

PLANNING APPLICATION CONTROL FORM

Application Reference No.: 21/361

Decision due by 11/08/2021

Previous Ref. Nos.: 18153

Date of Receipt of Application: 17/06/2021 19/8/2021

Applicant : Kevin Keenan

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

Location of Development: Lennaght Knockatallon Scotstown

Description : permission to construct 1 No. Poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) and site works 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) and Natura Impact Statement (N.I.S) will be submitted with this application.

VALIDATION

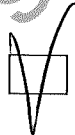
Validated by: _____

Date of Validation: _____

SITE NOTICE

Was Notice published on site

Yes



No



Inspected by: _____



Date of Inspection: 25/7

Refer file for reports to:

Municipal District

Heritage Officer

E.H.O.

S.E.E. Roads

S.E.E. Water Services

S.E.E. Environment

Irish Water

S.E. Planner

NRA/TII

Housing

DoECLG

Fire Officer

An Taisce

I.F.I.

Roisin Moore

Flooding Section

Build Heritage

OPW

AA required

MONAGHAN COUNTY COUNCIL

PLANNING AND DEVELOPMENT

File Ref: 21/361

Applicant: Kevin Keenan

Advertised Development Description: Permission to construct 1 No. Poultry house together with all ancillary structures (to include meal storage bin(s) and soiled water tank(s) and site works 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) and Natura Impact Statement (N.I.S) will be submitted with this application.

Location: Lennaght, Knockatallon.

Site Details

Existing roadside poultry farm (one house).



Roadside view-in of the site/existing poultry house

Relevant Planning History

Permission for the existing poultry house is covered by planning file number 18/26.

Consultation

Environment Section: Further Information (FI) needed.

Building Control/Fire Officer: Comments received and noted.

Objections/Submissions/Observations

Submission received from An Taisce concerning emissions and the proximate SPA.

Appropriate Assessment

Section 15.30 and Policy AAP 1 of the County Development Plan 2019-2025 apply.

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

Policy AAP 1 states that all projects and plans will be screened for the need to undertake AA under Article 6 of the Habitats Directive.

The site is approximately 1.5km from the Slieve Beagh SPA and the following AA screening issues pertain:

- Distance from any Natura 2000 site.
- Scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA.
- Development Plan policies in respect of the protection of Natura 2000 sites.
- In-combination effects of the proposed development and plans or projects.

An AA Screening Report, prepared by an environmental consultant, has been submitted as part of the Environmental Impact Assessment Report (EIAR). The impact of emissions has been considered along with the in-combination/cumulative effects of the proposed development with other plans or projects. Low emission housing techniques/principles in both the existing and proposed houses will be implemented to ensure that there is no net increase from the existing levels.

The report concludes that the development as proposed will not lead to any significant impacts upon the Slieve Beagh SPA.

Planning Assessment

The following sections, objectives, policies, etc, contained in the County Development Plan 2019-2025 pertain:

- Unit is typically designed and can be accommodated spatially (Policy AGP 1a, 1b, 1i-1l and Policy AGP 2h-i).
- No built heritage impact (Policy AGP 1c).
- No <100m third-party houses (Policies AGP 1d and AGP 2f).
- Concerning the water environment and environmental protection generally (Policy AGP 1e-f and Policy AGP 2c-e, 2g), Environment Section need FI re site drainage.
- The existing/previously approved access is being utilised (Policy AGP 1g and Section 15.27).
- There are no existing building(s) on-site that can be used (Policy AGP 1h).
- An Environmental Impact Assessment Report (EIAR) has been submitted in support (Policy AGP 2a; see **Environmental Impact Assessment**).
- An AA Screening Report has been submitted (Policies AAP1 and AGP 2a; see **Appropriate Assessment**).
- Details of existing operations in the vicinity/locale have been described as per Policy AGP 2b. The assigned agent has contended the development will not have a significant cumulative adverse impact on the local environment. The proposed development is to be constructed in line with low emission housing techniques/principles.

