deemed to be most suitable, when considering bio-security, the county development plan requirements and the management of the existing/proposed development. The applicant has screened the remaining lands available to him at this location and the current site was deemed to be the most suitable due to topography, proximity to existing poultry houses, distance from neighbours, site access, efficiency of operation etc .

In addition, the proposed site:

- i. Is the most suitable site in terms of minimising the level of excavation/groundworks required.
- ii. Is not on a significantly elevated site in terms of the wider landscape and will not be visually detrimental. The proposed landscaping will minimise any potential impact.
- iii. Is separate from the applicant's existing family farmyards thus preventing direct contamination from agri-vehicles, personnel, footwear etc between enterprises.
- iv. Is >100m from any third party dwellings- written consent has been submitted.
- v. The proposed site has no significant and/or specific environmental constraints which mitigate against the proposed site and/or would support the selection of any alternative site available to the applicant, in preference to the proposed site.

Alternative Layout & Design

The EIAR states the following (summarised):

- The proposed development was designed to ensure that the proposed houses would integrate into the existing site with minimal visual impact on the surrounding landscape.
- The proposed layout was also designed to ensure adequate access on site for all traffic associated with the proposed development and to ensure that the site is contained, safe and efficient in operation.
- While limited works involving hedgerow removal maybe required these are necessary to provide safe access and egress to and from the site onto the local road. Replacement landscaping will be provided behind the new visibility splays, where required.
- Existing landscaping will be maintained where possible and strengthened where necessary along the boundary to further screen the proposed development from view.
- External finishes will be green or similar in colour to existing poultry units in the area and roofing material will be dark in colour.
- The E.I.A.R states that no other alternative sites, layouts and/or designs were deemed satisfactory and/or appropriate as the proposed development:
 1. Complies with the requirements of the Nitrates Directive
 2. Satisfies the applicants need for efficiencies of scale while not requiring significant additional lands
 3. Is in line with BAT requirements
 4. Will be well integrated into the landscape and existing farmyard with the use of similar construction techniques, natural/dark coloured finishes as proposed and additional landscaping where required.
 5. Complies with the requirements of the county development plan.
 6. Is not located in an area with any significant environmental and/or other constraints.

Alternative Processes Considered

As the site is an existing poultry farm, the applicant looked at a number of alternative processes including but not limited to:

1. Layer Housing: As a result of recent changes announced by supermarkets and the fact that it is a goal that all eggs will be sourced from free range systems by 2025, the completion of enriched cage housing was not an option.

2. Free Range layer/broiler: This is the main alternative to the conventional production systems, however this system does not suit the applicant as it conflicts with the existing enterprise due to differing criteria and production circles. In addition the market for free range chicken is small and already well supplied and from an environmental perspective the production of free range broilers would actually consume more resources (feed, water, energy, etc per bird produced).

The EIAR states that the proposed development offers the best fit between the proposed and existing enterprise on the farm, both from a labour and efficiency viewpoint and to ensure that all activities are carried out in an environmentally and economically sustainable manner.

All chickens from the proposed farm are to be sent to Manor Farm.

Effects on Population and Human Health

- The proposed development is of average scale by current industry standards and will add to the economic activity on the farm with consequent positive “trickle down” effects on the regional and local community particularly with regard to construction works, supply of construction materials, and the installation of the required housing, water, feed and ventilation systems thus helping to stabilise the population of the local area.
- There are no third party dwellings within 100 metres of the proposed development.
- The development is unlikely to generate or release sounds or odours that will significantly impair amenity beyond the site boundary.
- The site is not located close to and/or likely to adversely impact on any areas of Primary or Secondary Value as per MCDP 2013-2019.
- Where nuisance effects occur, people object and under statutory requirements their objections will have to be investigated and have to be corrected if found to be real and justified. Monaghan County Council has previously approved poultry development on the subject site.

