

PLANNING APPLICATION CONTROL FORM

Application Reference No.: 20/260

Decision due by (30/08/2020)

29/10/2020
P757/2020
P997/20

Previous Ref. Nos.: 17552

Date of Receipt of Application: (06/07/2020) 04/09/2020

Applicant : Vincent Quinn

Address: C.L.W Environment Planners Ltd The Mews 23 Farnham St Cavan

Location of

Development: Cornanagh Ballybay Co. Monaghan

Description : permission to construct 1 no. poultry house together with all ancillary structures (to include meal bin(s) and soiled water tank(s)) and ancillary site works (to include new/upgraded site entrance on, and or, adjacent to an existing poultry farm. 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 planning application

VALIDATION

Validated by: _____

Date of Validation: _____

SITE NOTICE

Was Notice published on site

Yes

No

Inspected by: [Signature]

Date of Inspection: 10/8

Refer file for reports to:

Municipal District

Heritage Officer

E.H.O.

S.E.E. Roads

S.E.E. Water Services

S.E.E. Environment

Irish Water

S.E. Planner

NRA/TII

Housing

DoECLG

Fire Officer

An Taisce

I.F.I.

Roisin Moore

Flooding Section

Build Heritage

OPW

MONAGHAN COUNTY COUNCIL

PLANNING AND DEVELOPMENT

File Ref: 20/260

Applicant: V Quinn

Advertised Development Description: Permission to construct 1 no. poultry house together with all ancillary structures (to include meal bin(s) and soiled water tank(s)) and ancillary site works (to include new/upgraded site entrance on, and or, adjacent to an existing poultry farm. 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 planning application.

Location: Cornanagh, Ballybay.

Site Details

- Field adjoining an established poultry farm.
- Access is proposed via a new lane through the host field.
- Any views-in are established.
- No third-party <100m houses.



Aerial photo of the site

Relevant Planning History

The existing farm setup is covered by several previous permissions, the most recent of which was granted under planning file number 17/552.

Consultation

Environment Section: Conditionally satisfied.

Objections/Submissions/Observations

None.

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. an 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).

Whilst the site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity an AA Screening Report, prepared by an environmental consultant, has been submitted as part of the Environmental Impact Assessment Report (EIAR). The impact of ammonia emissions has been considered along with the in-combination/cumulative effects of the proposed development with other plans or projects.

It is considered that by virtue of the nature of the proposed development and the distance of the site from the Natura 2000 site, there will be no significant effects on the integrity of the Slieve Beagh SPA. In addition, there are no significant pathway connectors in the vicinity.

Planning Assessment

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

- Unit is typically designed and clusters with the established site (Policies AGP 1a, 1b, 1i-1l and AGP 2h). However, re visual impact, the proposed access lane sweeps directly through the host field rather than running alongside and existing hedgerow/boundary.
- No heritage impact (Policy AGP 1c).
- No third-party <100m houses (Policies AGP 1d and AGP 2f).
- Re water/environmental protection (Policy AGP 1e and 1f), Environment Section are conditionally satisfied.
- The proposal will not result in a traffic hazard; the required 50m site distances can be achieved (Policy AGP 1g and Section 15.27).
- Proposal ties-in with the existing farm and there is no suitable existing building(s) on-site that can be used (Policy AGP 1h and AGP 2i).
- A Stage 2 AA is not required (Policies AAP1 and AGP 2; see **Appropriate Assessment**).
- An Environmental Impact Assessment Report (EIAR) has been submitted in support (Policy AGP 2; see **EIAR Assessment**).
- Details of existing operations in the vicinity are outlined in the EIAR (Policy AGP 2b).
- A traffic management plan(s) and/or a traffic assessment is not required (Policy AGP 2j).

