

MEMORANDUM

From Fintan Coffey
Assistant Planner

To Nicholas O'Kane Senior
Planner
Planning Section

noh *24/8/18*

Date: 23rd August 2018

Planning Reg. No: 18/105
Applicant: Aidan Brady
Type of Application: Full Permission
Development Description: to construct 2 no. poultry houses together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) etc.) and site works (including new/upgraded site entrance) associated with the above developments. 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 (E.I.A.R) will be submitted with this application

Engineering Area: Cootehill - Bailieborough Municipal District

Site Notice: The site notice was erected on the boundary fence of the site and was visible and legible from the public road. The site notice was erected within the 5 week statutory time-frame and was inspected by the Municipal District Engineer on the 04/04/2018.

SITE LOCATION AND DESCRIPTION

The subject site, which is a green field site in a rural area, is located at Tullyunchin, Tullyco, Cootehill. The site is accessed from existing agricultural entrance off the Local Secondary Road, L-6073-0. The surrounding lands are characterised by predominantly agricultural development including slatted sheds and general purpose agricultural sheds and low density rural one-off houses.

The subject site, which is 1.3002 ha in extent, is currently situated below road level, sloping in a southerly direction away from the contour level 140 at road level to its lowest point of 133m.

SUBMITTED DOCUMENTATION/DRAWINGS

Submitted documentation and drawings pertaining to the proposed development have been noted. As per legal requirements these include location map, site layout plan, elevations, floor plans and an Environmental Impact Assessment Report (E.I.A.R). The report also includes a Habitats Directive Screening Assessment Report.

PLANNING HISTORY

There is no planning history on this site.

PRE-PLANNING CONSULTATIONS

None carried out.

SUBMISSIONS

Inland Fisheries Ireland

The major threats affecting water quality (and thus fisheries potential) of Ireland's lakes and rivers as highlighted in the EPA report 'Water Quality in Ireland 2007-2009' are organic pollution and eutrophication (nutrient enrichment). The chief sources of such pollution are sewage effluent and agricultural slurries and waste. Any development or expansion in production of poultry waste represents an increase in organic nutrient loading to receiving waterbodies and thus poses an increased risk to the integrity of rivers and lakes with resultant adverse effect on fish and fisheries. IFI recommends the following should be implemented:

- All the structures and associated practices referred to in this application must comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2014 (S.I. No. 31 of 2014);
- The applicant must also follow the guidelines set out in the Department of Agriculture's *Explanatory Handbook for Good Agricultural Practice Regulation*;
- In addition, the disposal of dead birds must adhere to the Code of Good Practice Guidelines for Poultry Farmers published by the Department of Agriculture;
- All the buildings contained in this application and their construction, must adhere to the Department of Agriculture's *Farm Building and Structures*

Specifications. (available at www.agriculture.ie) . Before utilisation, any new tanks or pipelines should be tested for their water-tightness and integrity before utilisation, and thereafter, not less than every five years;

- Only clean uncontaminated waters should be discharges to soakaway or surface water. Hard (paved) surfaces can also accumulate farm associated wastes (e.g. manure, other organic debris, oils), which often results in contaminated waters entering nearby watercourses;
- No mixing of foul and surface water should be permitted. Hard surfaces and attenuation should be considered to minimise the risk of flooding;
- Any stream or watercourse on the site should be protected in terms of water quality, topography and habitat;
- Watercourses contribute towards maintaining biodiversity which is important in terms of fisheries protection. Hedges or ditches containing trees/hedgerow vegetation are important habitat for the adult form of certain aquatic insects (an important food for fishes) and where these occur, they should be retained;
- Spreading of poultry manure by the landowner or the recipient of waste should also take into account groundwater vulnerability, especially where there are surface water bodies nearby;
- Systems should be put in place to minimise potential damage during the construction phase; this includes damage to the riparian vegetation, increased sediment runoff, and spillages and discharges (e.g. cement, paints, oils);
- Measures should also be taken during construction to prevent the introduction of invasive species, either inadvertently through spoil on machinery or deliberately, through planting. This can be done through hot power-washing of machinery before and after working on the site. IFI would also recommend that any machinery in contact with AIS or involved with their removal should also be treated with 1% aqueous virkon solution and left to dry before its use on another site.

REPORTS:

Environment Section:

This application is to construct 2 no. poultry houses together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) etc.) and site works (including new/upgraded site entrance) associated with the above 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 (E.I.A.R) has been submitted with this application.

The proposed development is located in the Laragh_020 River. This river is currently classed as Good Ecological Status. This status must be maintained in accordance with the requirements of the Water Framework Directive.

According to the GSI ground water maps for Co. Cavan, the proposed development is located within an area classified as a Poor Aquifer with both High and Moderate Vulnerability classification.

I have reviewed the information submitted, which includes an EIAR produced by CLW Environmental Planners, and the following was noted:

- The application is for a poultry house for 100,000 birds, which is above the threshold of 40,000 and therefore requires an EPA IED Licence.
- It is proposed that the water supply source for the proposed development will be from Mountain Lodge group water scheme.
- It is proposed that surface water will be directed to an open drain on the south east of the site.
- It is proposed that the birds are to be sufficiently dry bedded to ensure there is no soiled water or effluent run-off as a result of housing the birds.
- Soiled water generated will be as a result of cleaning the houses. It is estimated that this will be approximately 161m³ of soiled water per annum. It is proposed that this soiled water will be collected in a dedicated 90m³ soiled water tank and then spread onto the adjoining spreadlands. This will result in an overall nitrogen loading rate of 140 Kg of organic N/ha on the farm, which is well within 170kg of organic N/ha limit.
- It is indicated that poultry litter produced on the farm will be removed off site for disposal by authorised contractor CLR Co-op.
- It is indicated that poultry animal carcasses will be moved off site and taken for disposal by College Proteins, Co. Meath.
- In relation to noise nuisance it is indicated that the proposed development will not be likely to cause any noise nuisance and will stay within the legal limits of 55db during the daytime and 45db at night time.
- In relation to odour nuisance, it is proposed that the poultry houses will be managed in such a way to ensure minimal risk of odour nuisance, such as proper storage and removal of waste and regular thorough cleaning of poultry houses and outside areas.