Effects on biodiversity (flora and fauna)

- The site of the proposed development is a greenfield area however as the proposed development will be limited in extent it will have no adverse impact outside the boundary of the site.
- The site is intensively managed grassland having been managed as part of a bovine farming enterprise and the flora and fauna around the site has developed in this context.
- Currently the dominant habitat within the application site itself is improved agricultural grassland and is of low ecological value.
- The western and northern boundaries consist of an established hedge line and the eastern and southern boundaries shall be landscaped as part of the proposed development.
- Much of the surrounding area is improved agricultural grassland.
- The area to be developed is relatively small and represents a sustainable farm diversification.
- Ground works and land profiling will be kept to a minimum outside the footprint of the proposed site.
- The proposed development is not near to or likely to impact on any primary or secondary amenity area or views from scenic routes
- The site is not likely to adversely impact on any Natura 2000 sites. The closest site is Slieve Beagh SPA located 5km away.

- Structures and new paved surfaces will cover a fraction of the site and the changes will affect such a small area that any impact will be close to zero or neutral with the local area.
- Application site lies within the Lough Neagh and Lower Bann River Basin District.
- There shall be no discharge of soiled water or effluent from the proposed development to surface water and therefore the no impact on surface waters.
- A rodent/pest/weed control programme will be developed to cover the proposed development and will be in line with Bord Bia and Department of Agriculture, Food and The Marine requirements with detailed records maintained on site.
- Retaining as much as possible of the existing landscaping/hedgerow around the site boundary together with any proposed additional landscaping should maintain biological diversity on the site.

Land and Soil

- Proposed structures will be constructed on a greenfield site and as such there will be disturbance of same within the site boundary.
- There is no significant potential for any effect on soil outside of the development area, and any land take required to facilitate the proposed development will be minor in terms of the applicant's landholding and the wider agricultural area.
- There is the potential for some positive benefits on soil on potential customer farmer lands as a result of the production of organic fertiliser by the proposed development.

Geological and Geomorphological heritage of the area

- The proposed development will be constructed on a greenfield site.
- There is no significant potential for any effect outside the development area
- The proposed development will be integrated into the existing site due to the land topography and existing/proposed landscaping it will not have any adverse impact on the landscape and/or the geomorphological heritage of the area

Water

- Adverse effects on groundwater from the proposed development should be nil as there will be no process discharge to ground and there is minimal risk of accidental leakage or spillage of polluting liquid on the site.
- The proposed development will be carried out on an impermeable concrete base with proper storm and soiled water separation and collection facilities.
- The proposed development will operate on a dry manure basis and all manure will be removed from the houses at the end of each batch, thereby eliminating the risk of any leak to groundwater.
- The only soiled water from the proposed development will arise due to washing down of the poultry houses.
- The volume of water needed for the proposed development once the proposed development has been completed will be proportionate to the proposed stock levels.
- The proposed water supply is from an existing well, located within the landholding which will serve the proposed development.

Surface Water

- There shall be no process discharge of any soiled water or any effluent from the site to any watercourse or to groundwater and minimal risk of accidental leakage or spillage of polluting liquid on the site.
- The only discharge from the site to surface waters will be the discharge of rainwater from roofs and clean yards to field drainage which flows towards the adjacent watercourse, the Killygavna Stream or a tributary of same.

- Policies WPP1-12 of MCDP 2013-2019 for the protection of water quality have been considered in the design of the proposed development and includes a number of mitigation measures both during the construction and operational phases.

Air

- The potential effects of the proposed development on air relate to the odour emissions that may be associated with poultry and poultry manure on site.
- Odorous emissions from the developed site are not likely to cause nuisance or impair amenity beyond the site boundary with the possible exception of times when birds and/or manure is being removed from the site which will all occur at the end of each batch, approximately 7/8 times a year
- A number of management practices which will be implemented so as to minimise potential odour emissions from the proposed development

Climate/Climate Change

- Climate information such as wind direction and rainfall are important factors in determining likely impacts that the farm operation and the application of manure will have on the local residents.
- All practicable steps, such as landscaping, management routines etc, will be planned for and will be taken so as to minimise odour from the site.
- The sites rural setting and location distant from local residences will ensure no effect on human beings.
- The development will have no significant adverse effect on climate