Environmental Impact Assessment

- The development would bring bird numbers on the farm to 85000.
- Application received after the 15/05/17; assessed in accordance with Directive 2014/52/EU. Directive 2014/52/EU requires the submission of an EIAR which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended).
- Directive 2014/52/EU requires that the Environmental Impact Assessment Report (EIAR) shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:
 - Population and human health.
 - Biodiversity, particularly re species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC.
 - Land, soil, water and climate.
 - Material assets, cultural heritage and the landscape.
 - Interaction between the mentioned factors.
- The Planning Authority has assessed and summarised the content of the submitted EIAR as prepared by the assigned agent, Paraic Fay of CLW Environmental Planners.

Effects on population and human health

- Development is of average/typical scale by current industry standards.
- Development will create increased economic activity both for the developer and the surrounding community (re construction and maintenance).
- Unlikely to generate/release sounds/odours that will significantly impair amenity beyond the site boundary.
- If nuisance effects occur, public can object/complain under statutory facilities; will have to be investigated and corrected if found to be real and justified.

Effects on biodiversity

- Flora and fauna in and around the site are settled in the context of existing farming activities (grassland management and cattle).
- The assigned agent contends that the proposal is not near to or likely to adversely impact on any amenity areas; Slieve Beagh, which is designated by the County Development Plan 2019-2025 as an Area of Primary Amenity, is, again, approximately 1.5km away.
- As per the incorporated AA Screening Report, it is asserted that a Stage 2 AA is not required (see **Appropriate Assessment**).
- A rodent control program will cover the overall site.
- Weed control will be carried out around the site as required.
- Retaining as much as possible of the existing landscaping/hedgerow around the site boundary, together with any proposed landscaping, should maintain biological diversity on-site.

Effects on land and soil

- Development will be constructed on a greenfield; there will be some land/soil disturbance within the site boundary.
- No significant potential for any effect on soil outside of the development area, and any land take required to facilitate the proposed development will be minor in terms of the wider agricultural area.
- Potential for some positive benefits on soil on potential customer farmer lands as a result of the production of organic fertiliser by the proposed development.

Effects on water

- Effects on groundwater from the proposed development should be nil as there will be no process discharge to ground and there is minimal risk of accidental leakage or spillage of polluting liquid on the site.
- The only discharge from the site for surface waters will be the discharge of rainwater from the roofs and clean yards to field drainage.

Effects on air

- Potential effects on air relate to the odour and gaseous emissions that may be associated with the birds and bird manure on-site.
- Appropriate management practices will be implanted on-site to minimise potential odour emissions. Odours are not likely to cause nuisance or impair amenity beyond the site boundary, bar possibly when birds and/or manure are being removed from the site at the end of each batch.
- Gaseous emissions are to be addressed by the implementation of low emission housing techniques/principles in both the existing and proposed houses, to ensure that there is no net increase from the existing levels.

Effects on climate/climate change

- Appropriate construction and maintenance should mean that the development will have little effect on climate/climate change (relatively small footprint).

Effects on landscape

- The development is an addition to an existing poultry farm that is already established in the (local) landscape.

Effects on archaeological and cultural heritage

- No evidence of any archaeological features, structures of built heritage significance or sites of cultural interest on or adjacent to the site.

Effects on material assets

- Valued resources that are intrinsic to specific places are called material assets. They may be of either human or natural origin and the value may arise for either economic or cultural reasons.
- As per the information submitted, the development will not detrimentally affect any surrounding agricultural properties/businesses, any non-agricultural properties or any natural or other resources.

Description of likely significant effects of the proposed development

- Again, by being appropriately constructed and maintained, the development, will not unduly affect the setting/surroundings vis-a-vis landscape, traffic, natural resources, emissions, nuisance, waste production, climate (change), public health, etc.
- No negative impacts have been identified regarding the interaction between population and human health, biodiversity, land, soil, water, climate, material assets, cultural heritage and the landscape.
- It is anticipated that the proposed development will not lead to a 'transboundary' effect due to the distance of the proposed development from any international boundary (site is approximately 0.5km from the Northern Ireland border) and any by-products will be utilised/disposed of/recovered within the country.