- In relation to the risk to the environment during the construction phase, it is proposed that water quality will be protected by implementing a number of mitigation measures, such as; routing surface water run-off through suitable filter channels and settlement ponds.

Notwithstanding the above, I would like to highlight the following to the planner for their consideration:

- There is a well located on the east of the site, it is not clear from the information submitted what distance the well will be from the proposed development. I would however note that the well appears to be located slightly up gradient of the proposed development. I have been informed by the applicant Aidan Brady that this is an old well that is not in use.
- It is not clear from the information submitted, if there will be any noise nuisance during the construction phase, and if so, how it is proposed to manage this risk.
- The proposed development is approximately 14.2km from the nearest SAC (Lough Oughter and Associated Loughs). There has been Appropriate Assessment screening report submitted, this report concludes that there will be no negative impact to any SACs as a result of the proposed development. You may wish to refer to the Heritage section for their comments on this matter.
- The EIAR makes reference to various types of waste generated during the construction and operation phases of the development, I would recommend liaising with the Waste Section in relation to their comments on waste.
- The EIAR makes reference the SI 605 Nitrates Regulations 2017, I would highlight that this has now been superseded by the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2018, which should be adhered to by the applicant.

Please note, this facility will require an IED license to be issued by the Environmental Protection Agency (EPA). The EPA will impose environmental conditions which the operators of the facility will be required to adhere to if/when the license is granted by the EPA. In the interim, the environmental conditions outlined below must be enforced and adhered to by the applicant:

- I. Poultry house design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S100, S101 and S150.

2. Soiled water tank design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S123.
3. Meal storage bin design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S110.
4. Soiled water arising from the development shall be directed to and collected in the proposed soiled water storage tank in accordance with the Department of Agriculture and Food specifications S123 and S129.
5. Effluent, manure or soiled water shall not be caused or permitted to flow onto adjoining property or to enter any stream, drain, ditch or other watercourse or to overflow the effluent storage tanks.
6. Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected separately from effluent and shall be disposed of to an approved watercourse adjoining the site in accordance with the Department of Agriculture and Food specifications S129.
7. Effluent or soiled water shall not be spread on or applied to land where there is risk, because of the gradient of the land and/or the weather conditions prevailing at the time of spreading or application, that the effluent will run from the land to any lake, river, ditch, stream or other watercourse.
8. Poultry manure & wash waters shall be disposed of in the general manner outlined in the application documents on the basis that any necessary Waste Permits in accordance with the Waste Management Act, 1996-2008 are obtained.
9. Detailed records shall be maintained in regard to manure & soiled water disposal; these shall include such matters as dates, volumes disposed of and outlet locations. The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Planning Authority and be provided to the Planning Authority on request in writing.

10. Transport of poultry manure and soiled water shall be in suitably contained, leakproof vehicles.
11. Casualty birds shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture regulations.
12. The temporary on-site storage of carcasses shall be in sealed containers.
13. Any alteration to the disposal method for manure, soiled water and casualty birds shall only be implemented with the prior written approval of the Planning Authority.
14. Packaging waste, contaminated drums, equipment and protective clothing shall be collected and stored in suitably sealed leakproof containers, where practicable, pending disposal in accordance with the Waste Management Act, 1996-2008.
15. The applicant shall operate the facility in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary. Removal or disposal of poultry litter and the clean-out of houses should be undertaken in such a manner to reduce impacts from odour or noise and to prevent nuisance to premises in the surrounding area.

Municipal District Engineer: Cootehill- Bailieborough

In relation to above planning application the Municipal District office reports as follows:

This proposed development is located on a very narrow local secondary road L-6073 and will lead to accelerated surface deterioration of an already volatile public road network in the area.

Based on the site plan submitted no regard of building lines relative to the public road has been taken into account by the applicant, i.e. the generator shed is located on the boundary hedge line at the entrance and Proposed House No 1 is located less than 9m from the edge of the public road at the north east corner of the site. It was also noted that the site will be

excavated 4.5m below existing road level (north east boundary/corner) resulting in a steep slope down into the site from the road side boundary hedge. This has the potential to destabilise the public road adjacent to this site.

Poor clarity exists regarding the entrance layout and it would appear that unregulated HGV movements to facilitate this site may be generated on the public road.

Refusal is recommended until such time as the applicant considers the below recommendations:

- 1 A building line of 20m from the centre of the public road shall apply for any permanent building. A 6m strip of ground parallel with the existing boundary hedge line shall be maintained to ensure the integrity of the existing public road is not compromised and in this regard no excavations shall be carried out within 6m of the public road (except for new entrance and sight line clearance). Any excavated cuttings etc. proposed on the site along the north eastern boundary shall be retained utilising a structural RC wall or graded with side slopes (1 vertical : 2 horizontal).
- 2 Applicant is advised to centre entrance with adjoining agricultural entrance which is located on the opposite side of the road. Applicant shall clarify the entrance detail taking account of the following
 - a. Any entrance piers (permanent structure associated with the entrance detail) shall be setback 6m from the edge of the existing public road. Minimum width between entrance piers shall be 6m or greater to accommodate HGV movements in and out of the site.
 - b. Minimum bell mouth radii of 15m to either side of the proposed entrance piers to apply.
 - c. The complete width and depth of this Bell mouth entrance to include the public road fronting this entire bell mouth entrance and sightline setback shall have a structural overlay applied (100mm AC 20 Base course and 50mm HRA, tied into existing road levels either side of the outermost part of the bell mouth/sightlines)
 - d. Applicant shall provide a minimum diameter 300mm surface water drainage system along /under the proposed bell mouth and this shall discharge to the nearest live watercourse. Applicant shall clarify the discharge point (live watercourse) for surface water from this site.

e. Applicant shall liaise with Eir regarding setback of any utility poles to facilitate this entrance / sight lines etc.