Effect on Visual Aspects and Landscape

- The proposed development is typical of the type of agricultural farm buildings within this area of the county and will have limited impact on the character of the surrounding landscape.
- The proposed development is set against the backdrop of the existing dwelling and farmyard and is set well back from the public road and so will have limited impact on the character of the surrounding landscape.
- The development will have no effects on the local environment/surrounding landscape.
- The existing vegetation will help to soften any visual impacts and additional landscaping maybe added where considered appropriate.
- The development is not likely to adversely impact any Areas of Primary/Secondary Amenity Value, Views from Scenic Routes or Proposed NHAs, SAC or SPA as listed in MCDP 2013-2019

Archaeological and Cultural Heritage

- There are no known archaeological features on the subject/adjoining sites.
- The closest recorded monument is a ringfort/rath located on higher ground to the rear of the proposed sit and located 300-350 metres north west of the site.

Effect on Material Assets

Resources that are valued and that are intrinsic to specific places are called "material assets". They may be of either human or natural origin and the value may arise for either economic or cultural reasons.

Material assets that could potentially be affected by the proposed development include:

Material Assets: agricultural properties including all agricultural enterprises

- The proposed development will be completed on a greenfield site, previously approved for a poultry farm development, which is farmed by the applicant's family.

- The proposed development will be surrounded by agricultural farmland and will not interact with any lands outside the confines of the site except for the production of a valuable organic fertiliser which may be utilised by farmers as a replacement for chemical fertiliser.

Material Assets: Non-agricultural properties including residential, commercial, recreational and non-agricultural land

- The proposed development is a traditional farming practice in this area and is surrounded by agricultural lands and is located well away from any built up areas and/or development clusters.
- There are no residential dwellings within 100 metres of the proposed site.
- The development will have no impact on adjoining property values if for no other reason than this is an agricultural development in an agricultural area and as such agricultural development is not alone expected in, but also appropriate to the area.

Material Assets: Natural or other resources including mineral resources, land and energy

- The proposed development will require a portion of land upon which the proposed poultry house will be developed; however, there will be no adverse impact outside of the development area.
- The development will involve the use of a limited amount of construction material (including quarry products and other construction materials), however the extent of the development is limited in nature and the amount of resources required in the construction of the house and potential adverse impact of same is negligible when sourced from authorised sources.
- The operation of the farm will require additional feed (classified as renewable resource), gas and water.
- The applicant will operate modern feeding, ventilation and heating systems to minimise same.
- The farm does not require any major modifications to the existing electricity network, water or road infrastructure in the area.

Description of Likely significant effects of the proposed development

The likely effects detailed in the EIAR are summarised as follows:

Construction and Existence of proposed Poultry Houses

- Minimal impact on the landscape following the implementation of proposals in relation to location, landscaping, proposed external finish and its integration into the existing site.
- Long term impact on traffic on the local road as a result of the proposed development will not have a significant adverse impact.
- Any short-term increase in traffic would be associated with the construction of the proposed development and would cease upon completion of the proposed development.
- Once the proposed development would be completed, there would be additional traffic due to:
 - II. Feed delivery 2.5 loads a week.
 - III. Manure transport 6 loads per batch.
 - IV. Bird deliveries/collections, gas and shavings deliveries c25-30 loads/batch.
 - V. Fortnightly waste collection and collection of mortalities c7-14/batch
 - VI. Resulting in a average of 7-10 movements/week based on a 7 week batch cycle (55+ loads).
- Traffic to and from the site will be minimised by optimising load sizes.
- There will be an increase in traffic when compared to greenfield status but this will not adversely impact on the local road network which is more than adequate to accommodate same.

Natural Resources

- No impact on land, soil and/or biodiversity outside of the site area.

- Main resource to be consumed would be poultry feed which is classifiable as a natural resource that is a renewable resource. The consumption of food and water will be proportionate to the stock numbers on the farm.