Alternative Site

- This site was logically chosen over any possible alternative because:
 - Addition to an already established poultry farm.
 - Site lends itself to the development re contours/ground levels.
 - Views-in are restricted.
 - Development can be integrated into the existing site management protocols vis-à-vis biosecurity.
 - No <100m third-party houses.
 - The proximity to the Slieve Beagh SPA; in retrofitting the existing house, the low emission techniques/principles will result in an overall reduction in emissions from the farm.

Other Matters

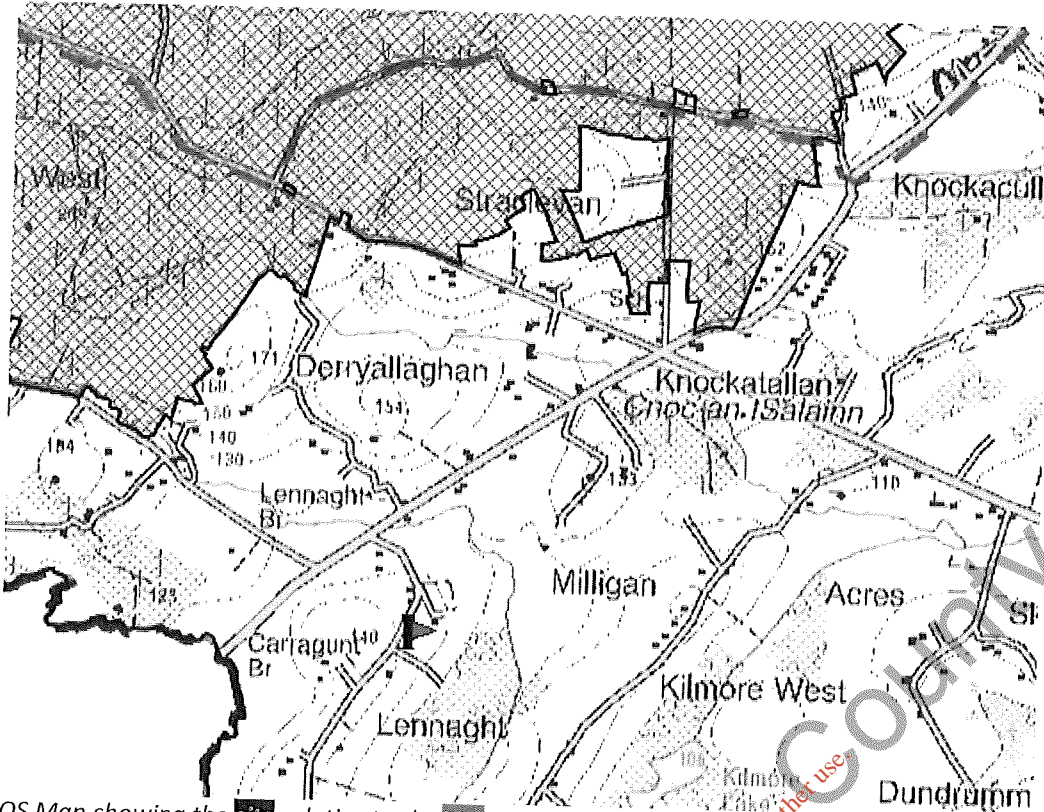
The Environmental Protection Agency (EPA) have formally advised the Planning Authority in writing (22/07/2021) that the Slieve Beagh SPA is experiencing an exceedance of its critical level for ammonia and critical load for nutrient nitrogen as a result of the cumulative impact of ammonia emissions.

