

**MONAGHAN COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT REPORT**

**File Ref:** 18/153

**Applicant:** Kevin Keenan

**Development:** permission to erect a poultry house and meal storage bins, erect a poultry litter store and carry out associated site works

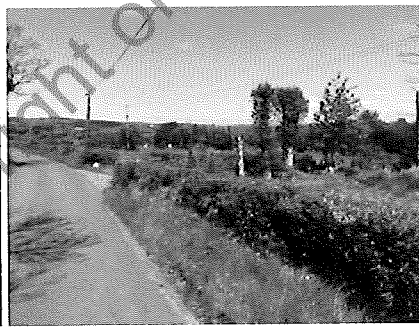
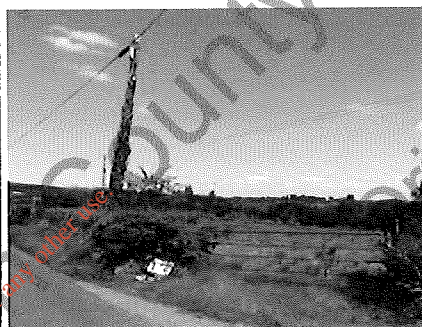
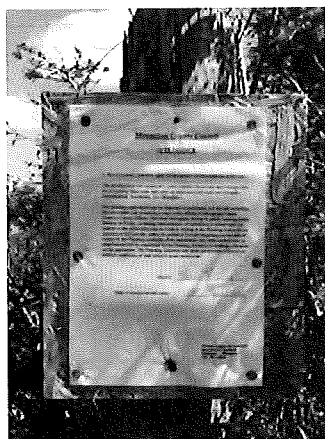
**Location:** Lennaght, Knockatallon, Scotstown, Co. Monaghan

**1. Date of Site Inspection**

16-5-2018

**2 Site Notice & Photos**

In order



**3. Pre Planning Meeting(s)**

No as per Application Form

**4. Zoning**

The subject site is located in a "Stronger Rural Area" as per MCDP 2013-2019. It is c1.2km from Knockatallon.

**5. Characteristics of the Site/Area**

- Subject site area of 1.33Ha.
- Greenfield site relatively level with the road
- Vacant single-storey house and outbuildings located within the family landholding to the southwest of the subject site
- Existing agricultural laneway
- Access from Local Tertiary Road L10041-0
- Existing mature hedgerows and trees outlining site boundaries
- A number of dwelling houses located in proximity of proposed poultry house

- One Third party submission with a number of signatures. The grounds of objection are not stated.
- Existing poultry unit to the southeast with access from different Local Road. Visible from subject site



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## 6. Proposed Development

This is an application for Permission to construct a poultry house and meal storage bins, a poultry litter store and carry out associated site works.

## 7. Site Planning History

As per Application Form

Previous Valid Planning Applications: No  
 Subject of Appeal: No  
 Site Flooded: No  
 Previous Uses: No  
 Statutory Notices: No

## Planning Authority's iPlan Record

No record of an Application on Subject Site

## 8. Observations

The last date for observations was 23-5-2018.

1No. submission, signed by 8no. people, was received at the time of this analysis stating objection to the proposal. The grounds of objection are not stated. The above has been noted and taken into account in the assessment of this planning application.

## 9. Referrals Reports

### MCC Internal

Environment: Report dated 25-5-2018. Additional Information request.  
 Report dated 18-7-2018. Grant Permission, subject to Conditions

No other Referrals for internal reports on Planning Application Control Form

### Consultees

No Consultee Referrals on Planning Application Control Form

### Environment Report- AI request

The proposed development is located in the Maghery Catchment on a locally important karstified aquifer with low groundwater vulnerability.

The proposed development is to construct a poultry unit for 38000 broilers.

A letter from Eamonn Fitzpatrick Contractors details that it is in a position to collect and remove all the broiler manure from the proposed unit for use as an organic fertiliser and/or in the production of compost. The application does not detail the exact spreadlands or the final destination for the Poultry Manure.

A letter from College Proteins states they will be in a position to remove the dead birds off site.

The applicant proposes to construct two washwater tanks with each having a capacity of 15.5m<sup>3</sup>. The application states that the amount of washwater generated in a year will be 13.5m<sup>3</sup>. It is considered that this proposed volume of washwater generation is low.

The applicant has submitted land and site boundary maps but it is not clear if this is the lands available for the spreading of wash waters.

The applicant has a bovine herd but has not submitted current or proposed Organic Nitrogen stocking rate.

A sufficient site layout plan has not been submitted with the application. It is noted that an Appropriate Assessment has not been submitted with this application.

An AI is requested from the Environment Section; the Planning Authority concurs with the AI recommendation, as detailed below.

