

Memorandum

From	Bronagh Treanor Assistant Planner	To	Nicholas O'Kane Senior Planner
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Date 24th June 2021

Planning Reg. No: 21/146
Applicant: Killian Smith
Type of Application: 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)) and all associated site works arising from the above proposed 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 planning application at Clonloaghan, Kilcogy, Co. Cavan.
Municipal District: Ballyjamesduff

Site location

The subject site is located within the townland of Clonloaghan, approximately 2.3km north east of the village of Kilcogy. Access to the site is via a private laneway taken off the local road, L6610. A site notice was erected on the date of the site inspection and was clearly visible and legible from the public road.

Development Plan Policy

Agriculture Policies and Objectives, Cavan County Development Plan 2014-2020

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

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

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

Objective 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.

Objective 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 and 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.

Objective 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.

Planning History

19/103: permission granted to Killian Smith to construct 1 no. poultry house together with all ancillary structures and all associated site works arising from the above proposed development

Pre-Planning

None

Submissions

None.

Representations

Environmental Protection Agency: no report.

Reports

Environment Section: report dated 14th April 2021 states:

According to the GSI ground water maps for Co. Cavan, the proposed development is located within an area classified as a Poor Aquifer - Bedrock which is generally unproductive except for local zones with extreme vulnerability.

The proposed development is located near the Erne_040, which is currently classed as *Poor Ecological Status* and is recommend as an *Area for Action* under the River Basin Management Plans Cycle 2. In accordance with the requirements of the Water Framework Directive this waterbody should be improved to *Good Ecological Status*.

The information submitted within the application form indicates that water will be supplied to the proposed development by a new connection to a private well. The well is located in the farmyard and this is demonstrated on the site layout plan. As per Department of Agriculture Specification S123 (Bovine Livestock Units and Reinforced Tanks) recommends that: *"a storage facility for silage effluent/slurry/soiled water should be located not less than 50m from any waterbody in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility"*.

The surface water disposal according to the application form will discharge to a watercourse. The point of discharge to the watercourse have been noted on the site layout plan.

In the Environment Impact Assessment Report (E.I.A.R.) submitted with this application, it is estimated that there will be approximately 225m³ of soiled water generated per annum. It is proposed that this soiled water will be collected and stored in a dedicated soiled water tank located at the end of the proposed development, the proposed tank is an underground tank 100 m3 approx. Soiled water collection tanks with a combined

115.9m³ will be located on site. It is proposed that the soiled water will be spread onto the applicant's family farm surrounding the proposed development which will increase the applicants Nitrogen loading from the existing 51 Kg/N/Ha to c. 67 Kg/N/Ha which is within the statutory 170Kg/N/Ha.

However, having reviewed the information submitted in support of this application in Application Form Part B it appears that given the animal numbers proposed, the Bovine enterprise will produce 2470kg of organic nitrogen; with proposed spreadlands of approx. 14 hectares this gives rise to a loading of 176.43 kg of N / Ha. therefore, in breach of the statutory 170kg N/Ha limit in accordance with the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017 and amended Regulations 2018 (Nitrates Regulations). Furthermore, this is without adding the organic nitrogen loading from the soiled water from the proposed developments. Clarification is needed on the proposed Bovine Livestock numbers on the surrounding family farm.

Department of Agriculture spreadland maps for soiled water have been submitted but these maps refer to the years 2016. All land parcels in Cavan in 2020 were digitised by the Department of Agriculture, Food & the Marine under the roll-out of the Land Parcel Identification System (LPIS)- the new mapping system used to determine Basic Payment Scheme (BPS) payments in Ireland. It is therefore recommended that the applicant be requested to submit additional information in relation to the land details and the spreadlands to account for the completion of the calculation of the total loading of Organic Nitrogen on the farm.

An Environmental Impact Assessment Report has been submitted with this application. This farm currently operates without an EPA Licence as 39,000 broilers is below the threshold for an EPA IED Licence. However, it is proposed to increase the stock numbers to 130,000 Broilers. Therefore, an EPA licence is needed.

In relation to the poultry litter generated as a result of the proposed developments, it is proposed to export this manure to spreadlands offsite by CLR Co-op Ltd for delivery to Cadbury Compost in Co. Kildare, Custom Compost in Co. Wexford and Newry Organic Fertilisers in Co. Down.

A letter has been submitted from College proteins, indicating that they have the capacity to accept poultry casualties and carcasses from Mr Smith's poultry farm. The letter further highlights that if college proteins were engaged that they would provide a sealed, leak proof container for all animal casualties and carcasses to be placed in, prior to collection and treatment at their plant in Nobber, Co. Meath.

No letter was submitted from a poultry veterinarian in terms of disease control for the proposed development. However, a letter was previously submitted from a poultry veterinarian (*Poultry Veterinary Services*) in relation to application reference number 19/103. This application was for the poultry house that has already received planning permission at the farm site.

The nearest third-party dwelling to site is located 170m approx. south of the existing poultry house and 200m approx. from the proposed developments. There is a total of 4 poultry units with a 2km radius. Three of these poultry houses are located between 500m – 950m south west of the development site and operated by 1 farmer. The fourth poultry house is located further north east.

A Natura Impact Statement (N.I.S.) for the Proposed Developments at Clonloaghan, Kilcogy, Co.Cavan by Noreen McLoughlin Consultant Ecologist in January 2021 was submitted in the documents supplied for Planning Application for the above Agricultural Developments. The report identifies 7 Natura 2000 sites within 15km of the proposed development site with the Lough Sheelin SPA 004065 being the closest approx. 3.7km away. The report concludes that *"the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Natura 2000 sites"*.

In light of the above, I recommend that the following **further information** is submitted to address our concerns:

1. Evidence of a reduced Bovine stocking rate or evidence of additional lands available for spreading of livestock manures, either by way of ownership, lease or export, to ensure the correct disposal of the excess organic nitrogen generated on the premises.

2. Submit a full copy of the land details as per 2020 Basic Payment Scheme (BPS) Application from the Department of Agriculture, Food & the Marine.
3. Submit a full copy of the Department of Agriculture spreadland maps for 2020 or 2021, which highlights the land parcels in red and clearly indicates the farmer's name, herd number, townland, and total area, of each land parcel that is eligible for landspreading.
4. Submit a letter from a poultry veterinarian in terms of disease control for the proposed developments.

Planning Assessment

The proposed development is for 2 no. poultry houses adjacent to an existing poultry farm in the townland of Clonloaghan. Together, the proposed structures will measure 4,026sqm and will accommodate no more than c.130,000 birds. The structures will have a ridge height of 6metres and measure approximately 98 metres in length and 20 metres in width. The site boundary and wider site is relatively flat. The FFL of the proposed structures will be 92.80 metres in line with the existing poultry house on site. The structures have been sited to the north of the existing poultry house, along the existing mature hedgerow/line of trees. The site is also substantially set back from the public road via a private laneway. Having regard to this and to the topography of the site, the structure will be well screened.