3 HGV turning movements to facilitate this development shall be carried out within confines of the site. In this regard a dedicated turning circle with minimum radii of 15m shall be provided within site.

PLANNING ASSESSMENT

Proposed Development

The proposed development comprises of 2 No. new poultry units each being 2,468m² in extent, the height of each unit will be 5.946m. The capacity of the units, upon completion of the proposed development will house up to 100,000 birds in total.

The site will also include construction of a new entrance onto existing Local Secondary road (L-6073-0), the stoning of the entrance and area to the front of the buildings, construction of a generator shed; a bin store area and meal bin and water tanks for storing of soiled water – located to the front and side of the buildings.

Regional Policy

From a Regional Perspective the Border Regional Guidelines 2010-2022 includes 'Regional Economic Strategy' for the Border Region. This strategy sets out existing and potential future growth and development in the Border Region which includes the Agri-Food Sector. I would regard this proposal as being generally in accordance with the overall regional strategy in terms of agricultural enterprises.

Development Plan Policy

Cavan County Development Plan 2014-2020, Section 3.4 Agricultural and Farm Diversification, acknowledges the importance of agriculture and related processes and services as an important part of the economy of the county and notes its significance in its contribution to employment in the county. The plan has indicated that Cavan County Council will continue to support initiatives to promote agricultural enterprises.

Agriculture Policies

EDP1 To implement at county level provisions set out in 'Harvest 2020' subject to environmental carrying capacity constraints.

EDP2 To facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects and farm diversification and other suitable proposals that supports the development of alternative rural enterprises.

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

EDP4 To support the development of on-farm tourism enterprises including the provision of tourism facilities such as the renovation of farm buildings for tourism purposes, and the development of walking, cycling, angling, pony trekking and bird watching, subject to the principles of proper planning and sustainable development. Proposed developments shall not adversely affect protected habitats and species.

Agriculture Objectives

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

EDO2 To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural/agri-tourism, farmhouse accommodation, pet-farms, horse trekking centres and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.

EDO3 To support the horticulture and nursing stock industry as a means of diversifying agriculture and contributing to the maintenance of population in the rural area.

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

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

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

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

From a planning perspective, the proposed development is on a Greenfield site in a rural area therefore, it is required to comply with the policies and objectives for sustainable

development in a rural area and is consistent with the policies and objectives as set out in the current Cavan County Development Plan 2014-2020.

Designations as per current Cavan County Development Plan 2014-2020:

National Monuments I have examined the planning GIS register in relation to the proximity of National Monuments to the development site in question.

The potential impact of the development on archaeological heritage indicates that there are no monuments within a 520m radius of the proposed site. There is a National Monument CV00935 – Ringfort – Rath, located to the north west of the site. This application was referred to the Department of Arts, Heritage & the Gaeltacht and no response was received. I am satisfied therefore, that the proposed development will not impact on the archaeological or cultural heritage of the area during construction or operational stage of the development.

Protected Structures The nearest Protected Structures are located at Kiltgrone, Laragh – being the Church of Ireland CV21003, which is c. 3.3km from the site and the second Protected Structure is Smiths Knockatudour Mills CV21002 located at Knockatudour, Tullycoe. I consider that due to the separation distance from these structures that there will be no impact on any protected structures arising from the proposed development.

Natural Heritage Sites

The nearest Natural Heritage Sites include: – (NH9) Dromore lakes and (NH5) Cotehill church area located in and adjacent to Cotehill Town, approx. 6.3 km from the site and in a north-westerly location.

I consider therefore, that the construction and operation of this agricultural activity will have no impact on the NHA.

Special Areas of Conservation Areas and Special Protection Areas

Natura 2000 sites have been identified as within the 15km Buffer zone of the site as follows: The nearest site is the SAC - Lough Oughter and Associated Loughs – (SAC Site Code 000007) which is located c. 14 km west of the site.

The Report – Habitats Directive Screening Assessment of a Proposed Development at Tullyunshin, Cotehill, co. Cavan. was prepared by Noreen McLoughlin, Whitehill Environmental Consultants. (In line with the requirements of Article 6(3) of the EU Habitats Directive.

The Screening Report concludes a finding of: 'No Significant Effects' and will be discussed further under the EAI section of this report.

High Landscape Areas

The nearest High Landscape Area designated in the current plan is Shannon Erne Waterway and Lough Oughter complex.

I am satisfied that there is sufficient distance of the proposed project which ensures there will be no impact of the proposed development on this area of High Landscape.

Major Lakes and Lakeside Areas

The nearest Major Lake and Lakeside Areas are: Lough Nadrigal(ML 6). c. 11.5km; Lough Skeagh(ML5). Which is in excess of 10Km from the site. I am satisfied there are no issues arising having regard to this distance.

Special Heritage Sites

There are no Special Heritage sites in the vicinity of the site of the proposed development.

Scenic Routes

There are no Scenic Routes affected by the proposed development.