EIAR Assessment

- Development proposes >40000/150000 total bird numbers on-site.
- 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 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, with particular attention to protected species and habitats.
 - Land, soil, water and climate.
 - Material assets, cultural heritage and the landscape.
 - Interaction between the mentioned factors.
- The Planning Authority has thoroughly 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

- Whilst relatively sizable, the development is of average/typical scale by current industry standards.
- Development will add to the economic activity on the farm and the surrounding community (re its construction, maintenance, etc).
- No third-party houses within 100m.
- Unlikely to generate/release sounds/odours that will significantly impair amenity beyond the site boundary.
- Not located close to any areas of Primary or Secondary Value and, as such, not likely to adversely impact same.
- 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

- Land adjacent to an established poultry farm; development represents a sustainable addition to/continuation of the applicant's existing farming activities.
- Flora and fauna around the site have settled in the context of the established farm.
- Site is detached from any amenity areas.
- A Stage 2 AA is not required (see **Appropriate Assessment**).
- A rodent control program will be developed to cover the proposed development. Pest control generally can be managed by proper storage and disposal of waste, by proper storage of all feed stuffs and by maintaining clean and tidy houses and external areas.
- 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 tie-in with the existing farm; the required land take will be minor vis-à-vis the holding and the wider agricultural context.
- No significant potential for any effect on soil outside of the development 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.

Conclusions

- As per the submitted EIAR, it is taken that the development, if constructed and maintained as proposed, will not adversely impact the environment.
- However, Further Information (FI) is needed vis-a-vis the route of the proposed access lane, which sweeps directly through the host field.



Roadside view-in and an indication of the proposed access lane

Recommendation

To request **FURTHER INFORMATION:**

Note: It is recommended that you and/or your assigned agent liaise with Planning Section prior to the preparation and submission of this Further Information.

1. Policy AGP 1 of the County Development Plan 2019-2025 states that new agricultural development must visually integrate into the local landscape. Section 15.16.1 (Rural Accesses) and Policy RCP 3 of the County Development Plan 2019-2025 state that the location and design of a rural access can have a significant visual impact on the countryside; access lanes should where possible follow alongside existing boundaries/hedgerows, follow the natural contours of the site and use existing lanes where practical.

Unacceptably, your proposed/new access lane sweeps directly through the host field. Accordingly, please submit revised designs indicating an access solution that acceptably complies with Policies AGP 1 and RCP 3 of the County Development Plan 2019-2025.



Ben Clerkin
Planner
27/08/2020

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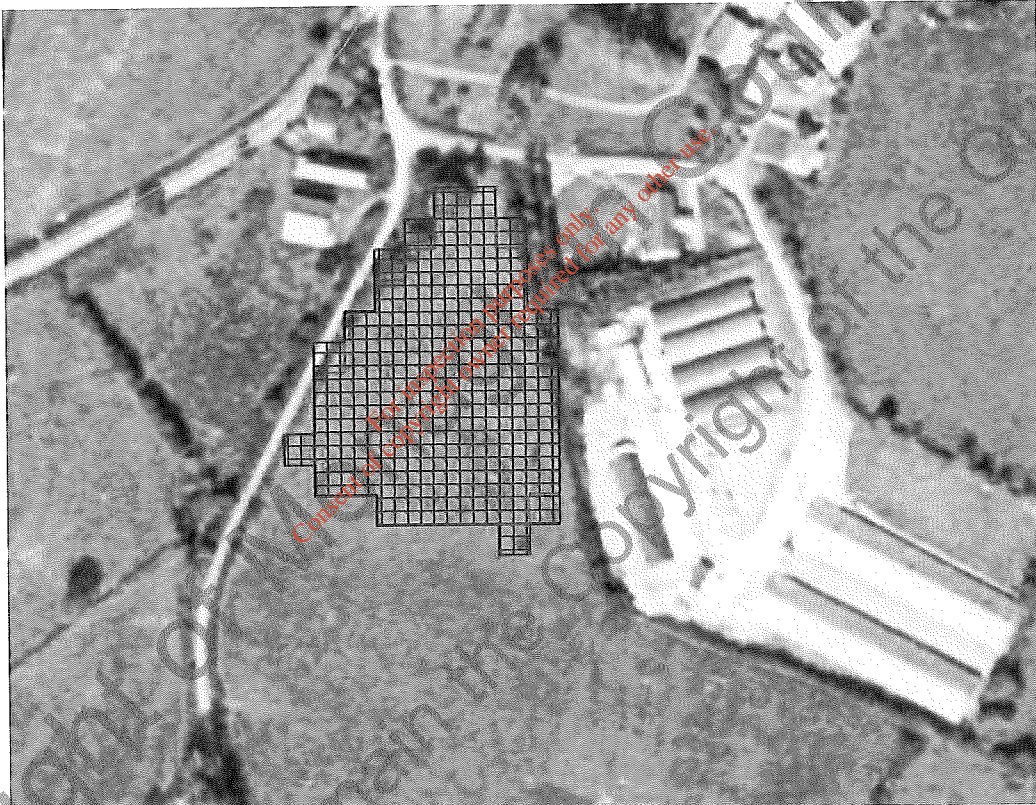
Further Information (FI)