Clean storm water will be discharged to the local watercourse via the discharge points. Access to the site will be via the existing service road serving the existing family dwelling and poultry house.

The planning application is accompanied by a report by CLW Environmental Planners Ltd. which gives a noise and odour assessment of the proposed development, including the location of sensitive receptors within a 400m radius of the site. The report sets out measures and good management practices across the whole operation which would be taken to minimise noise and odour arising from the proposed development. This includes quality ventilation, low stocking rates, the storage of dead birds in covered leak proof

containers, noise insulation on the houses and deliveries during normal working hours, inter alia.

Screening for EIAR

Schedule 5 of the Regulations lists two categories of development requiring preparation of an EIAR. Part 1 (Annex I) identifies all major development where EIA is compulsory. Part 2 (Annex II) lists those projects where EIA is necessary when what is proposed is likely to be associated with significant effects on the environment. Annex III of the Regulations sets out the criteria to determine whether projects listed in Annex II should be subject to an Environmental Impact Assessment.

Part 1

17. Installations for the intensive rearing of poultry with more than 85,000 places for broilers or 60,000 places for hens.

Part 2

1. (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.

In this case, the proposed development which is for a total of c.130,000 birds is above the threshold for Part 2. This makes EIA mandatory.

Planning Assessment

Site location and description

The proposed development is at an existing free range poultry farm, located in the townland of Clonloaghan, approximately 3km east of the village of Kilcogy. Access to the site is via a private laneway taken off the local road, L6610. The site is relatively flat and set back from the public road by approx. 300metres. The site is not visible from the public road.

Outline and rationale for proposed development

Permission is sought to construct 2 no. poultry houses together with all ancillary structures and associated site works at this established poultry farm facility. Together, the proposed houses measure 4,026sqm. It is proposed to use the existing access

(private laneway) to the poultry farm off local road L6610. Boundary vegetation and hedgerows are to remain in situ in the main.

In conjunction with the physical development described above, it is proposed to alter and expand the stock numbers in the entire facility from the current 39,000 birds to c. 130,000 birds. It will operate for the rearing of birds from day olds to market weight (c.5-6 weeks).

The operation of the proposed development will be integrated with the operation of the existing farming activities, and will provide for a sustainable development of activities on the farm.

Design

The proposed poultry houses will have a total floor area of 1,998.15sqm, height 6.5m above a finished floor area of 92.80, which matches the existing poultry house on site. The roof pitch and external materials (concrete walls and roof cladding) would be the same as the existing houses.

Operations

The proposed production process on this farm will be in line with the requirements of the poultry processors, Western Brand, and customers of processors and compliance with the requirements of the Department of Agriculture, Food and Marine, Bord Bia and the Environmental Protection Agency.

The application documents describe in detail the hygiene precautions and general management practices to be adopted on site around feeding, stock turnover, removal of fallen stock, waste disposal, heating, ventilation, lighting etc. The site is already served by its own private water supply.

Effluent and waste

Organic manure production would increase from 375 tonnes/annum to 1,100 – 1,200 tonnes/annum. This would be managed in accordance with S.I. 605 of 2017, as amended. The manure will be moved off site by an approved registered contractor.

Access

The proposed development will utilise the existing private laneway.

Appropriate Assessment

Stage I – Screening

The application has included a Natura Impact Statement (Stage 1 & 2 Appropriate Assessment – Appendix 18) to assess the impact on designated sites as required by the EU Habitats Directive. Seven Natura 2000 sites are identified within 15kms of the application site, Lough Sheelin SPA, Lough Kinale & Lough Derragh Lough SPA, Moneybeg and Clareisland Bog SAC, Derragh Bog, Lough Oughter and Associated Loughs, Lough Oughter Complex SPA and Ardgullion Bog SAC. An Impact Assessment has been carried out by the Applicant's consultant, Whitehill Environmental. The report noted that the main habitats within the application site include improved agricultural grassland and tree planting within the site bounds. There is one record of protected mammal species within the relevant 1 km square N3987 which is the badger *Meles meles*.

The site is described as within the Erne Hydrometric Area (36) and Catchment, the Erne Sub-Catchment (010) and the Sub-Basin.

The nearest designated Natura 2000 site is Lough Sheelin SPA, which is located 3.7km south-east. There is no hydrological connections. The qualifying interests of each of the above sites are summarized, together with the potential impacts.

The report concludes that the proposed development is not directly connected with or necessary to the nature conservation management of the designated site. Following consideration of the location of designated sites in relation to the proposed development and the potential impacts that may occur from atmospheric emissions, it was recommended that this project must proceed to a Stage II Appropriate Assessment, Natura Impact Statement.

Stage II – Appropriate Assessment

The purpose of this stage is to determine whether the proposed development, either alone or in combination with other plans, will result in significant adverse impacts on the integrity of the Natura 2000 sites identified in Stage I.

Stage I of the report listed possible impacts on the designated sites within 15km of the proposed site, which are discussed in greater detail below:

Effects on Natura 2000 sites arising from Atmospheric Emissions

A series of SCAIL models were run for 130,000 birds, which took into account factors such as the design of the houses and the use of fan ventilation in the two proposed houses. The results of the SCAIL outputs for ammonia at the relevant Natura 2000 sites are presented in Table 3 on pages 23 and 24 which show that the actual impact from ammonia is predicted to be at the lower end of the range. It is noted that the SCAIL model is very conservative and that the actual ammonia emissions from the facility are likely to be much lower.

The Scail results for the predicted deposition of nitrogen are presented in Table 4 on page 25 of the report. For the SACs, either the SCAIL critical loads or those defined by APIS were used. For the SPAs, the SCAIL model cannot generate critical loads as SPAs are designated for species rather than habitats. In this instance the main habitat of the site is used by the birds was assumed to be that of its corresponding SAC habitats and the critical loads of nitrogen for these habitats are defined by APIS.

Cumulative Impacts

Cumulative impacts arising from the operation of the proposed and existing farms in the locality were considered. All farms must operate within the legislation defined in S.I.605 of 2017 regarding manure storage, minimization of soiled water and general good agricultural practice. Records for the distribution and movement of all the manure produced will be kept on site and presented to the Department of Agriculture if necessary. All organic fertilisers will replace the use of chemical fertiliser, therefore, there will be no overall increase in the amount of nutrients spread. All farmers that receive the manure will do so under the European Union Regulations 2017. Compliance with these regulations will minimise cumulative impacts as well as any impacts.