Walking Routes

Cootehill is the nearest walking route (located at Dromore Lake), c. 10km to the proposed development. I am satisfied that these will not be impacted upon by the proposed development.

Forest and Other Parks

Cootehill (N9 Dromore Lakes) is the nearest forest park which is c. 10km from the site. I am satisfied that the proposed development will not impact on this site.

Scenic Viewing Points

The nearest scenic viewing point is Lisnannagh SV7 located adjacent to the N3 and which is some 5.4Km from the site. The proposed development will not impact directly, however, it may be visible from this SV point.

Planning Considerations:

Landholdings and siting: I have examined the landholding maps submitted with this application and noted the extent of lands in the vicinity of the subject site. The majority of the landholding is more elevated ground, particularly the lands to the north-west of the site. There is an existing farm complex (with slatted sheds and agricultural buildings including the owners' farmhouse) located on elevated grounds. The remaining lands adjacent to the site (west) are more steeply sloping and have considerable rushes covering the lands which would indicate wetter ground. The lands to the north, immediately adjacent to the subject site are on steeper grounds. I would agree that the siting of the proposed development is in the most appropriate location, given the topography of the landholdings and consideration of road access.

Accessibility: The subject site will be accessed by the Local Secondary Road (L-6073) which is a narrow road, being c. 3m wide and in poor condition. I have noted the concerns raised by the Municipal District engineer regarding the potential impact of the development through additional traffic movements of HGVs along this route. The potential impact of additional traffic on the existing residential houses along this route will be examined further in the E.I.A.R.

Site layout and Visual impact: I have noted the scale of the proposed poultry houses is extensive in terms of the footprint of the buildings and the excessive groundworks (cut and fill) – likely to be 4.5m below road level, required to facilitate the development. This will have a significant visual impact. However, the height of the buildings is 5.946 meters and is considered of standard poultry house agricultural design and will not present a problem in terms of breaking the skyline, having regard to 'backdrop' of the steeper lands to the north of the site.

ENVIRONMENTAL IMPACT ASSESSMENT

Introduction

Legislative background - Circular Letter PL 1/2017 Implementation of Directive 2014/52/52/EU on the effects of certain public and private projects on the environment (EIA Directive) refers. EIA Directive (2014/52/EU) amends Directive 2011/92/EU. For applications received after 16th May 2017, Competent Authorities are advised to consider applying requirements of Directive 2014/52/EU by way of administrative provisions in advance of the transposition of Directive 2014/52/EU into Irish Law. In line with Directive

2014/52, the applicant has submitted an Environmental Impact Assessment Report (EIAR). Under 2014 Directive, the Competent Authority in their Environmental Impact Assessment must identify, describe and assess appropriately direct and indirect significant effects on the project on factors set out in Article 3:

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- (c) Land and soil; water, air and climate;
- (d) material assets, cultural heritage and the landscape;
- (e) the interaction between the factors referred to in points (a) to (d).

An Environmental Impact Assessment Report (EIAR), dated March 2018, has been prepared by C.L.W. Environmental Planners. The information given in this document will support the Planning Authority in preparing its Environmental Impact Assessment. The EIAR submitted includes a non-technical summary, a description of the proposed development description of the existing environment, alternatives considered description of likely significant effects and an Environmental Management Programme.

- (a) **Population and Human Health:** Section 4(3)(1) addresses the potential impact on population/human health and or human beings. Matters considered – the nearest 3rd party dwelling is located c. 100-125m north east 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 legal limits for noise generation are 55db daytime and 45db night-time and are highly unlikely to be exceeded beyond the site boundary.
- (b) **Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC:** Section 4(3)(2) addresses the effect on Biodiversity – The site is intensively managed grassland. The proposed ground works and land profiling will be kept to a minimum outside the footprint of the proposed site. The site is not located close to and/or likely to adversely impact on any *Natura 2000* sites – the closest being Lough Oughter SAC which is some 14.2Km away and the Lough Oughter complex SPA which is 15.6km. The Appropriate Assessment Screening Report addresses the above in more detail.

(c) Land and soil; water, air and climate/climate change; Section 4(3)(3) addresses the potential effect on land and soil – the report states that there is no significant potential for any effect on soil outside of the development area and land take required to facilitate the proposed development will be minor in terms of the applicant's family landholding and the wider agricultural area.

Section 4(3)(4) addresses the effect on Geological & Geomorphological Heritage of the area. The report notes there is no significant potential for any effect outside of the development area.

Section 4(3)(5) Addresses the potential impact on Water - Adverse effect on ground water from the proposed development should be nil, as there will be no process discharge to ground and minimal risk of accidental leakage or spillage of polluting liquid on the site.

Section 4(3)(6) Addresses the impact on 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 occur at the end of each batch, approximately 7/8 times/annum. Management of operations on the site to prevent significant pulse releases of odour at times when the effect might be perceptible beyond the site boundary should ensure minimal impact on air in the vicinity of the site. These are listed in Appendix No. 14 for the met data for this site.

Section 4(3) (7) Addresses the Effect on Climate/Climate Change – Large livestock populations and nitrogen inputs to soil generate approximately one-third of all greenhouse gases in Ireland. It is stated that the amount of methane emitted by livestock is a lot higher for ruminants such as cattle and sheep versus non-ruminants such as poultry /pigs. This is a result of the different digestive systems. The N2O emissions can be divided into three sections:

- Direct from agricultural soils and from agricultural production systems.
- Indirect emissions which take place after nitrogen is lost from the field
- Emissions resulting from agricultural burning.