- A formal response was received on the 04/09/2020.
- A pre-submission consultation took place.

Planning Assessment

Re the FI request point:

1. Applicant has reasonably outlined how it is (i) not possible follow alongside existing boundaries/hedgerows and (ii) not practical to use the existing farm access:
 - Routing the access lane to the north alongside existing boundaries/hedgerows is not possible/practical due to the unsuitable ground conditions (see pic below).
 - The existing farm access lane is already heavily used and also serves 2 dwelling houses.
 - The line of the new access lane follows the line of a previously removed field boundary/hedgerow; a new/replacement hedgerow is to be established.
 - The new access lane follows the natural contours of the site/field; minimal variation in levels.



Aerial photo of the site and the adjacent flood risk area

Conclusions

- A grant of permission is recommended.
- As per the submitted EIAR, it is taken 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:

1. (a) The developer shall pay to Monaghan County Council a sum of €3286 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) Prior to the commencement of development, drainage arrangements for the site, including the disposal of surface water, shall be submitted to and agreed in writing with the Planning Authority. All drainage works shall be carried out in accordance with these to-be-agreed details. In this regard:

(i) All soiled waters shall be directed to a storage tank.

(ii) No effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.

(iii) All surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately sized sub soil polishing filter.

(iv) The silt trap shall be inspected regularly and adequately maintained.

(v) 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.

(vi) All uncontaminated yard water from all concrete yard areas shall discharge to an appropriately sized silt trap followed by soil polishing filter.

(vii) All uncontaminated roof water shall discharge to a soakpit.

(c) All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to a existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 as amended, and records of such shall be kept on site.

(i) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be banded.

(j) All bunds will be designed to contain 110 % of the capacity of the largest storage container located within the bund.

(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) During the construction phase of development, the applicant shall immediately inform the Planning Authority and Inland Fisheries Board of an accidental spillage of polluting mater or any other substance which may threaten the quality of any watercourse or groundwater body.

(p) In landbanks with extreme groundwater vulnerability, prior to land spreading of organic fertilizer, the developer shall ensure a consistent minimum thickness of 1m soil and subsoil.

(q) Organic fertiliser shall be taken offsite by the contractor/haulier 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.

(r) Within six months from date of the final grant of planning permission, an ammonia management program outlining ammonia reduction measures, including timeframes for implementation, appropriate for the site, shall be submitted to the Planning Authority. The ammonia management program shall be reviewed annually, and a copy of the reviewed ammonia management program shall be submitted annually to Monaghan County Council by December 31st. The reduction in ammonia emissions from the site using Best Available Techniques (BAT) shall be detailed in the annual ammonia management program.

Reason: In the interest of environmental protection.

3. (a) Prior to any other works commencing, visibility splays of 50m, measured to the roadside road edge in each direction, shall be provided from a point in the centre of the proposed/new access lane entrance 2.4m from the road edge at a height of between 1.05m and 2m above ground level to an object height of between 0.25m and 2m above ground level in both directions. The visibility splays shall be retained and kept clear from obstructions thereafter.

(b) Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.

(c) Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the Planning Authority.

(d) The proposed/new access lane entrance shall form a bellmouth of 4m radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. If applicable, entrance gates shall open inwards only.