Emission of Pollutants

- Site management is to be focused on ensuring that all storm water collection surfaces and facilities are maintained in clean and fully functional condition at all times so that the possibility of storm water carrying significant pollution to the stream is effectively eliminated.
- The emission of pollutants is to be effectively controlled and prevented by the regular removal of all solid waste materials from the site to authorised disposal/recovery sites elsewhere and by the removal of poultry manure off site by an experienced contractor.
- There will be no increase in the amount of wastes/potential pollutants produced or used on the farm and/or no significant increase in noise vibration, light, heat and/or radiation that would lead to a significant adverse environmental impact.
- The additional organic fertiliser/poultry manure to be produced will be utilised as a resource ingredient in the mushroom compost industry and/or as an organic fertiliser and will be removed by a contractor.
- All soiled water shall be allocated to farmland in accordance with S.I. 605 of 2017 as amended.

Creation of Nuisance

- The proposed development will be carried out in line with the EPA, DAFM, Bord Bia and Monaghan Co Co requirements, and is not expected to create any significant nuisance.

Waste/By-Products

- The net increase in the volumes of waste/by-product which will be generated will not cause a significant adverse environmental impact as all waste streams will be minimised by implementing good practice measures on site and any wastes that cannot be eliminated will be disposed/recovered in line with existing requirements including to approved disposal/recovery sites and/or approved carriers.
- The volume of organic fertiliser/manure produced will be minimised by efficient cleaning out and the use of high pressure low volume power washers.
- The opportunity to reduce the volume of waste materials below that which are generated under Good Farming Practice and which will be generated on this farm following completion of the proposed development is very small and is near zero.
- With regard to the hazardous waste in the form of spent fluorescent tube, the volumes are small and already minimised.

Risks to human health, cultural heritage or the environment

- The potential risk to human/health, cultural heritage or the environment due to accidents and/or disasters is limited due to the innate nature of the production system and activities on site.
- No significant risk outside the site boundary.

Class A Disease

- Disposal strategy to be employed, in event of a Class A disease, will be decided by Dept of Agriculture, Food and Marine in consultation with the National Expert Epidemiological Group. The preferred option for the disposal of carcasses from this farm is rendering.

Impact of Project on Climate

- As the birds will be maintained in a controlled environment within the proposed house, the operation of the farm is not directly significantly susceptible to climate change.
- Climate change may impact on energy use associated with heating/ventilation systems to maintain a controlled environment in the house relative to outside climatic conditions and may have implications for feed supply to feed the birds.

Forecasting the effects on the environment

- The proposed development will comply with the Nitrates Directive.

- No significant adverse impact on the local environment.

Cumulative and Transboundary Effects

- No transboundary effect due to this distance from any international boundary.
- All wastes/by-products will be utilised/disposed of/recovered within the country.
- No adverse impact on the local environment either within Monaghan area .

Inter-Relationship between factors referred to in points (a), (b), (c) and (d)

The Planning Authority has summarised (above) the content of the EIAR and the stated direct and indirect significant effects of the proposal on the following factors:

- Population and human health
- Biodiversity with particular attention to species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC
- Land, soil, water and climate
- Material assets, cultural heritage and the landscape

The inter-relationships between the various factors outlined above are summarised as follows:

Positive impacts:

- Impacts of land/soil on human health/population
- Impacts of human health/population on other factors including land/soil, water, air, climate and climate change, landscape and visual, bio-diversity, cultural heritage, material assets

Neutral impacts:

- Impacts of land/soil on water, landscape and visual and biodiversity (Flora and Fauna)
- Impacts of water on bio-diversity (Flora and Fauna)
- Impacts of air and climate/climate change on biodiversity (Flora and Fauna) and human health/population
- Impacts of traffic/road on air/climate, noise and human health/population.
- Impacts of biodiversity on landscape/visual.
- Impacts of human health/population on traffic/roads.

EIAR Summary

The EIAR Summary states the following (summarised):

The proposed development has been subject to EIA in accordance with the requirements

- The proposal will make a significant positive contribution to the rural economy of County Monaghan and will serve to increase employment and secure the viability and competitiveness of the applicant's farm enterprise as well as the wider poultry farming industry.
- The development will not give rise to any significant environmental effects.
- The granting of permission for the proposed development will strongly accord with the provisions of the development plan and will provide a significant boost to the economy of the county.
- The development will operate under the conditions imposed as part of any grant of planning permission.