Accordingly, the implications for development sites within 10km of the Slieve Beagh SPA are:

- For new installations, no new licenses would fulfil the criteria to allow them to be licensed, i.e. not contribute to an already high ammonia load.
- For existing installations, investment in new technologies and abatement would be required in order to license an expansion so that the expansion does not increase the emissions.

Conclusions

- Further Information (FI) is needed:
 - The information submitted, or lack thereof, does not explicitly confirm that/how the proposed development will result in a zero increase in farm/site emissions.
 - Environment Section need FI re site drainage.
- Applicant shall also be requested to comment on/respond to the received submission.
- A pre-application consultation did not take place.



OS Map showing the **site** relative to the **SPA**

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Recommendation

To request **FURTHER INFORMATION:**

Note: You and/or your assigned agent may wish to liaise with Planning Section prior to the preparation and submission of this Further Information.

Should the Further Information materially/significantly alter the proposed development, you are obliged to re-advertise same in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).

1. As per Policy AAP 1 of the Monaghan County Development Plan 2019-2025, a development will only be authorised if the proposed plan/project will not give rise to adverse effects on the integrity of any European site (either individually or in combination with other plans or projects).

Your site is approximately 1.5km from the Slieve Beagh Special Protection Area (SPA), a designated European/Natura 2000 site, which is currently experiencing an exceedance of its critical level for ammonia and critical load for nutrient nitrogen.

It is the opinion of the Planning Authority that the submitted information does not explicitly confirm that the proposed development would not adversely affect the integrity of the European/Natura 2000 site.

Accordingly, to comply with Policy AAP 1, please submit suitably descriptive details that explicitly outline how the proposed (re)development will result in a zero increase in net emissions on-site, i.e. explicitly confirm the full extent of your proposed investment in new low emission techniques/principles.

2. The information submitted is insufficient with regards the water environment and environmental protection generally. Accordingly, please submit a revised site layout plan demonstrating foul drainage (in red), storm drainage (in blue) and location of all associated outfall points. You shall demonstrate that both soiled waters and contaminated surface waters accumulated from the existing and proposed developments are adequately controlled (reference should be made to SUDS facilities, if applicable).

3. A submission from An Taisce regarding your application has been received. Please review the planning file and respond to each issue raised.



Ben Clerkin
Planner
10/08/2021

Further Information (FI)

A formal response was received on the 19/08/2021.

Planning Assessment

Re the three FI request points:

1. The assigned agent has outlined how the proposed (re)development will result in a zero increase in net emissions on-site. The existing house will be retrofitted with low emission design specifications and same will also be applied to the new house. The proposed housing specifications will be included in any licensing application submitted to the EPA, should a grant of permission be forthcoming.
2. Environment Section are conditionally satisfied.
3. Applicant has responded to the received objection, as requested:
 - No additional ammonia will result from the (re)development.
 - Applicant has complied with all his requirements in preparing and submitting the application and, to the best of his knowledge, the Council have notified all relevant bodies.
 - No organic manure shall be disposed of from this farm; same will be used as an organic fertilizer and/or in mushroom compost production. The applicant has an existing system in place, which uses a registered contractor.

Conclusions

- A grant of permission is recommended; it is considered that the development, if constructed and maintained as proposed, will not adversely impact the environment.
- A community, recreation and amenity development contribution is due as per the separately attached calculation sheet.

Recommendation

That Permission is GRANTED subject to the following conditions:

- 2021-2026
1. (a) The developer shall pay to Monaghan County Council a sum of €4108 in accordance with the General Development Contribution Scheme ~~2013-2019 (as revised)~~ made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.
 - (b) The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).
 - (c) No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