(e) Proposed/new access lane entrance shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5m and the surface shall be graded back so that its level at 3m from the edge of the carriageway is a minimum of 100mm below road level. Gradient of new access road shall be not greater than 1:20 (5%) for the first 5m from boundary and 1:10 (10%) thereafter.

(f) Surface water drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end and intersection of other drains and at not greater than 40m intervals. Separate application shall be made to Monaghan County Council if this requires a road opening licence.

(g) Cattlegrid/ACO Drain/gullies shall be installed at proposed/new access lane entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.

(h) Provision shall be made for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road through road surface drainage and road subsoil drainage shall remain unimpeded.

(i) No development exempt or otherwise shall be erected over the public sewer, drain or water-main, unless otherwise agreed in writing with the Planning Authority.

(j) Before any work is commenced on this development a security, by way of a cash deposit, in the sum of €2250, shall be paid to the Planning Authority by the developer to ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactorily. Failure to carry out all entrance works to a standard to the satisfaction of the Planning Authority will result in forfeiture of part or all of the cash security.

Reason: In the interest of road/traffic safety.

4. (a) Only that applicable portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances, shall be removed.
(b) Remaining mature trees and hedgerow defining the site boundary shall be permanently retained in this development. They shall also be reinforced with additional planting and protected from damage at all times, particularly during building operations.
(c) Further to the submitted landscaping details, the new hedgerows along the proposed/new access lane, the roadside and the site boundaries shall be planted with native species so as to ultimately form naturalised hedgerows similar to existing hedgerows in the vicinity. Predominant species shall be whitethorn, with blackthorn, hazel and holly also included. Planting shall be in a double staggered row with 8 (eight) 2-3 year old plants per metre; 250mm apart, with 300mm between rows.
(d) Hedgerow planting, as required, shall be supplemented with native tree species at irregular intervals. Species shall include ash, oak, sycamore and beech.
(e) Planting as required shall be carried out in the first planting season following commencement of building operations and shall be permanently retained thereafter. Any plant which fails in the first planting season shall be replaced. Trees shall be allowed to mature and shall not be topped when trimming hedgerows.
(f) Any boundary fencing shall be of stained wood.
Reason: In the interest of visual amenity.

5. (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.

6. Ground and finished floor levels shall be as per the plans submitted. 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.




7. The development shall be carried out strictly in accordance with the plans and documents submitted on the 06/07/2020 as amended on the 04/09/2020, 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
21/10/2020



T. Bourley
29.10.2020

Development Contributions Calculations - Agri Development 2020					
Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3.(g) Comm, Rec, Amenity...	Agricultural buildings and structures...	Up to 300sqm Exempt		1673sqm =	
		Over 300sqm €540 plus €2 per sqm over 300sqm		€540 + (€2 x 1373) €2746 =	
		Extensions €2 per sqm		€3286	
Contributions Due (€)					€3286
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 (€)
					€3286
Checked / Date					
AP / EP		AO		SEP	
 21/10/2020		 22/10/2020		 29-10-2020	

PLANNING AND DEVELOPMENT

File Ref: 20/260

RE: Assessment of the submitted Environmental Impact Assessment Report (EIAR).

Having reviewed the details as contained within the submitted application and the related Environmental Impact Assessment Report (EIAR), and the assessment of same as carried out by the assigned Planner, 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.

T. Gourley
Toirleach Gourley
Senior Executive Planner

Date: 29-10-2020

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PLANNING APPLICATION DECISION FORM

Planning Application
Reference No. 20260

Decision due by: _____

Reports received from:

Municipal District _____

S.E.E. Roads _____

E.H.O. _____

S.E.E. Environment _____

S.E.E. Water Services _____

Planning Officer _____

I recommend that planning permission be:

Granted, subject to the conditions outlined in the enclosed

Refused, for the reasons outlined in the enclosed

Planning Officer's Report

Planning Officer's Report

Recommended by
Executive Planner: _____

Date: _____

Recommended by:

T. Cowley
Senior Planner

Date: 29-10-2020

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions recommended in

Refused

Planning Officer's Report

Other

T. Cowley
Senior Planner

29-10-2020
Date