All organic fertiliser from this farm will be used in compost production or by customer farmers. The fact that customer farmers utilising organic fertiliser from this farm will allocated it in accordance with the provisions of S.I. 605 of 2017, particularly with regard

to amounts applied, weather and ground conditions at the time of spreading, and even etc.

The report states that the development will have no significant adverse effect on climate.

(d) Material Assets, Cultural Heritage and the Landscape

- (i) *Agricultural Properties including all agricultural enterprises:* The proposed development will not interact with any lands outside the confines of the site, except for the production of organic fertilizer which may be utilized by farmers as a replacement for chemical fertilizer.
- (ii) *Non-agricultural properties, including residential, commercial, recreational and non-agricultural land:* the site is surrounded by agricultural lands characterized by intensive farming practices. There are no dwellings within 100m of the proposed development site. The development will have no impact on adjoining property values if for no other reason than there is a significant distance between the proposed development.
- (iii) *Natural or other resources:* The proposed development will include a limited amount of construction materials (including quarry materials and other construction materials), however the extent of the development is limited in nature and the amount of resources required for construction is negligible when sourced from authorised sources. The farm does not require any major modifications to the existing electricity network, water or road infrastructure in the area.

(e) The interaction between the factors referred to in points (a) to (d):

Section 4.(7) of the E.I.A.R. addresses the inter-relationship between the factors identified in the preceding sections – human health/population, bio-diversity (flora and fauna), land/soil, water, air and climatic factors, landscape, material assets and cultural heritage (incl. architectural and archaeological). The report demonstrates the areas in which significant interactions occur by way of a matrix listing the where the receptor is likely to be affected by any element by the impactor. A distinction has been made between positive, negative and neutral impacts in this matrix.

Section 4(7) (i) of the report discusses the Positive Impacts of:

Land/Soil on Human health/population – the outcome of this discussion is that the poultry unit will produce organic manure which will be used by customer farmers which will offset the cost of chemical fertilizers and this is a positive net gain.

Human health/population – Report states increase in wealth as a result of the operation of the farm – facilitate improvements in the management of the farm, thus have a positive impact on land/soil, water, air & climate/climate change, landscape and visual, bio-diversity (flora & fauna). Appropriate landscaping will result in improved cultural heritage (agricultural development) by the availability of time and money for the enjoyment of heritage.

Improvements in climate/climate change will arise out of the more efficient production system/lower emissions compared to other forms of animal husbandry/production. The improvements in human health/population will ultimately result in improvements to material assets.

The report in its matrix does not identify any negative impacts.

Section 4(7)(ii) of the report discusses of the Neutral Impacts of:

Land/Soil on Water, Landscape & Visual and Bio-diversity (flora and fauna) – organic fertilizer is cited as a positive impact, with potential for leaching of nutrients into the water. This threat is mitigated by customer farmers complying with use in accordance with S.I. 605 of 2017.

Impacts of Water on Bio-diversity (Flora & Fauna) – potential impacts from soiled water – these include run-off from manure and water into the groundwater. It is suggested that the potential threat can be mitigated through the proposal to allocate all organic fertilizer for use in accordance with S.I. 605 of 2017. Mitigation measures on site include the provision of appropriate on site storm water drainage system. These mitigating measures are sufficient to ensure that there is no negative impact.

Impacts of Air & Climate/Climate change on Bio-diversity (flora & Fauna), population & human health: There is a potential threat to bio-diversity and human health as a result of any impact on air. The generation of mal-odour on site may have a negative impact on bio-diversity and human health/population, however this is mitigated by the fact that the proposed development location is 100-125 m from any existing third party dwelling. Adequate mitigation measures will be adopted to ensure that this threat does not materialise.

Section 4(7) (iii) Addresses the Potential Impacts and Mitigation Measures: Interactions between the environmental factors show the potential effect of the poultry farm on the community and its environs. Human beings are the main impact receptor, flora and fauna being the other. It is suggested that the poultry farm and its production processes will minimally impact upon the landscape, archaeology, terrestrial, water quality and climate. Traffic, air quality, noise tourism and material assets are factors that affect the community directly. This poultry farm, with its planned integration into existing farming activities, and the

associated fertiliser substitution programme will have no significant impact on the rural community, as per the existing activities carried out by the applicant/applicants family.

The report concludes with a Description of measures envisaged to avoid, reduce, prevent or if possible, offset any identified significant adverse effects on the environment.

I consider that these measures are reasonable and fall within standard modern farming practices. Therefore, the implementation of these measures will ensure that significant effects on the environment will be avoided and the risk of incidents of environmental significance will be near zero.

SCREENING FOR APPROPRIATE ASSESSMENT

Proposed site is located within buffer zone of Lough Oughter & Associated Loughs Special Area of Conservation 00007 (being approx. 14.2km west of the subject site). The qualifying interests of the Lough Oughter SAC are natural eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation and Bog Woodland. Lough Oughter has also been designated for the protection of the otter *Lutra Lutra*, a species listed in Annex II of Habitats Directive. The site is also located at a distance of 15.6km from the Lough Oughter complex Special Protection Area (SPA). It is considered that proposed development is of sufficient distance from any *Natura 2000* sites not to have an impact on the qualifying interests of any *Natura 2000* site. The Screening report concluded objectively that this proposed development will be maintained and the habitats and species associated with this site will not be adversely affected. This development does not need to proceed to Stage II of the Appropriate Assessment process.