### Environment Report on AI Submission

The additional information submitted proves that the total wash water that will be generated at the site will be approx. 31.5 m<sup>3</sup> per year. The applicant has demonstrated that the total available Organic N applied per hectare from Cattle and Poultry Washings is 39.18 Organic N per Hectare. A site drainage map has been submitted but has not included adequate measures to treat the surface water arising at the facility. Additional information submitted has detailed that Eamonn Fitzpatrick will remove the poultry litter from the premises and dispose at the following premises;

- JC Sheridan – Killberry, Navan, Co. Meath
- Samuel Hughes – Rathmolyon, Co. Meath
- Frank Joyce, Ballivor, Co. Meath

There are no objections to this application, subject to Conditions.

### **10. Development Plan Policy/Ministerial Guidelines**

Monaghan County Development Plan 2013-2019

Section 15.12: Policies AFP1, AFP2, AFP3, AFP4 and AFP9

Section 4.88: Policies APP1-AAP5 and Policy ADP1

### **11. Planning Assessment**

#### Application Information

Site Area: 1.33Ha.

Proposed Floor Area: 1900sqm (poultry house), 194sqm (litter store), 14.1sqm (2no. bins)

#### Assessment

- Landowner landholding outlined in blue
- Stated Farm Area is 17.87Ha. (including 8.69ha. rented)
- Greenfield site with stated area of 1.33Ha.
- Existing poultry farm located c1km to the southwest of subject site with access from different Local road
- Capacity of proposed poultry farm is 38,000 which is below the threshold required for the preparation of EIAR (in excess of 40,000 places)
- Proposed Poultry House: c100m long x c20m wide with overall height of c5.8 (silos 9m) (stated total internal floor area of c1900sqm)

- Proposed Litter Store: 19.2m long x 7.3m wide with overall height of 7m. (internal floor area 194sqm)
- 2no. silos: 3m diameter x 9m high (stated internal floor area 14.1sqm)
- Design: the proposed type of poultry housing is designed for broiler rearing and comprises a simple closed building of concrete/steel/pre-fabricated panel construction on a concrete base, thermally insulated with a computer controlled ventilation system and artificial lighting and automated feeding/drinking systems. Agrispec roof and external walls
- No habitable dwelling house on landholding
- c120m to nearest dwelling house. Third party houses to the northeast and southwest.
- subject site c1km from Sliabh Beagh SPA and c10km from Kilroosky Lough Cluster SAC

#### Poultry Thresholds

The applicant submits that the capacity of this poultry house will be 38,000 broilers.

In accordance with Schedule 5, Part 1, 17 and Schedule 5 Part 2, 1(e)(i) of the Planning and Development Regulations, the proposed development does not require an EIS.

The applicant is not required to submit an EIAR as the capacity of 38,000 broilers falls below the Threshold for which a Licence from the EPA is required (in excess of 40,000 places).

#### 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. In accordance with Policy AFP2, the Planning Authority will give favourable consideration to agricultural development where the development:

- Is necessary for the running of the enterprise
  - Permission sought for construction of 1no. new poultry house, meal storage bins, poultry litter store and associated site works
  - Development will be located on an existing Greenfield site of 1.33Ha. within overall landholding of 17.87Ha. (including 8.69ha. rented)
  - Site is currently used for cattle grazing during summer only
- Is appropriate in terms of scale, location and design and nature
  - proposed poultry house reflects typical broiler rearing design principles
  - Similar design to existing poultry houses in the area
  - Proposed development considered appropriate for the subject site
  - Acceptable location on site which is relatively level with the road and slopes gently downwards at the northern section of the subject site
  - Acceptable separation distances from nearest third party dwelling houses, in excess of 100m
- Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.
  - Proposed poultry house will be set back 19m-27.5m (at most) from the western site boundary adjacent the Local Road
  - By virtue of the size and scale, the proposed poultry house will be visible on the Local tertiary Road and will most likely be visible from sections of the Local Primary Road from Knockatallon
  - Existing hedgerow will provide screening along both public roads
  - Existing ground level and proposed finished floor level is noted as per Site Layout Plan

- Proposed development would not unduly affect the visual amenity of the area or environment
- 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.
- Proposed poultry house is located on subject site located adjacent to vacant single-storey house and existing farm buildings
- v. Is sited so as to benefit from any screening provided by topography or existing landscape.
- Existing mature hedgerows along Local Road
  - Hedgerows and trees define the subject site and the agricultural laneway
  - It is considered that the proposed development would integrate in the undulating surrounding landscape
- 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.
- c120m to nearest third party dwelling house
  - Third party houses to the northeast and southwest
- vii. Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.
- Adequate separation distances from the nearest third party dwelling house located to the northeast and southwest
  - Proposed development would not unduly result in loss of residential amenity to the nearest houses
- viii. Will not result in a traffic hazard
- site has existing agricultural access onto Local Tertiary Road with 50m sight lines as per submitted Site Layout Plan
  - There would be an intensification of use of the Local Road and the existing access by the proposed development; however, it is considered that the potential additional traffic generated by the proposed development could be facilitated on the local road network and on the site
- ix. Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.
- MCC Environment Report dated 25-5-2018 recommends Additional Information request
  - MCC Environment Report dated 18-7-2018 recommends Grant of Permission subject to Conditions
  - Planning Authority concurs with said Report dated 18-7-2018