Mitigation Measures

Mitigation measures are listed in Section 4 of the report which will be implemented in order to protect certain designated sites and species and to protect the local biodiversity of the surrounding area including:

- Techniques for the reduction of emissions from the poultry houses, in accordance with the Best Available Techniques Reference Document for the Intensive Rearing of Poultry or Pigs.
- Strict controls of erosion, sediment generation and other pollutants associated with the construction process including the provision of attenuation measures, silt traps or geotextile curtains to reduce and intercept sediment release into any local watercourses.
- Post construction surface water run-off from hardcore/concreted/tarmac areas should be directed into a soakpit, and if not viable, these areas should be treated via serviced sediment and oil interceptor traps, prior to discharge.
- Adhere to guidelines set out in the Department of Agriculture's Explanatory Handbook for Good Agricultural Practice Regulations.
- Storage tanks must adhere to the Department of Agriculture's Farm Building and Structures Specifications.
- Any excavated soil is used/disposed of responsibly.
- Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds well away from watercourses.
- Hedgerows that remain should be protected and maintained where possible.
- Landscaping should involve the planting of native species that are indigenous to the site.
- Bare soil should be seeded as soon as possible with grass seed.

Conclusion of Stage II Appropriate Assessment

The report concludes that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of the identified Natura 2000 sites and the integrity of the sites as a whole. With implementation of the mitigation measures there will be no impacts upon any designated habitat or any species dependent on these designated habitats. It is considered that the proposed works do not have the potential to significantly affect the conservation objective or qualifying interests of the Natura 2000 sites.

I concur with these findings considering the location and context of the proposed development within an existing facility, the extent of the development, and the separation from the identified Natura 2000 sites.

Environment Impact Assessment

Non-technical summary

The EIAR sets out a non-technical summary, as required, and a full description of the proposed development and its anticipated effects. It summarises that this is a proposal to construct 2 no. poultry units on the site. The operation of the proposed development will be integrated with the operation of the existing farming activities and will provide for a sustainable development of activities on the farm.

Scoping

A number of bodies / organisations were consulted either directly or indirectly for the purposes of this EIAR, and these are set out in section 2 of the EIAR. The scoping of the EIAR was guided by the Amending EIA Directive (2014/52/EU) as transposed into Irish legislation, Planning and Development Regulations, EPA draft advice notes and guidance, the Cavan County Development Plan, and it also took into account the nature, location and scale of the proposal, vulnerable or sensitive features, existing uses etc.

The EIAR sets out to identify, describe and assess the direct and indirect effects of the proposed development on the following factors:

- Population and human health
- Biodiversity
- Land and soil
- Water
- Air
- Climate / Climate change
- Landscape
- Material assets
- Traffic
- Architectural and archaeological heritage
- Cultural heritage

- The inter-relationship between the above factors.

The EIAR includes a matrix of each of the above factors, showing how each factor would be impacted at three stages – no development stage, construction phase, and operational phases. There are seven categories of potential impact: no impact, slight negative, moderate negative, significant negative, slight positive, moderate positive and significant positive. From the range of impacts shown, none are significant (positive or negative), water and landscape are considered the most impacted (operational and construction phases, respectively), and moderate positive impacts are anticipated for human health, land and soil, and employment.

Description of Reasonable Alternatives

The proposed development takes place in the context of an existing poultry farm. The proposed development therefore uses an existing site, minimising the use of additional land resources. The proposed development will consolidate an existing facility and is the most suitable site in terms of minimizing the level of excavation/groundworks required. The alternatives to the use of this site would have more environmental impact.

Alternatives to layout, design and size were also considered. The proposal was designed to fit into the physical parameters and constraints of the site, existing structures, existing farm practices and surrounding landscape. The design is also consistent with the existing structure on the site. No other alternative sites, layouts and/or designs were deemed satisfactory. The scale of the proposed development is in keeping with the scale of other existing farms.

The applicant looked at a number of alternative processes, including layer housing, free range layer/broiler with the decision on any alternative process predicated on the fact that any alternative production system would pose too great a bio-security risk to the applicants existing broiler farm. Alternatives of processes used and different ways of managing byproducts were also examined. It was considered that the proposed development offers the best fit between the proposed and existing enterprise on the farm, both from a labour and efficiency viewpoint and to ensure that all activities are carried out in an environmentally and economically sustainable manner.

Alternatives to the management of byproducts were also examined. Application to land and/or use in compost production are the two main practical economic means of utilizing the nutrients in poultry manure. The poultry industry has a dedicated system of established for the management of poultry manure. At present, there is no other suitable option for the utilization of organic fertiliser produced within the proposed development.

Environmental Assessment

Physical characteristics of the proposed development

- An existing entrance onto the public road.
- Proposed building form and design would match existing and integrate with rural landscape. Proposed poultry houses are (6m metres high, 98.344m long, 20.318m wide).
- Manure taken off site in accordance with S.I. 605 of 2017.
- Underground, concrete soiled water storage tanks in which soiled water would be collected and stored pending application to farmland, in accordance with SI 605 of 2017.
- Removal of construction or waste soil to be directed to authorised sites.
- Existing hedgerows will be maintained where possible and strengthened where necessary.

Characteristics of the production process

- Management, feeding and care of birds.
- Dispatch of all carcasses and other solid waste materials from the site for disposal or recovery at agreed/approved sites.
- Collection of all wash waters generated within or around the site in soiled water collection tanks pending application to farmland.
- Main inputs to site are water and feed. Water to be sourced from the on-farm well. Estimated water use will be c.6,000 – 6,500m³ per annum, increasing from c.1,800 - 2,000m³ per annum.
- Poultry feed will be specifically formulated rations, formulated and prepared by a specialized poultry feed supplier – 4 rations in each production cycle. Total feed consumption is expected to be on average of c. 70 t/week upon completion of the proposed development, increasing from c. 20-22 tonnes currently.
- Electricity would be used to power all the processes and services on site.

- Back up generator is in place.
- Gas is used for heating the houses. Estimated gas usage = c. 1 lt/bird place/annum.
- Wood shavings to be supplied by a local supplier.

Expected residues and emissions

- Lighting: will be by fluorescent tubes/LED and/or other energy efficient lighting devices.
- Supplementary heating is to be provided by gas burners. Energy efficiency will be a key determinant of choice of heating system and modern poultry heating systems are considerable more efficient than older poultry houses.
- Animal tissue / carcasses to be collected by College Proteins at 1-2 week intervals. Supporting letter enclosed at Appendix 6 of EIA.
- General wastes to be collected by a local contractor and delivered to landfill.
- Organic fertiliser/poultry manure will be removed off site and utilised as an organic fertilizer and/or in the production of mushroom compost. Manure production upon completion will be c. 1,400 – 1,200 tonnes/annum.
- Soiled water will be collected in dedicated soiled water collection tanks.
- Noise during construction phase will not exceed limits as experienced at the nearest sensitive receptor. No source of significant vibration on the site.
- Mitigation and control measures would be used to ensure no significant adverse impacts on the environment.
- Waste materials will be transported off the site by appropriately authorised waste contractors.