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

2. (a) The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- (b) Any contaminated surface water runoff shall be disposed of directly in a sealed system.
- (c) All soiled waters shall be directed to a storage tank.
- (d) No effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.
- (e) All surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately sized sub soil polishing filter; the silt trap shall be inspected regularly and adequately maintained.
- (f) An inspection manhole shall be installed for sampling and inspection purposes and shall be located on the surface/storm water line after the silt trap and prior to the sub soil polishing filter.
- (g) All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to an adequate soakpit and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.
- (h) All organic fertiliser generated by the development hereby approved (and existing development within the farmyard) shall be conveyed through properly constructed channels to the proposed (and existing) storage facilities and shall not discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or public road.
- (i) All organic fertiliser generated by the proposed development shall be disposed of in accordance with the details submitted to the Planning Authority and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- (j) There shall be no change in poultry type or increase in the numbers of poultry being accommodated at this site unless otherwise agreed in writing with the Planning Authority.
- (k) Any construction and demolition waste or excess soil generated during the construction phase, which cannot be reused on-site, shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 (as amended).
- (l) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 (as amended); records of such shall be kept on-site.

- (m) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be banded.
- (n) All bunds shall be designed to contain 110% of the capacity of the largest storage container located within the bund.
- (o) There shall be no overflow drain facility from any bunds on-site and all filling and off-take points shall be located within a bund.
- (p) Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended).
- (q) Developer shall immediately inform the Planning Authority and Inland Fisheries Board of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body.
- (r) During the construction phase of development, the applicant shall immediately inform the Planning Authority and Inland Fisheries Board of an accidental spillage of polluting matter or any other substance which may threaten the quality of any watercourse or groundwater body.
- (s) Prior to the commencement of development the developer shall obtain an Industrial Emissions (IE) License from the EPA as the proposed development comprises or is for the purpose of an activity for which an Industrial Emissions (IE) License is required.
- (t) Organic fertiliser shall be taken offsite by the contractor/hauler as stated in the planning application. This contractor must be registered with the Department of Agriculture Food and Marine and the organic fertiliser shall be utilized in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2018. Any changes in contractor shall be agreed in writing with the Planning Authority.
- (u) Developer shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the relative guidance produced by Inland Fisheries Ireland (IFI).

Reason: In the interest of environmental protection.

3. (a) Roofing material shall be dark green, dark grey, dark blue or black in colour.
- (b) No unpainted metal sheeting shall be used for roofing or on the external wall finishes.
- Reason: In the interest of visual amenity.

4. Ground and floor levels shall be as per the plans submitted. Any facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area.

Reason: In the interests of visual amenity and securing a satisfactory standard of development.

5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 17/06/2021 as amended on the 19/08/2021 (including the Stage 2 Natura Impact Statement and the Environmental Impact Assessment Report), except as may otherwise be required in order to comply with the above conditions.

Reason: In the interest of proper planning and sustainable development.



Ben Clerkin
Planner
08/10/2021


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

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

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




Adrian Hughes
Senior Planner

12. 10. 2021

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As per General Development Contributions Scheme 2021-2026					
Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3.(g) Comm, Rec, Amenity...	Agricultural buildings and structures...	Up to 300sqm Exempt		2054sqm	
		Over 300sqm €530 plus €2 per sqm over 300sqm		€2 x 2054 = €4108	
		Extensions €2 per sqm			
Contributions Due (€)					€4108
Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)					
Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)	
Total Amount Due					
Contributions Due – Discount					Total Due (€)
					€4108
Checked / Date					
AP / EP		AO		SEP	
 08/10/2021		 11/10/21			

PLANNING APPLICATION DECISION FORM

Planning Application
Reference No. 21361

Decision due by: _____

Reports received from:

Municipal District _____

S.E.E. Roads _____

E.H.O. _____

S.E.E. Environment _____

S.E.E. Water Services _____

Planning Officer _____

I recommend that planning permission be:

Granted, subject to the conditions
outlined in the enclosed

Refused, for the reasons
outlined in the enclosed

Planning Officer's Report

Planning Officer's Report

Recommended by
Executive Planner: _____

Date: _____

Recommended by:

WJ Mills
Senior Planner

Date: 2.10.2021

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions
recommended in

Refused

Planning Officer's Report

Other

WJ Mills
Senior Planner

12.10.2021
Date