Planning Authority's Conclusion of Environmental Impact Assessment

The Planning Authority has thoroughly assessed the content of the submitted Environmental Impact Assessment Report (EIAR), dated 24th January 2019, as prepared by CLW Environmental Planners.

The Planning Authority is satisfied that there are no significant impacts on the following factors as a result of this proposal:

- Population and human health

- (b) Biodiversity with particular attention to species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC
- (c) Land, soil, water and climate
- (d) Material assets, cultural heritage and the landscape
- (e) The interaction between the factors referred to in points (a) to (d)

Appropriate Assessment

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 upon 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 2013-2019, policy AAP1 states "Ensure 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 site, 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 site lies within 5km 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 Slieve Beagh SPA.
- The relevant policies within the County Monaghan Development Plan 2013-2019 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 Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier. The conservation objective of Kilroosky Lough Cluster 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 namely:

- White Clawed Crayfish
- Hard oligo-mesotrophic waters
- Calcareous fens
- Alkaline fens.

The applicant has submitted an Appropriate Assessment Screening Report. The report assesses any likely direct, indirect or secondary impacts of the project (alone and in combination with other plans or projects) on the Slieve Beagh SPA. The assessment concludes that the proposed development will have no significant effects on the Slieve Beagh SPA.

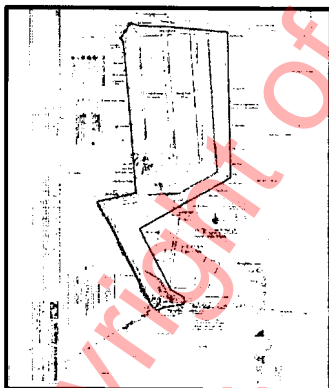
Maps and Drawings remain
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Finding of No Significant Effects Report Matrix	
Name of project	Development of 3 units of 15 m ² manure storage, Enniscorthy, Co. Wex.
Name and location of Natura 2000 site	The adjacent Natura 2000 site to the application site is the Slieve Donagh SPA and this is 5.5 km north west of the application site. This distance is sufficient to ensure that no impacts will occur.
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 the project being assessed could affect the site?	A farm land surrounding this proposed development will operate within the requirements of S.I. 604 of 2007 and therefore any compliance with this legislation will ensure no any cumulative effects.
The Assessment of the Potential 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.
Who carried out the assessment	Noreen McLoughlin, MSC, MCFEM Consultant Ecologist
Sources of data	NIPWS, EPA, National Biodiversity Data Centre, Monaghan County Council
Level of assessment completed	Stage 2: Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

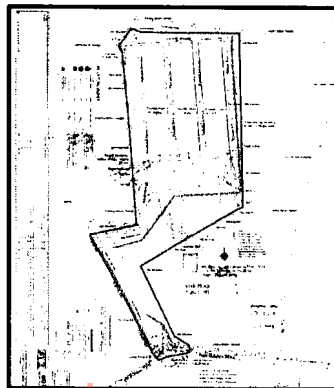
In addition, the Planning Authority notes that there are no significant watercourses in close proximity to the application site and no pathway connectors with the Natura 2000 network. It is the opinion of the planning authority therefore, that given the cumulative effects of both the proposed development and any other plan or project, the development 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

Under previous planning application 18/444, planning permission was granted for two number broiler houses within the site area. This application seeks substitute permission for three number broiler houses instead. The proposed houses will be smaller and hence the requirement for one additional unit. There are no objections to this proposal submit



Proposal previously granted



Proposed development

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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 **€11860.00** 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. This permission is granted in substitution to previously granted planning permission 18/444.

Reason: In the interest of orderly development.

- 3a. 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>
- b. 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.
- c. 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.
- d. All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- e. 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.
- 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 2017.
- g. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- h. 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. Any change or alteration in arrangements for manure/organic fertiliser (including soiled water) arising from the development shall be agreed in writing with the Planning Authority,

- i. Manure shall be taken off site as per details submitted with the application Any changes in this arrangement shall be agreed in writing with the Planning Authority. Contractors/Hauliers must be registered with the Department of Agriculture Food and the Marine and manure shall be used in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters 2017).
- j. 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 at all times 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.
- k. 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 approved permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.