#### Additional Information

AI requested: 05/06/2018  
 AI received: 29/06/2018  
 Decision Due Date: 26/07/2018

AI was requested as follows:

1. Section 15 of the Supplementary Planning Application Form for Agricultural Development states that the volume of washwater produced at the development per year will be 13.5m<sup>3</sup>.  
 The Applicant shall clarify the proposed volume of washwaters that will be generated on this development per wash and also the proposed total volume per year.

2. The Applicant shall submit a nutrient management assessment (including both Nitrogen and Phosphorus) to demonstrate how is it proposed to sustainably use **wash waters** arising from the proposed development. This assessment shall take account of the requirements of the European Union (Good Agricultural Protection for Protection of Waters) Regulations, 2017. This assessment shall be prepared by a qualified agricultural advisor/consultant.
3. The nutrient management assessment shall include stocking rate for 2018 with a detailed breakdown of all animals. This plan to accommodate the use of organic fertilizer from current bovine herd. Estimated projections to include Nitrogen and Phosphorus content from **wash waters** for landspreading.
4. The Applicant shall submit a map identifying the proposed lands for the spreading of washwaters.
5. The Applicant shall submit a site layout plan of minimum scale 1:500 detailing all proposed surface water drainage pipes (in blue), foul water drainage pipes (in red) and associated discharge points and outfalls. The site layout plan shall also clearly identify the proposed wash water tanks on site. The site layout plan shall include the locations of all proposed interceptors and silt traps.
6. The applicant shall submit details of poultry manure final outlet as per Section 22 and Section 23 of the Supplementary Planning Application Form for Agricultural Development.

The Environment Report dated 9-7-2018 states no objection to the Additional Information submitted. The Planning Authority is satisfied that the Applicant has adequately address the AI request, as per Points 1-6 above.

#### Development Contribution

A Community, Recreation and Amenity Facilities Development Contribution is chargeable and calculated as per the separately attached sheet.

1900sqm (poultry house), 194sqm (litter store), 14.1sqm (2no. bins)

#### Appropriate Assessment

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

The subject site is located within 15km of any Natura 2000 site; it is c1km from Slieve Beagh SPA and c10km from Kilroosky Lough Cluster SAC.

There are no significant watercourses located within close proximity to the site and no pathway connectors with the Natura 2000 network.

Having regard to cumulative effects of both the proposed development and any other plan or project, it is the opinion of the Planning Authority that the development is not of a nature or scale to have any significant effects on the integrity the above mentioned or any other Natura 2000 sites and therefore a Stage 2 Appropriate Assessment is not required in respect of this project.

#### Summary

The Planning Authority has thoroughly assessed the content of the submitted Plans, Cover Letters, Internal Reports and third party submissions. The Planning Authority is satisfied that there are no significant Environmental impacts as a result of this proposal. The Planning Authority is satisfied that significant

impacts on population and human health are not anticipated. The proposed development appears to be acceptable in principle.

### Conclusion

The proposed development accords with Section 15.12: Policies AFP1, AFP2, AFP3, AFP4 and AFP9 and Section 4.88: Policies APP1-AAP5 and Policy ADP1 of Monaghan County Development Plan 2013-2019 and the proper planning and sustainable development of the area.

A Grant of Permission, subject to Conditions, is recommended.

### **Recommendation**

#### Main Reasons and Considerations

Having regard to

- the nature and scale of the proposed development
- the established pattern of development in the area
- the provisions of the current Monaghan County Development Plan

it is considered that the proposed development,

- would not seriously injure the amenities of the area
- would not injure public safety by reason of traffic hazard
- would not injure the amenity of property in the vicinity
- would not endanger public health

and subject to compliance with the conditions set out below it is considered that the proposed development accords with both the Monaghan County Development Plan 2013-2019 and the proper planning and sustainable development of the area.

It is recommended that permission be **GRANTED** subject to the following conditions:

1. (a) The developer shall pay to Monaghan County Council a sum of **€4,146.00** 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. The following requirements shall be fully complied with:
  - (a) The new entrance shall form a bellmouth of 4.0 metres radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
  - (b) Sight distance of 50 metres in each direction shall be provided from a point in the entrance 3.0 metres from the road edge and 1.05 metres above ground level. Sight distances shall be measured to the nearside road edge in both directions. Where it is necessary to remove hedges in order to achieve this sight distance, the new boundary shall be located clear of sightlines.