Other matters in relation to Environmental Impact Assessment, Conclusion and Recommendation

The E.I.A.R. has stated that there was no difficulty in compiling the information required for the E.I.A.R. Overall I consider that the environmental impacts of the proposed development is acceptable in principle; however, I consider that having regard to the concerns raised by the Municipal District Engineers in relation to the development of the site and the potential impact on the public road, the issues raised the by the Environment Section regarding adherence to the , I recommend that the following further information is sought:

Request for Further Information (FI)

The planning authority requested the following Further Information on 8 May 2018:

1. There is a well located on the east of the site, it is not clear from the information submitted what distance the well will be from the proposed development. In this regard, please provide a revised layout plan indicating clearly the distance of the well from the proposed development site and any mitigation measures to ensure that contaminated surface waters would not enter this water source.
2. It is not clear from the information submitted, if there will be any noise nuisance during the construction phase, and if so, how it is proposed to manage this risk. The applicant is required to provide details of the potential noise impacts during this phase.
3. The EIAR makes reference to the SI 605 Nitrates Regulations 2017, the applicant is advised that this has now been superseded by the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2018, which should be adhered to by the applicant. Submit revisions to the E.I.A.R. which indicate where these new regulations will be adhered to.
4. A building line of 20m from the centre of the public road to apply for any permanent building. A 6m strip of ground parallel with the existing boundary hedge line shall be maintained to ensure the integrity of the existing public road is not compromised and in this regard no excavations shall be carried out within 6m of the public road (except for new entrance and sight line clearance). Any excavated cuttings etc. proposed on the site along the north eastern boundary to be retained utilising a structural RC wall or graded with side slopes (1 vertical: 2 horizontal).
5. The applicant is advised to centre entrance with adjoining agricultural entrance which is located on the opposite side of the road. Applicant to clarify the entrance detail by way of a revised site layout plan, taking account of the following:
 - a. Any entrance piers (permanent structure associated with the entrance detail) to be setback 6m from the edge of the existing public road.

- Minimum width between entrance piers to be 6m or greater to accommodate HGV movements in and out of the site.
- b. Minimum bell mouth radii of 15m to either side of the proposed entrance piers to apply.
 - c. The complete width and depth of this Bell mouth entrance to include the public road fronting this entire bell mouth entrance and sightline setback to have a structural overlay applied (100mm AC 20 Base course and 50mm HRA, tied into existing road levels either side of the outermost part of the bell mouth/sightlines)
 - d. The applicant to provide details of a minimum diameter 300mm surface water drainage system along /under the proposed bell mouth and this to discharge to the nearest live watercourse. Applicant to clarify the discharge point (live watercourse) for surface water from this site.
 - e. The applicant to liaise with Eir regarding setback of the utility poles to facilitate this entrance / sight lines etc. and provide correspondence confirming same.
6. Submit revised site layout plan indicating the HGV turning movements to facilitate this development within confines of the site. In this regard a dedicated turning circle with minimum radii of 15m to be provided within site.

Internal Reports following Submission of FI:

The Environment Section provided the following comments on 5/7/2018:

Having reviewed this supplementary information my comments are as follows:

1. *There is a well located on the east of the site, it is not clear from the information submitted what distance the well will be from the proposed development. In this regard, please provide a revised layout plan indicating clearly the distance of the well from the proposed development site and any mitigation measure to ensure contaminated surface water would not enter this water source.*

The information submitted to Cavan County Council on the 21/06/2018 indicates that the well shown on the previous site plan was in fact a proposed well and it has now been relocated to the North of the site, 68.13 meters from Poultry House 1.

Furthermore, Poultry House 2 and the soiled/wash water tank also appear to be located > 60m from the proposed well.

In light of the above, we are satisfied that both Poultry House 1 & 2 and the soiled/wash water tank are within the recommended minimum distance, as per Department of Agriculture Specification - S123 (Bovine Livestock Units and Reinforced Tanks), therefore we have no major concerns.

In relation to the element of contamination to the well, as shown on the site plan the soiled/ wash water will be directed to a soiled / wash water tank to the west of the site and the surface water runoff, will be discharged via a silt trap to an open drain on the south west of the site.

Furthermore, it is proposed that the well will be constructed in accordance with the Institute of Geologists of Ireland (IGI) Water Well Guidelines, which is in keeping with the EPA- Drinking Water Advice Note, No. 14: (Borehole Construction and Wellhead Protection).

Taking the above into consideration we are satisfied that it is proposed to construct the well properly and manage the site appropriately to reduce the risk of pollution. In light of this we have no major concerns.

2. *It is not clear from the information submitted, if there will be any noise nuisance during the construction phase and if so, how it is proposed to manage this risk. The applicant is required to provide details of the potential noise impact during this phase.*

In relation to the noise impact to sensitive receptors during the construction phase, a Construction Noise Impact Assessment has been produced by CLW Environmental Planners, which highlights the likely sources of noise during the construction phase and the potential impacts to nearby sensitive receptors.

The nearest noise sensitive receptor is a dwelling house which is located approximately 100m from the site boundary and 150 – 160m from the centre of the site. For the purpose of the assessment a 150m distance was used, as it is proposed that the plant/machinery will be predominately located 150m or greater from the nearest noise sensitive location.

Based on the plant equipment/machinery used during construction, at a distance of 150m from the centre of the site, it is predicated that construction noise levels will not exceed the 65db LAeq during the daytime Monday – Saturday, this appears to be in accordance with the guidelines within, Section 2.3.2 (Construction Noise) of the *Guidelines for the Treatment of Noise & Vibration in National Road Schemes*.

Furthermore, in order to reduce noise levels as much as practicable, the Construction Noise Impact Assessment recommends the implementation of mitigation measures. I would recommend that the Planner consider appending these mitigation measures by way of condition, in order to limit noise nuisance as much as possible.

3. The EIAR makes reference to the SI 605 Nitrates Regulations 2017, I would highlight that this has now been superseded by the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2018, which should be adhered to by the applicant. Submit revisions to the EIAR which indicate where these new regulations will be adhered to.