Reason: In the interest of environmental protection.

- 3a. 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.

- 4a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 24th January 2019 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.
- b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 24th January 2019 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.
- c. 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 in accordance with plans submitted to the Planning Authority on the 24th January 2019 and shall be protected from damage at all times, particularly during building operations.
- d. The line of the recessed entrance to 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.

- 5a. Prior to any other works commencing, visibility splays of 100 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 **10.5** 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 be set back at least **19** metres from the public road so as to accommodate one articulated lorry fully on the new access entrance. Entrance gates shall open inwards only. Any piers/pilars shall not be located within the visibility splays.
- 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.

Reason: In the interest of road safety.

- 6. The development shall be carried out in accordance with plans and documentation submitted on 24th January 2019 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.



Helen McCourt
Assistant Planner
15th March 2019

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Development Contributions Calculations - Non Residential Development (1)					
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 €530 plus €2 per m ² over 300 m ² Extensions €2 per m ² of footprint	3 poultry units, bin store, generator store = 5,965sqm 5,965sqm - 300sqm = 5,665sqm	€530 + (5,665x €2) = €11860.00	€11860.00
Contributions Due (€)					€11860.00
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					
Contributions Due – Discount					Total Due (€)
					€11860.00
Checked//Date					
AP / EP		AO		SEP	
DMC/over		[Signature]		20.3.18	

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Assessment of Environmental Impact Assessment Report as submitted, and the Environmental Impact Assessment as carried out by the Assigned Officer

Having reviewed the details as contained within the submitted application and the related Environmental Impact Assessment Report and the assessment report as carried out by the assigned planning officer, I consider the Planning Authority to have fully considered the proposed development and I accept the conclusions as reached in respect of this proposed development.

In this regard I therefore consider it appropriate to grant permission for the proposed development, subject to conditions as recommended in the attached report.



Adrian Hughes
Senior Planner

19.03.19

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PLANNING APPLICATION DECISION FORM

**Planning Application
Reference No. 1927**

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 Yule
Senior Planner

Date: 19-03-19

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions
recommended in

Refused

Planning Officer's Report

Other

WJ Yule
Senior Planner

Date: 19-03-19

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MONAGHAN COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Chief Executive's Order No: P327/19

Reference Number: 19/27

Name of Applicant: Paul McCarron

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

Nature of Application: permission to construct 3 No. poultry houses (in lieu of 2 No. Poultry Houses approved under planning ref. 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works (to include new/relocated site entrance) associated with the development. This application relates to a development which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application.

Location of Development: Knockronaghan
Monaghan
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.

Maps and Drawings remain



Adrian Hughes
SENIOR PLANNER

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19.03.19
Date

P19/27 - Paul McCarron, Knockronaghan, Monaghan.

1. a. The developer shall pay to Monaghan County Council a sum of **€11860.00** 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. This permission is granted in substitution to previously granted planning permission 18/444.
3. a. 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>
- b. 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.
- c. 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.
- d. All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- e. 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.
- 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 2017.

- g. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- h. 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. Any change or alteration in arrangements for manure/organic fertiliser (including soiled water) arising from the development shall be agreed in writing with the Planning Authority.
- i. Manure shall be taken off site as per details submitted with the application. Any changes in this arrangement shall be agreed in writing with the Planning Authority. Contractors/Hauliers must be registered with the Department of Agriculture Food and the Marine and manure shall be used in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters 2017).
- j. 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 at all times 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.
- k. 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 approved permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.
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 planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 24th January 2019 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.
- b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 24th January 2019 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

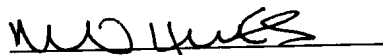
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- c. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting in accordance with plans submitted to the Planning Authority on the 24th January 2019 and shall be protected from damage at all times, particularly during building operations.
- d. The line of the recessed entrance to 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 **100 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 **10.5 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 be set back at least **19 metres** from the public road so as to accommodate one articulated lorry fully on the new access entrance. Entrance gates shall open inwards only. Any piers/pillars shall not be located within the visibility splays.
- 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 24th January 2019 except as may otherwise be required in order to comply with the above conditions.