Baseline Scenario

- The proposed development is to be completed on an existing poultry farm site. The site of the proposed development is currently operating as a poultry farm. Should the development proposal not proceed, the site would remain in its current state.

Effects of the proposed development on each of the EIAR factors:

Population and Human Health

- There are no third party dwellings within 170-200metres to the proposed development.
- Proposal unlikely to generate or release sounds or odour that would significantly impair amenity beyond the site boundary.
- No processes will take place on the site that would constantly or regularly release odour emissions at nuisance levels.
- Experience of other similar sites indicate that the noise or odour limits (55db day, 45db night) highly unlikely to be exceeded beyond the site boundary.
- Fugitive odour emissions at the site would not be significant and would be limited to times at which the birds/manure are being removed from the site. Insofar as it is possible odour emission is to be managed so as to occur at times when the effect within the site or outside it will be minimal.
- Site is located within 3.7km of the Lough Sheelin SPA. An AA has been carried out for this proposed development which concludes that subject to mitigation measures that proposed project, whether individually or in combination with other plans and projects, will have no impacts upon conservation objectives of the Natura 2000 sites.

Biodiversity

- Site is located within 3.7km of the Lough Sheelin SPA. An AA has been carried out for this proposed development which concludes that subject to mitigation measures that proposed project, whether individually or in combination with other plans and projects, will have no impacts upon conservation objectives of the Natura 2000 sites.
- The site is described as within the Erne Hydrometric Area (36) and Catchment, the Erne Sub-Catchment (010) and the Sub-Basin. There will be no discharge of soiled water or effluent to surface water. Proposed development would not have any significant impact on surface waters.
- The site of the proposed development is a greenfield site, within an existing farmyard complex, and its extent is limited. It will have no adverse impact outside the boundary of the site.
- Site is not near to or likely to adversely impact on any areas of primary or secondary amenity value or views from a scenic route.

- A Rodent and fly control programme will be implemented on the farm, in line with Bord Bia guidelines and Department of Agriculture, Food and the Marine requirements.
- An Appropriate Assessment report is appended to the EIAR (Appendix 18).
- Retaining as much hedgerow and existing landscape around the site will help to maintain biological diversity on this site.
- There will be no discharge of soiled water or effluent to surface water.

Land and Soil

- The area of the application site is already part of an existing farmyard / adjacent to one and the structures proposed would be constructed predominantly on a greenfield area. Land take required to facilitate the proposed development would be minor in terms of the applicant's family landholding and wider agricultural area.
- Production of organic manure will benefit the environment generally; especially as organic content of land is in decline particularly on tillage land.

Geological and Geomorphological Heritage

- Proposal would not adversely affect the landscape or geomorphological heritage of the area, outside of the site boundary.
- Proposal will not adversely impact on the landscape and/or the geomorphological heritage of the area.
- FFLs of the proposed sheds would entail minimal site work or excavation.

Water

- The applicant will implement and maintain a comprehensive environmental monitoring programme on site, governed by the terms of the EPA Licence. This includes a Slurry Management Programme, Environmental Monitoring and Analysis.
- Adverse effect on groundwater should be nil, as proposed development involves no process discharge to ground, and there is minimal risk of accidental leakage of effluent.
- The proposed development will operate on a dry manure basis, thus eliminating the risk of any leak to groundwater.
- The proposed development will be carried out on an impermeable concrete base with proper storm and soiled water separation and collection facilities.

- The only soiled water from the proposed development would be from the washing down of poultry houses.
- Groundwater monitoring is carried out annually as a condition of the EPA Licence.
- Source of water for this site is an on- site well. Volume of water required for the proposed development will lead to an increased water consumption on the site.
- Only discharge from the site will be the discharge of rainwater from roofs and clean yards to field drainage which flows towards the adjacent watercourse, the Killydream stream, a tributary of the River Erne.
- Surface water monitoring is carried out on a quarterly basis in accordance with the EPA Licence requirements.
- There will be no discharge of soiled water or effluent from the proposed development to surface water.
- A series of surface water protection mitigation measures are set out under this section (p.45 of EIAR). These include measures to protect watercourses and habitats, the import and/or storage of construction materials.
Volume of water needed will be in proportion to the stock levels.

Air Quality and Climate

- Odour emissions 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, approx. 7 times per annum.
- The EIAR outlines a number of practice measures that should be implemented to minimise potential odour emissions including:
 - Proper storage and removal of waste.
 - Regular washing of poultry houses to minimise odour and maintain high health status.
 - Regular cleaning of yard etc.
 - Minimal agitation of manure.
 - Transport of manure off site to occur in sealed tankers.
 - Proper stocking rates within the houses.
 - Proper management of temperature and humidity.
 - Management operations to prevent significant pulse releases of odour.
 - Proper and even allocation of organic fertilisers.

The following is also noted in this section of the EIAR:

- Large livestock populations and nitrogen inputs to the soil generate one-third of all greenhouse gases in Ireland. The Scail Model demonstrates a reduction of nitrogen as a result of the proposed development.
- Methane emissions from poultry is less than cattle or sheep, resulting in less Climate Change emissions.
- The storage, management and application of organic fertiliser (by product of the proposed development) is controlled by statutory instruments to ensure emissions are kept to minimum.
- Climate information including wind direction is critical to odour movements. EIAR contains meteorological data in its Appendix 14.
- The storage, management and application of organic fertiliser (by product of the proposed development) is controlled by statutory instruments to ensure emissions are kept to minimum.

Landscape and Visual

- Site located in an area of overlap between 'the Lakelands' and the Drumlin Belt and Uplands of East Cavan as defined in the County Development Plan 2014-2020.
- Site of the proposed development is located within the existing farm holding located adjacent to the applicants existing poultry house and is located well away from any sensitive area. It is also set back considerably from the public road via the existing access route and benefits from its low lying nature and mature vegetation.
- Design and external materials of the proposed development would integrate with existing farm buildings.
- Limited impact on the character of surrounding landscape.
- Site is outside any Sensitive Landscape area, and there are no Protected Views in the vicinity.
- Topography of land has changed over the years, with removal of field boundaries and recontouring of lands for agricultural purposes.
- Proposed development designed to integrate with the existing development on the site i.e. white plastered walls and corrugated cladding to roof.
- Site is not intrusive on the landscape. Development will have no visual impact on the local environment.