The supplementary information submitted states:

'The applicant appreciates that the SI 605 of 2017 has been amended (not superseded) by SI 65 of 2018. In any event, this amendment relates primarily to the inclusion of the subsequently approved derogation procedures and amendments to some fertilizer allocations. None of these amendments materially affect the proposed development, the application and/or Environmental Impact Assessment Report, as submitted for the development.'

While this is correct, we are currently awaiting clarification from the Department of Agriculture in relation to these new regulations. In the interim, as the amended sections of the SI 605 Nitrates Regulations 2017 do not appear to directly impact this development, we will allow that the SI 605 Nitrates Regulations 2017 (as amended) are referred to:

In light of the above, we are satisfied that it is proposed to comply with the SI 605 Nitrates Regulations 2017 and do not require that the Environmental Impact Assessment Report (EIAR) is updated.

In summary, based on the new information submitted we have no objection to the proposed development providing the conditions requested in our previous planning response (dated: 10/04/2018) are appended onto the granted planning permission.

EPA development check
section 25 of MCT
17/16/18

The Municipal Engineer (Roads) responded on 4/7/2018 with the following comments:

- No objection in principle based on the FI submitted.
- The complete width and depth of the bellmouth entrance to include the public and fronting this bellmouth and sightline setback to have structural overlay applied as per detail A on drawings attached.

PLANNING ASSESSMENT OF FURTHER INFORMATION SUBMISSION

Item 1: *"There is a well located on the east of the site, it is not clear from the information submitted what distance the well will be from the proposed development. In this regard, please provide a revised layout plan indicating clearly the distance of the well from the proposed development site and any mitigation measures to ensure that contaminated surface waters would not enter this water source."*

The FI submission indicates that the well shown on the previous site plan was a proposed well and it has now been relocated to the top corner of the site, which is 68.13 meters from Poultry House 1. This is shown on Drawing No. P02 FI.

Furthermore, Poultry House 2 would be 69 metres away, and the wastewater tank 70 metres, away from the well.

In light of the above, the planning authority is satisfied that both Poultry House 1 & 2 and the soiled/wash water tank are within the recommended minimum distance, as per Department of Agriculture Specification - S123 (Bovine Livestock Units and Reinforced Tanks).

Regarding potential contamination to the well, the revised site plan shows the soiled/wash water directed to a soiled / wash water tank to the west of the site. The surface water runoff will be discharged via a silt trap to an open drain on the south west of the site.

Furthermore, it is proposed that the well will be constructed in accordance with the Institute of Geologists of Ireland (IGI) Water Well Guidelines, which is in keeping with the EPA- Drinking Water Advice Note, No. 14: (Borehole Construction and Wellhead Protection).

Taking the above into consideration the planning authority satisfied that the risk of pollution is appropriately reduced. I am therefore satisfied that the above FI item has been sufficiently addressed.

Item 2: *"It is not clear from the information submitted, if there will be any noise nuisance during the construction phase, and if so, how it is proposed to manage this risk. The applicant is required to provide details of the potential noise impacts during this phase."*

A Construction Noise Impact Assessment has been resented by CLW Environmental Planners with the FI submission, which highlights the likely sources of noise during the construction phase and the potential impacts to nearby sensitive receptors.

The nearest noise sensitive receptor is a dwelling house which is located approximately 100m from the site boundary and 150 - 160m from the centre of the site. For the purpose of the assessment a 150m distance was used, as it is proposed that the plant/machinery will be predominately located 150m or greater from the nearest noise sensitive location.

Based on the plant equipment/machinery used during construction, at a distance of 150m from the centre of the site, it is predicated that construction noise levels will not exceed the 65db LAeq during the daytime Monday – Saturday. It is stated in the impact assessment that this is in accordance with the guidelines within, Section 2.3.2 (Construction Noise) of the *Guidelines for the Treatment of Noise & Vibration in National Road Schemes*.

A number of mitigation measures are recommended out in the noise impact assessment. These are generic and non-specific, and would need to be refined in properly worded conditions.

Item 3: *"The EIAR makes reference the SI 605 Nitrates Regulations 2017, the applicant is advised that this has now been superseded by the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2018, which should be adhered to by the applicant. Submit revisions to the E.I.A.R. which indicate where these new regulations will be adhered to."*

In response, the FI submission states that The applicant appreciates that the SI 605 of 2017 has been amended (not superseded) by SI 65 of 2018. In any event, this amendment relates primarily to the inclusion of the subsequently approved derogation procedures and amendments to some fertiliser allocations. None of these amendments materially affect the proposed development, the application and/or Environmental Impact Assessment Report, as submitted for the development.'

The Environment Section confirms that while this is correct, it currently awaits clarification from the Department of Agriculture in relation to those new regulations. In the interim, as the amended sections of the SI 605 Nitrates Regulations 2017 do not appear to directly impact this development, it considers that the SI 605 Nitrates Regulations 2017 (as amended) can be referred to.

It therefore concludes that the proposed development should comply with the SI 605 Nitrates Regulations 2017 and that the Environmental Impact Assessment Report (EIAR) does not require to be updated. Also, the Environment Section has no objection provided that the planning conditions recommended in its previous submission are included.

I am satisfied that the above FI item has been sufficiently addressed.

Item 4: *"A building line of 20m from the centre of the public road to apply for any permanent building. A 6m strip of ground parallel with the existing boundary hedge line shall be maintained to ensure the integrity of the existing public road is not compromised and in this regard no excavations shall be carried out within 6m of the public road (except for new entrance and sight line clearance). Any excavated cuttings etc. proposed on the site along the north eastern boundary to be retained utilising a structural RC wall or graded with side slopes (1 vertical: 2 horizontal)."*

The revised site layout submitted with FI addresses the above item which was initially requested by the Municipal Engineer. This was a significant change to the drawings,

which has effectively doubled the setback of the proposed development from the centreline of the road. The agent's cover letter states that the above was agreed with the Roads Engineer prior to submission of the FI.