THE REASONS FOR THE IMPOSITION OF THE ABOVE CONDITIONS ARE:

- 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

19.03.19
DATE

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MONAGHAN COUNTY COUNCIL

TO: Paul McCarron
CLW Environmental Planners Ltd
The Mews
23 Farnham St
Cavan

19/27
19/03/2019

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

Monaghan County Council has by order dated 19/03/2019 decided to GRANT permission to the above named for development of land, in accordance with the documents submitted namely for:- permission to construct 3 No. poultry houses (in lieu of 2 No. Poultry Houses approved under planning ref. 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works (to include new/relocated site entrance) associated with the development. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application. at Knockronaghan, Monaghan subject to the 7 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council


ADMINISTRATIVE OFFICER

19.3.2019
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:-

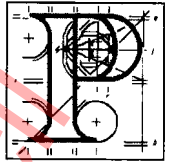
Tel: 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

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Planning Appeal Form/Check List
(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
 - name of the appellant _____
(not care of agent)
 - address of the appellant _____
(not care of agent)
3. If an agent is involved, state the -
 - name of the agent _____
 - address of the agent _____
4. State the Subject Matter of the Appeal*
 - Brief description of the development _____

 - Location of the development _____

 - Name of planning authority _____
 - Planning authority register reference number _____

** Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*
5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € _____ attached in respect of the appeal.
8. Fee of € _____ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed _____ Date: _____

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations.

Notes (See Form/Check List overleaf)

1. Rules for Making Appeals

You are advised to check the latest version of “A Guide to Making a Planning Appeal” issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet “Guide to Fees payable to the Board” is available from the Board, telephone (01) 858 8100 and on our website www.pleanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time. A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on a day the Board’s offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information. A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1*, or,
 - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal. Do not place the appeal in the Board’s letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a ‘cover page’ in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board’s leaflets “Making a Planning Appeal under the 2000 Planning Act” and “Guide to Fees payable to the Board”. The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by ‘observers’ under section 130 of the 2000 Planning Act. A significant number of submissions and observations by ‘observers’ are also invalid because the appropriate rules are not observed.

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for ‘observers’).

An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.

14th February 2005

- g. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- h. 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. Any change or alteration in arrangements for manure/organic fertiliser (including soiled water) arising from the development shall be agreed in writing with the Planning Authority.
- i. Manure shall be taken off site as per details submitted with the application. Any changes in this arrangement shall be agreed in writing with the Planning Authority. Contractors/Hauliers must be registered with the Department of Agriculture Food and the Marine and manure shall be used in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters 2017).
- j. 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 at all times 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.
- k. 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 approved permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.
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 planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 24th January 2019 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.
- b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 24th January 2019 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

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- c. 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 in accordance with plans submitted to the Planning Authority on the 24th January 2019 and shall be protected from damage at all times, particularly during building operations.
- d. The line of the recessed entrance to 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 **100 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 **10.5 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 be set back at least **19 metres** from the public road so as to accommodate one articulated lorry fully on the new access entrance. Entrance gates shall open inwards only. Any piers/pillars shall not be located within the visibility splays.
- 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).

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- 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 24th January 2019 except as may otherwise be required in order to comply with the above conditions.

THE REASONS FOR THE IMPOSITION OF THE ABOVE CONDITIONS ARE:

- 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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19/03/2019

Inland Fisheries Ireland
IFI Dublin,
3044 Lake Drive
Citywest Business Campus
Dublin 24

Re: Planning and Development Act 2000 (as amended)

REF.NO: 19/27 - Paul McCarron, CLW Environmental Planners Ltd The Mews, 23 Farnham St, Cavan.