Archaeological and Cultural Heritage

- There are no known archaeological sites or features within the site boundary.
- The closest recorded protected structure is a Megalithic Tomb located c.700 north east of the proposed development.

Material Assets

- Production of organic fertiliser will benefit the local agriculture.
- Proposed development will have a positive interaction with the rest of the applicant's land/existing farming activities.
- The proposed development would require additional feed which is classified as a renewable resource, gas, and water. Feed and water are the main resource increases associated with the proposed development.
- The proposed development does not require any major modifications to the existing electricity network, water or road infrastructure in the area.
- There will be economic benefits 'trickle down effects' from the proposed development, helping the local rural economy.
- Construction traffic would be short term and would not cause a significant adverse impact.
- Operational traffic would change as follows, according to section 4.4 of the EIAR Report:
 - Feed – c.2-3 load per week (65-70 Tonnes/week on average). Increasing from c.075 loads/week currently.
 - Transport of organic fertiliser – c.5-6 loads/batch (increasing from 2 loads)
 - Birds – c.30 loads per batch. (Existing 2 loads/batch)
 - An average of 50 movements/batch or c.8 per week, increasing from c.2.75 – 3 loads/week currently.
 - Transport associated with inspections, vet, catchers and traffic associated with washing and cleaning the house, which will be relatively unchanged.
- Gas heating will be provided during the early stages of each batch. Gas requirements will be minimised by high insulation standards and a modern efficient heating system.
- Supply of water available from on-farm well. Consumption of feed and water will be proportionate to the stock numbers on the farm.

Waste Management

- Clean storm water to be discharged to local watercourse via discharge points.
- Solid wastes will be removed from site by an experienced contractor. Organic waste would be reused as a resource ingredient in the poultry compost industry and/or as an organic fertiliser.
- Soiled water would also be allocated to farmland in accordance with best practice and current regulations.
- Site management to ensure surfaces are clean and to prevent stormwater mixing with effluent.
- The removal of dead animals would be part of the cleaning, hygiene and disease control regime.

Cumulative and Transboundary Effects

- No transboundary impacts anticipated. All wastes and byproducts would be used/disposed of/recovered within the State.
- All manure is to be moved off site by an approved and registered contractor.
- No cumulative adverse impact therefore anticipated.

Inter-relationships between the above Environmental Factors

- EIS has set out a matrix of the 10 EIA factors and cross-related them. Of those that were applicable, most impacts are neutral, followed by positive. There were no negative impacts.
- The duration of impacts and mitigation measures are also set out in section 4.7.
- A description of the measures envisaged to avoid, reduce, prevent or if possible, offset any identified significant adverse effects on the environment are set out in section 4.7.

Difficulties in compiling the required information

There were no difficulties identified in acquiring the necessary technical information for the EIAR.

Direct and Indirect effects of the proposed development as identified in the EIAR

Section 172 of Planning and Development Act, 2000, as amended, requires planning authorities to carry out an EIAR in relevant cases. Section 171A set out in detail, what

the assessment must comprise. The assessment must include an examination, analysis and evaluation and it must identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of EIA Directive, the *direct and indirect effects* of a proposed development on the following:

- 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, soil, water, air and climate
- d) Materials assets, cultural heritage and the landscape
- e) The interaction between the factors mentioned in points (a) to (d)

(a) Population & Human Health

The most significant impact on population and human health include noise emissions, disease control, air quality, waste management, traffic, landscape and material assets.

EIAR findings

Noise: During construction a certain amount of noise will be generated by transport and site traffic. The construction noise will be temporary in nature and it will be carried out during normal working hours avoiding early morning or late evening work. The proposed development is unlikely to generate or release sounds or odours that will significantly impair amenity beyond the site boundary. Operation noise will include transport of feed, animal deliveries/collections, waste and manure collection.

Landscape and Visual: The landscape and visual impacts are considered low due to the location of the proposed development adjacent to an existing poultry facility which is set back approx. 300m and well screened from the public road. The site is enclosed by an established tree lined boundary to the north east which provide additional screening. The drumlin topography of the area will also aid the development proposal. The site will be accessed via an existing private laneway and no works are proposed to the roadside entrance. The proposal is also designed to match the existing poultry houses on this site in terms of external construction materials and colour.

Disease Control: The EIAR states that strict disease control procedures will be applied to the proposed development. These will be carried out according to procedures set out

by the Department of Agriculture, Food and the Marine in consultation with the National Expert Epidemiological Group.

Waste Management: The principal sources of waste during construction and operation phases of the proposed development are anticipated to be:

- Clean water to be discharged to local watercourse via discharge points.
- Solid wastes to be removed from site by an experienced contractor.
- Soiled water to be allocated to farmland in accordance with best practice and current regulations.
- Waste materials generated on the site, during construction and operations, to be collected and transported off site by authorised waste contractors whether for disposal, recovery and/or recycling in appropriately authorised facilities.

The EIAR concludes that, in terms of wastes generated by the development, the associated environmental burden is expected to be minimal.

Traffic: The EIAR states that there will be an increase in the number of loads of organic fertiliser and birds to and from the farm each week. There will be an increase in the number of feed loads to the farm each week, from c.0.75 loads/week to c.2-3 loads/week). There will also be an increase in the number of bird deliveries – c.30 loads per batch. (Existing 2 loads/batch). Overall, there will be on average 50 movements/batch or c.8 per week, increasing from c.2.75 – 3 loads/week currently. Services traffic will remain unaltered. The main impact will be experienced at the construction phase, which is considered short term.

Air Quality: The environmental impacts on air and climate will be minimal from the proposed development. Practices are already in place that minimize odour overspill from the site. Mitigation measures for odour are also specified in the AA Report and EIAR. Odour and noise are not likely to exceed the give rise to nuisance outside the site boundaries. The largest generator of noise will be the general construction work associated with the proposed development

Planning Authority Assessment

The EIAR has identified mitigation measures to substantially reduce any impacts on human health, some of which are well established by best practice, and others which are

additional recommendations set out in this EIAR. The EIAR indicates that the nearest sensitive receptor (third party dwelling house) is c.170 200metres from the proposed development. This distance is substantially correct (I measure 200 metres).

Taking into account the noise mitigation measures recommended in section 4.7(iii) of the EIAR, and the short-term nature of the construction-related noise, I consider this to be acceptable.

(b) Biodiversity

EIAR findings

The EIAR states that the proposed development is a greenfield/grassland area, adjacent to the existing poultry house. There is a relatively low biodiversity value as a result. Mitigation measures are recommended in the EIAR around protecting the existing biodiversity, landscape and watercourses. Preventing discharge to local watercourses is a priority, and regimes are proposed on site to prevent any entry of effluent into watercourses or surface water outlets.