This has resulted in a significantly altered site plan, and a different building footprint to the two proposed poultry units. The overall changes are a marginally increased floor area – from a combined GFA of 4,936 sq m for the two poultry sheds to 4,980 sq m following submission of FI. The two units will also reduce in length by 12.79 metres, but to compensate will increase in width by 2.43 metres. This has the effect of increasing the height to 6.557m from the initial plans which were just 5.996m. I note that the finished floor levels will be the same as initially proposed – both units to be 138.00m.

I consider the FFLs as reasonable. Site sections show that most of the cut and fill will take place for the poultry units closest to the road. The level of the second unit, farthest from the road, is appropriate to the ground levels at that point. This will reduce visual impact.

This increased height is also noted, but when balanced against a shorter footprint and an increased 10 metre setback from the public road, in my view it is a better overall outcome. The revised site sections show the height relationship between the road and the highest point of the proposed sheds, which are almost comparable given the fall of ground levels into the site.

Viewed from the other direction – the impact of a shorter elevation will reduce the visual impact on the countryside.

The revised entrance details and treatment along the NE boundary are also shown on the FI drawings, in accordance with the Engineer's recommendations. New hedgerow planting is proposed around a bellmouth entrance, and sight lines of 80 metres will be maintained.

I am satisfied that the above FI item has been sufficiently addressed.

Item 5: *"The applicant is advised to centre entrance with adjoining agricultural entrance which is located on the opposite side of the road. Applicant to clarify the entrance detail by way of a revised site layout plan, taking account of the following:*

- a. Any entrance piers (permanent structure associated with the entrance detail) to be setback 6m from the edge of the existing public road. Minimum width between entrance piers to be 6m or greater to accommodate HGV movements in and out of the site.
- b. Minimum bell mouth radii of 15m to either side of the proposed entrance piers to apply.
- c. The complete width and depth of this Bell mouth entrance to include the public road fronting this entire bell mouth entrance and sightline setback to have a structural overlay applied (100mm AC 20 Base course and 50mm HRA, tied into existing road levels either side of the outermost part of the bell mouth/sightlines)
- d. The applicant to provide details of a minimum diameter 300mm surface water drainage system along /under the proposed bell mouth and this to discharge to the nearest live watercourse. Applicant to clarify the discharge point (live watercourse) for surface water from this site.
- e. The applicant to liaise with Eir regarding setback of the utility poles to facilitate this entrance / sight lines etc. and provide correspondence confirming same.

The FI submission has addressed the above items, as referenced on the revised site layout plan. I also note that the Engineer has no objection to these revised plans, subject to drainage works being carried out in accordance with drainage detail shown on Map A on the revised site layout plan.

Item 6: *"Submit revised site layout plan indicating the HGV turning movements to facilitate this development within confines of the site. In this regard a dedicated turning circle with minimum radii of 15m to be provided within site."*

The FI has addressed the above item by showing a dedicated turning circle to required dimension on the revised Site Layout Plan.

Conclusion

While the above FI submission is deemed as significant, in my view it would not materially alter the conclusions of the EIS in this case. Potentially, there is an impact of the proposed increased height of the units, but I am guided by the following extract from the EIS, chapter 4, which states:

"The site of the proposed development benefits from a significant established mature hedgerow on the northern and eastern boundaries of the proposed development, and this in addition to the location of the development will set back from the local primary road, and integrated into the landscape, ensures that same is integrated into, rather than imposed on the local landscape."

".. the site is located well away from and/or likely to adversely impact on any sensitive areas."

"The proposed development is typical of the type of agricultural farm buildings within this agricultural area of Co. Cavan and will have limited impact on the character of the surrounding landscape. Intensive farming is a traditional farm enterprise in this area of the county. The site being integrated into the landscape and well screened will be generally visually unobtrusive. It is not considered that the proposed development will have significant impacts on the landscape character of this area. The existing vegetation will help to soften any visual impacts and additional landscaping may be added where considered appropriate."

In terms of **Appropriate Assessment**, I quote from the conclusions of the AA report submitted with the application, which states:

"It can be concluded objectively that this proposed development will have no impacts upon any Natura 2000 site. The integrity and the conservation objectives of this site will be maintained and the habitats and species associated with this site will not be adversely affected."

Development Contribution

Agricultural Structures

Proposed building = 4,980 sq m ⁶

Less 300 sq m Exemption = 4,680 sq m

4,680 X €5 = €23,400

€23,400

Conclusion & Recommendation

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

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16th March 2018, 21st June 2018 and 5th July 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

(b) The development in ~~combination with the existing operation on the site~~ shall provide no more than 100,000 places for broilers.

Reason: In the interest of clarity.

€23,600

2. Prior to commencement of the development, the developer shall pay the sum of ~~€22,900~~ (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the Planning Authority as a contribution towards expenditure that was and /or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contributions Scheme for Cavan County made by the Council.

Reason: With reference to Section 48 of the Planning & Development Act 2000.

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

Reason: In the interest of traffic safety.

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

Reason: In the interest of public safety and amenity.

5. Water supply and drainage arrangements, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

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

PLANNER SIGNATURE

Antonia Coffey

DATE 24/8/2018

6. Specific details re entrance design shall be agreed with ~~the~~ m.o.e in writing
V. TTC of dev
12.5. Traffic safety