- (c) Any pole or column materially affecting visibility shall also be removed. No work shall commence on site until the visibility splays have been provided. Any Eircom/public utility poles which may be exposed by the removal of the front boundary fence shall be re-sited in a position alongside the new front fence line concurrently with overall site development works.
- (d) 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.
- (e) 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.
- (f) Entrance/Access road shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres.
- (g) French drain consisting of a minimum 300mm diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain to discharge to the nearest watercourse. Suitable gullies shall be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application to be made to Monaghan County Council if this requires a road opening licence).
- (h) Applicant shall install Cattlegrid/ACO Drain/Gullies at proposed entrance constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly measures must be taken to prevent road surface water from flowing onto the entrance. The discharge from the above shall be piped to drainage pipeline.
- (i) The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded.
- (j) No development exempt or otherwise shall be erected over the public sewer, drain or watermain.
- (k) Before any work is commenced on this development a security, by way of a cash deposit, in the sum of **€2,250** to be paid to the Planning Authority by the developer. To ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactory.
- (l) All site works required in relation to sight distance and drainage works shall be carried out prior to the commencement of any building operations. Failure to do this will result in forfeiture of part or all of cash security.

**Reason: To ensure an adequate standard of development.**

3. The following requirements shall be fully complied with:

- (a) A silt trap and appropriately sized polishing filter shall be installed to treat the surface water arising on concrete areas at the proposed poultry house and proposed litter store. The silt trap shall be adequately maintained
- (b) An inspection manhole shall be installed prior to discharge to polishing filter
- (c) No diversion gully's shall be installed on any drainage lines at the proposed development
- (d) The applicant shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled



“Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites”. This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html>

- (e) All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system
- (f) 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 approval from the planning authority
- (g) There shall be no significant increase in livestock numbers as stated on the application form except in accordance with an approved Farm Waste and Nutrient Management Plan
- (h) The applicant shall ensure run-off from soiled yard areas shall be 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
- (i) All structures and buildings shall be designed and constructed to the relevant Department of Agriculture specifications and in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017
- (j) All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017
- (k) All manure/organic fertilizers arising from the development shall be collected in leak proof/suitably constructed tanks, and stored in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017
- (l) Manure shall be taken off site as per details submitted with the application by a contractor registered with the Department of Agriculture Food and Marine shall be utilized in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017
- (m) Receipts for manure collection and removal shall be submitted to the Environment Section by the 31st of December each year. Receipts to include tonnages and dates of movement
- (n) 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 from time to time by the Planning Authority
  - (vi) Any change to poultry manure haulier shall be prenotified for approval by the Environment Section
- (o) If at any time the Planning Authority is satisfied that this development is causing environmental pollution the operator shall submit a remediation action plan to address the identified issues within a specified timeframe.
- (p) Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.

**Reason: To ensure an adequate standard of development.**

1. Development shall not commence until a Landscape Scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season

**Reason: in the interests of amenity, ecology and sustainable development**

5. (a) Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances shall be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operation

(b) The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly

**Reason: In the interest of visual amenity.**

6. (a) Roofing material shall be dark green, dark grey, dark blue or black in colour

(b) No unpainted metal sheeting shall be used for roofing or on the external finish of the structure

**Reason: In the interest of visual amenity**

7. The development shall be carried out in accordance with plans and documentation submitted on 19-4-2018 and Additional Information submitted on 29-6-2018 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.**



**Aisling King Mc Kenna**  
**Assistant Planner**

**Date** 8/7/18

SCANNED

Monaghan County Council's Development Contributions Calculations

Ref No. 18/153

Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3 Provision of Community, Recreation, Amenity Infrastructure	(g) Provision of buildings or other structures for the purposes of agriculture	Up to 300 m <sup>2</sup> (3229 sq ft) Exempt	1900sqm (poultry house)	€530	€4,146.00
		Over 300 m <sup>2</sup> €530 plus €2 per m <sup>2</sup> over 300 m <sup>2</sup>  Extensions €2 per m <sup>2</sup>	+ 194sqm (litter store) + 14.1sqm (2no. bins) = 2108.1sqm	+  €3616.20 (1808.1sqm x €2)  = €4146.20	
<b>Contributions Due (€)</b>					<b>€4,146.00</b>
<b>Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)</b>					
Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)	
				N/A	
<b>Total Amount Due</b>					
Contributions Due – Discount					Total Due (€)
					<b>€4,146.00</b>
<b>Checked / Date</b>					
AP / EP	AO			SEP	
Almck 19/7/18					