The application has included a NIS screening report (Stage 1 & 2 Appropriate Assessment) and included as Appendix 18. Seven Natura 2000 sites were identified within 15kms of the application site, and an assessment of potential impacts was carried out by the Whitehill Environmental. The seven Natura 2000 sites include Lough Sheelin SPA, Lough Kinale & Lough Derragh Lough SPA, Moneybeg and Clareisland Bog SAC, Derragh Bog, Lough Oughter and Associated Loughs, Lough Oughter Complex SPA and Ardgullion Bog SAC. An Impact Assessment has been carried out by the Applicant's consultant, Whitehill Environmental. The report noted that the main habitats within the application site include improved agricultural grassland and tree planting within the site bounds. There is one record of protected mammal species within the relevant 1 km square N3987 which is the badger *Meles meles*.

The site is described as within the Erne Hydrometric Area (36) and Catchment, the Erne Sub-Catchment (010) and the Sub-Basin.

The nearest designated Natura 2000 site is Lough Sheelin SPA, which is located 3.7km south-east. There is no hydrological connections. The qualifying interests of each of the above sites are summarized, together with the potential impacts.

The report concludes that the proposed development is not directly connected with or necessary to the nature conservation management of the designated site. Following consideration of the location of designated sites in relation to the proposed development and the potential impacts that may occur from atmospheric emissions, it was recommended that this project must proceed to a Stage II Appropriate Assessment, Natura Impact Statement.

The Stage II report concludes that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of the identified Natura 2000 sites and the integrity of the sites as a whole. With implementation of the mitigation measures there will be no impacts upon any designated habitat or any species dependent on these designated habitats. It is considered that the proposed works do not have the potential to significantly affect the conservation objective or qualifying interests of the Natura 2000 sites.

Planning Authority Assessment

I agree with the above characterisation of the site as having low biodiversity value given the development that has already taken place on this land.

I also concur with the findings of the Appropriate Assessment Report (Stage 1 and 2) considering the location and context of the proposed development within an existing facility, the extent of the development and its land take, and the separation from the referenced Natura 2000 sites.

(c) Land, soil, water, air and climate

EIAR findings

Land: The EIAR states that the proposal will not severely impact on the landscape of the area and will blend with the existing operations on the site. Any land take required to facilitate the proposed development will be minor. The site is set back from the public road and screened by existing mature vegetation. The proposal will integrate visually with the existing development and the surrounding countryside in terms of form, materials and colour.

Soil: The subsoils in this area are described as Drumlin soils with the site located in Soil association 25 (Gleys 50% and Acid Brown Earths 40% and Inter Drumlin Peat and

Peaty Gleys 10%). Parent material is mostly Ordovician – Silurian shale – sandstone glacial till. The EIAR states that it is not envisaged that the proposed development will adversely affect the soils in the area.

Water: The aquifer, on which the site is located, is considered to be Poor and is classified as having a vulnerability rating ranging from high in the west of the site to extreme in the east of the site. As the proposal will operate on a dry manure basis, involve the removal of organic effluent from the site, there is minimal risk to groundwater in the area. Surface water protection mitigation measures are recommended in the EIAR.

Climate: Methane produced by poultry is less than that produced by cattle and sheep, and nitrous oxide (N₂O) emissions, also greenhouse gases, come from three basic sources in agriculture: Direct from the soil and agricultural processes, indirect emissions when it is lost from the field to the atmosphere, and agricultural burning. Energy supply to the facility will be electricity with a backup generator.

Planning Authority Response

The combination of mitigation measures, the relative benign impact of poultry farming when compared to cattle and sheep farming in terms of greenhouse gases, and the relatively little groundwork involved with this proposal, my assessment is that the proposed development is acceptable and does not have any significant environmental impact on land, soil, water or climate.

(d) Materials assets, cultural heritage and the landscape

No areas or monuments of archaeological, historical or cultural significance were identified within the confines or in proximity to the proposed development site. The planning authority agrees with these findings. There are no known archaeological sites or features within the site boundary. The closest recorded protected structure is a Megalithic Tomb located c.700 north east of the proposed development. This separation distance is sufficient.

In terms of landscape visual impact, the proposed development of two additional poultry houses at this location can be absorbed into the landscape without undue impact on the character or quality of that landscape mainly because this is an expansion of an existing site.

Planning Authority Response

I concur with the above analysis of the EIAR in terms of cultural, heritage and archaeological impacts. The site is sufficiently removed from any sensitive or historic features. The visual impact of the proposed development will be relatively incremental in terms of what exists there already. The design and alignment of the proposed development is also consistent with the existing development

(e) The interaction between the factors above

Positive Impacts

The EIAR highlights positive inter-relating impacts between Land/Soil and Human Health, and between Human Health and six other EIA factors. In terms of the former, the proposed development is seen as a positive in terms of providing additional income. Similarly, a positive is highlighted between Human Health/Population and six other EIA factors, which centre again on the economic dividend from the proposed development which could assist in improving the performance of the other EIA factors, for example, providing additional funding for landscaping or biodiversity projects on site, or to invest in improved management processes. It is noted that improvements in Climate Change can arise out of more efficient production systems. Human health will ultimately gain from this.

Neutral Impacts

Neutral impacts are anticipated between Land/Soil and Water, Landscape/Visual and Biodiversity. In these cases, the positive impacts such as the availability of organic fertiliser and improved fertility of agricultural fields can be reduced by potential threats such as leaching of organic nutrients into water. Threats are mitigated by statutory controls around the storage and application of fertiliser on farm land.

Water and Biodiversity also have a neutral inter-relationship in this instance, given the potential for soiled water to enter the ecosystem. Mitigations can be put in place on site regarding the separate control of surface and soiled water.

Finally, neutral impacts are anticipated between Air/Climate on Biodiversity and Human Health/Population. The focus here is on mal-odours which can impact negatively on biodiversity and human health. This can be compensated by mitigation measures,

described elsewhere in the EIAR to ensure this threat does not materialise; and is therefore considered neutral.

Noise

The EIAR has not linked noise to any of the other EIA factors.

Landscape

The EIAR has not linked landscape to the other 9 EIA factors.

Cultural Heritage

Similarly, the EIAR has not linked cultural heritage to the other 9 EIA factors.

Biodiversity

The EIAR has shown a link to Landscape/Visual. There will be a minor impact on the fauna and flora of the area as they suffer habitat loss and dislocation due to the proposed scheme. Also, during construction there is a minor risk of disturbance of drainage channels which need special precautions to avoid disturbance of sediments with consequent effects on fauna. In relation to soil, stabilisation methods for soft soil area could alter the pH balance with consequent change in flora cover and species of fauna supported.

In relation to water and soils rainfall run-off waters could cause deterioration of water quality of streams.

In relation to soils, dust from exposed soils during the construction period can cause dust nuisance if not properly mitigated.