Dear Sir/Madam,

I wish to inform you that by order dated 19-3-19 Monaghan County Council decided to Grant PERMISSION to carry out development and site works consisting of permission to construct 3 No. poultry houses (in lieu of 2 No. Poultry Houses approved under planning ref. 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works (to include new/relocated site entrance) associated with the development. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application, at Knockronaghan Monaghan Co Monaghan . I attach copy of Council's decision.

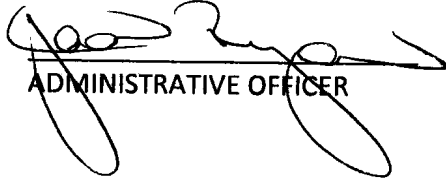
In making its decision on this planning application, the planning authority, in accordance with Section 34(3) of the Planning and Development Act 2000 (as amended), has regarded your submission/observation received, in accordance with Planning and Development Regulations 2001 (as amended).

If you are aggrieved by this decision you may appeal it within **four weeks** from the day of the decision by forwarding your grounds of appeal to The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1.

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 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.** The fee for a third party appeal is €220. 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.

Submissions or observations to the Bord by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be submitted within four weeks of receipt of appeal by An Bord Pleanála and accompanied by a fee of €50.

Yours faithfully,



ADMINISTRATIVE OFFICER

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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Comhairle Contae Mhuineacháin Monaghan County Council

Acmhainní Daonna
Human Resources
047 30586

Airgeadas
Finance
047 30589

Na Bóithre
Roads
047 30597

Clár na dTogthóirí
Register of Electors
047 30551

Comhshaol
Environment
042 9661240

Na hEalaíona
Arts
047 38162

Íasachtaí /Deontais Tithíochta
Housing Loans/Grants
047 30527

Leabharlann an Chontae
County Library
047 74700

Mótarcháin
Motor Tax
047 81175

Músaem an Chontae
County Museum
047 82928

Pleanáil
Planning
047 30532

Pobal
Community
047 73719

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Oifig Fiontair Áitiúil
Local Enterprise Office
047 71818

Seirbhísí Uisce
Water Services
047 30504/30571

24/04/2019


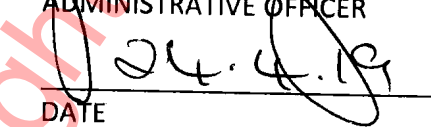
To: Paul McCarron
CLW Environmental Planners Ltd
The Mews
23 Farnham St
Cavan

File Number - 19/27

Planning and Development Act 2000 (as amended)
NOTIFICATION OF FINAL GRANT

Monaghan County Council has by order dated 19/03/2019 granted the above named, for the development of land namely for:- permission to construct 3 No. poultry houses (in lieu of 2 No. Poultry Houses approved under planning ref. 18/444 together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s)) and site works (to include new/relocated site entrance) associated with the development. This application relates to a development, which is for the purposes of an activity requiring a Licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (EIAR) will be submitted with this planning application, at Knockronaghan, Monaghan, Co Monaghan, subject to the 7 condition(s) set out in the Schedule attached.

Signed on behalf of MONAGHAN COUNTY COUNCIL.


ADMINISTRATIVE OFFICER

DATE

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**.

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.

Fálaiminn an tÚdarás Áitiúil roimh chomhfhreagras I nGaeilge.

Comhairle Contae Mhuineacháin, Oifig 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

P19/27 - Paul McCarron, Knockronaghan, Monaghan.

1. a. The developer shall pay to Monaghan County Council a sum of **€11860.00** 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. This permission is granted in substitution to previously granted planning permission 18/444.
3. a. 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>
- b. 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.
- c. 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.
- d. All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.
- e. 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.
- 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 2017.

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- g. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- h. 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. Any change or alteration in arrangements for manure/organic fertiliser (including soiled water) arising from the development shall be agreed in writing with the Planning Authority.
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 - 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.
- k. 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 approved permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.
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- b. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
5. a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 24th January 2019 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.
- b. Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on the 24th January 2019 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

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- c. 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 in accordance with plans submitted to the Planning Authority on the 24th January 2019 and shall be protected from damage at all times, particularly during building operations.
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- 5: In the interest of visual amenity.
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