Planning Authority Response

The inter-relationships of the ten EIA factors in this EIAR are potentially under-stated, but would not necessarily have changed the outcome of this assessment. For example, the interaction between air quality and biodiversity is that vegetation can act as a purifier for air in absorbing CO₂ and giving out oxygen. Dust could affect fauna during the construction phase. Air and soils are also interrelated. Dust from exposed soils during

construction could cause deterioration of air quality in the immediate vicinity of the development.

In relation to noise and biodiversity, construction proposals could result in noise disturbance which may impact on the birdlife currently using the area.

The creation or loss of hedgerow creates an interaction between land and biodiversity than can also have implications for wildlife or the maintenance of wildlife corridors. The treatment of landscape and boundary vegetation can have a positive impact on biodiversity. This will be carefully considered in the overall planning assessment, and appropriate conditions applied if necessary.

Conclusion of EIAR

The EIAR concludes that the proposed development will make a positive contribution to the rural economy, and that no significant environmental effects would arise. The proposal accords with the provisions of the County Development Plan 2014-2020.

Reasoned Conclusion of Environmental Impact Assessment

On balance, I would concur that there are no significant adverse impacts during the construction or operational phases of the proposed development. Where real impacts are identified, mitigation measures are proposed to be put in place to reduce their effects insofar as possible. The proposed development takes place in the context of an existing farmyard with a mix of hardcore and improved grassland on areas proposed for development. This has comparatively less impact than if a wholly new 'greenfield' site was selected. The proposed development also represents a consolidation of poultry operations on the site and greater efficiency in terms of disease control, welfare, animal movements, and operations.

The EIAR concludes that the proposed development will make a positive contribution to the rural economy, and that no significant environmental effects would arise. The proposal accords with the provisions of the Cavan County Development Plan 2014-2020.

The Environment Section have recommended the submission of further information in relation to stocking rates, spreadland maps and disease control at the proposed facility. Further Information shall be requested.

Development Contributions

This is calculated in accordance with the Development Contributions Scheme adopted by Cavan County Council 2017 – 2020.

Recommendation

The Planning Authority has carried out an assessment of the proposed development and the Environmental Impact Assessment Report included with the planning application. Having regard to the issues raised by the Environment Section, I consider that Further Information should be sought as follows:

1. Applicant to submit evidence of a reduced Bovine stocking rate or evidence of additional lands available for spreading of livestock manures, either by way of ownership, lease or export, to ensure the correct disposal of the excess organic nitrogen generated on the premises.
2. Submit a full copy of the land details as per 2020 Basic Payment Scheme (BPS) Application from the Department of Agriculture, Food & the Marine.
3. Submit a full copy of the Department of Agriculture spreadland maps for 2020 or 2021, which highlights the land parcels in red and clearly indicates the farmer's name, herd number, townland, and total area, of each land parcel that is eligible for landspreading.
4. Submit a letter from a poultry veterinarian in terms of disease control for the proposed developments.
5. Applicant to clarify the proposed finishes of the poultry units and associated silos.

Response to Further Information

The Planning Authority received the Applicant's FI Response on 14/05/2021 which comprised of a cover letter from the agent, the applicant's area aid map, 2020 N and P data from DAFM, an updated Agricultural Development Application form to reflect the existing stocking rate on the farm and correspondence from St. David's Poultry Supplies Ltd.

Representations following FI Response

None.

Submissions following FI Response

None received.

Internal/External Reports following FI Response

Environment: report dated 20th May 2021 states

In my previous response to the planning section on the 14/04/2021, I requested further information which was received by the Environment Section on the 19/05/2021 for review.

In relation to the additional information submitted, insofar as our remit is concerned, my comments are as follows:

In submission made 19/05/2021 from CLW (agent of applicant) 2020 Department of Agriculture spreadland map, revised proposed animal numbers and letter from poultry veterinarian were provided. Having reviewed the further information submitted in support of this application it appears that given the animal numbers proposed, the development will produce 1245kg of bovine organic nitrogen; with spreadlands of 14.41 hectares this gives rise to a loading of 86.40 kg of Bovine N / Ha. With regards to storage, from the further information submitted in relation to this application, there does not appear to be any storage capacity issues.

In the Environment Impact Assessment Report (E.I.A.R.) submitted with this application, it is estimated that there will be approximately 225m³ of soiled water generated per annum. It is proposed that this soiled water will be collected and stored in a dedicated

soiled water tank located at the end of the proposed development, the proposed tank is an underground tank 100 m³ approx. Soiled water collection tanks with a combined 115.9m³ will be located on site. It is proposed that the soiled water will be spread onto the applicant's family farm surrounding the proposed development which will increase the applicants Nitrogen loading from proposed 86.40 Kg/N/Ha to 102.40Kg/N/Ha. Therefore, within the statutory 170Kg N/Ha limit and in accordance with the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017 and amended Regulations 2018 (Nitrates Regulations).

2020 Department of Agriculture, Food & the Marine spreadland map has been submitted. It is noted that the proposed spreadlands are within Erne_040 area of action. It should be noted that strict compliance to all aspects of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017 and amended Regulations 2018 (Nitrates Regulations) should be always adhered to at all times especially in relation to spreadlands.

A letter has been submitted from poultry veterinarian Callum Turner of St Davids Poultry Team Ireland Ltd indicating that they have no concerns in relation to this development.

An Environmental Impact Assessment Report has been submitted with this application. This farm currently operates without an EPA Licence as 39,000 broilers is below the threshold for an EPA IED Licence. However, it is proposed to increase the stock numbers to 130,000 Broilers. Therefore, an EPA licence is needed.

In relation to the poultry litter generated as a result of the proposed developments, it is proposed to export this manure to spreadlands offsite by CLR Co-op Ltd for delivery to Cadbury Compost in Co. Kildare, Custom Compost in Co. Wexford and Newry Organic Fertilisers in Co. Down.

A letter has been submitted from College proteins, indicating that they have the capacity to accept poultry casualties and carcasses from Mr Smith's poultry farm. The letter further highlights that if college proteins were engaged that they would provide a sealed, leak proof container for all animal casualties and carcasses to be placed in, prior to collection and treatment at their plant in Nobber, Co. Meath.

The nearest third-party dwelling to site is located 170m approx. south of the existing poultry house and 200m approx. from the proposed developments. There is a total of 4 poultry units with a 2km radius. Three of these poultry houses are located between 500m – 950m south west of the development site and operated by 1 farmer. The fourth poultry house is located further north east. There are also 2 EPA licensed pig units within 2.5km of the site.

A Natura Impact Statement (N.I.S.) for the Proposed Developments at Cionloaghan, Kilcogy, Co.Cavan by Noreen McLoughlin Consultant Ecologist in January 2021 was submitted in the documents supplied for Planning Application for the above Agricultural Developments. The report identifies 7 Natura 2000 sites within 15km of the proposed development site with the Lough Sheelin SPA 004065 being the closest approx. 3.7km away. The report concludes that *"the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Natura 2000 sites"*.

IE Licensing Requirement

This class of activity at this location has applied for an IE Licence from the Environmental Protection Agency.

Implications of IE Licensing

Section 256 of the Planning and Development Act 2000 provides for an amendment to Section 98 of the EPA Act 1992 as follows: -

- "(1) Notwithstanding section 34 of the Planning and Development Act, 2000, or any other provision of that Act, where a licence or revised licence under this Part has been granted or is or will be required in relation to an activity, a planning authority or An Bord Pleanala shall not, where it decides to grant a permission under section 34 of that Act in respect of any development comprising the activity or for the purposes of the activity, subject the permission to conditions which are for the purposes of—

(a) *controlling emissions from the operation of the activity, including the prevention, limitation, elimination, abatement, or reduction of those emissions, or*

(b) *controlling emissions related to or following the cessation of the operation of the activity.*

(1A) *Where a licence or revised licence under this Part has been granted or is or will be required in relation to an activity, a planning authority or An Bord Pleanála may, in respect of any development comprising the activity or for the purposes of the activity, decide to refuse a grant of permission under section 34 of the Planning and Development Act, 2000, where the authority or An Bord Pleanála considers that the development, notwithstanding the licensing of the activity under this Part, is unacceptable on environmental grounds, having regard to the proper planning and sustainable development of the area in which the development is or will be situate."*

Section 34 (c) of the Planning and Development Act 2000 states: -

"(c) Subject to section 98 (as amended by section 256 of this Act) of the Environmental Protection Agency Act, 1992, and section 54 (as amended by section 257 of this Act) of the Waste Management Act, 1996, where an application under this section relates to development which comprises or is for the purposes of an activity for which an integrated pollution control licence or a waste licence is required, a planning authority shall take into consideration that the control of emissions arising from the activity is a function of the Environmental Protection Agency."

Section 4 of the 1992 Act defines 'environmental pollution' as: -

"air pollution for the purposes of the Air Pollution Act, 1987"

- *"the condition of waters after the entry of polluting matter within the meaning of the Local Government (Water Pollution) Act, 1977"*
- *"the disposal of waste in a manner which would endanger human health or harm the environment and, in particular.*
 - *create a risk to waters, the atmosphere, land, soil, plants or animals,*

- *cause a nuisance through noise or odours, or*
- *adversely affect the countryside or places of special interest”.*
- *“noise which is a nuisance or would endanger human health or damage property or harm the environment”.*

The position is therefore as follows: -

- The planning authority in granting permission for a development requiring a licence from the EPA may not impose conditions in relation to the environmental emissions from this activity.
- The planning authority may decide to refuse a grant of permission in respect of a development requiring a licence from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment.
- The protection of visual amenity, archaeological sites, natural heritage areas and other special protection areas, etc., remain the responsibility of the planning authority in so far as these relate to the actual on-site development (as distinct from the waste disposal operation).
- The planning authority retains responsibility for access, transportation and road safety.

Recommendation

- Insofar as the Council can make judgement on the environmental issues of the proposed development at this existing IE licensed facility, I recommend unconditionally.
- I recommend that the EPA should be notified regarding the details of this application.

Planning Assessment following FI Response

Items 1, 2 and 3: The applicant has submitted the applicant's area aid map, 2020 N and P data from DAFM confirming the on-farm organic N stocking rate of 51Kg Organic N/ha (as per that detailed in the EIAR). The Agricultural Development Application form has been updated to reflect the existing stocking rate on the farm and correspondence from St. David's Poultry Supplies Ltd. I note the comments from the Environment Section who have reviewed the further information submitted and are satisfied that based on the information submitted that there does not appear to be any storage capacity issues. In addition, information submitted in relation to soiled water, is in accordance with the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017 and amended Regulations 2018 (Nitrates Regulations). Items 1, 2 and 3 are therefore fully resolved.

Item 4: A letter from poultry veterinarian Callum Turner of St. David's Poultry Team Ireland Ltd has been submitted addressing disease control for the proposed development. The letter states that they have no concerns in relation to this development. Item No. 4 is fully resolved.

Item 5: The proposed finish to the development will be in keeping with the existing development (i.e. juniper green side wall and roof cladding on top of concrete wall. Meal bins to be galvanised). The proposed finishes are considered acceptable and in keeping with the existing poultry unit on site.

No further concerns arise and I recommend a conditional grant of permission.

Development Contributions

Agriculture Structures – €5.00 per sqm (First 300sqm is exempt once)

Proposed Poultry House = 4.026sqm

4,026sqm x €5.00 = €20,130

Total Due = €20,130.

Recommendation

Having regard to the provisions of the Cavan County Development Plan 2014-2020, it is considered that, subject to compliance with the conditions set out below, the proposed development is in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2014-2020, to the location, scale and nature of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan and would not adversely affect the residential amenities of the area. 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 15th March 2021, as amended by the further plans and particulars submitted on the 14th May 2021, 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.

Reason: In the interest of clarity.

2. The developer shall pay the sum of €20,130 to the Planning Authority in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid ~~within six months of the date of the grant of permission~~ ^{with commencement of development} or in such phased payments as the Planning Authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. All mitigation measures outlined in Section 5 of the Environmental Impact Assessment Report (EIAR) submitted with the current planning application in relation to the avoidance of noise shall be carried out in full and in strict compliance with those lodged documents.

Reason: In the interest of proper planning and sustainability.

4. All mitigation measures outlined in the Natura Impact Statement (Appropriate Assessment) submitted as part of the EIAR with the current planning application shall be carried out in full and in strict compliance with those lodged documents.

Reason: In the interest of proper planning and sustainability.

5. All mitigation measures outlined in Section 4.3.5 of the Environmental Impact Assessment Report (EIAR) submitted with the current planning application in relation to the protection of surface water shall be carried out in full and in strict compliance with those lodged documents.

Reason: In the interest of proper planning and sustainability.

6. All mitigation measures outlined in Section 4.3.6 of the Environmental Impact Assessment Report (EIAR) submitted with the current planning application in relation to the avoidance of odour shall be carried out in full and in strict compliance with those lodged documents.

Reason: In the interest of proper planning and sustainability.

7. All wells must be sited in accordance with the Department of Agriculture Specification - S123 (Bovine Livestock Units and Reinforced Tanks).

Reason: In the interest of public health and environmental sustainability.

8. 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.

Reason: In the interest of public health and environmental sustainability.

9. During construction 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.

10. The following landscape measures shall also apply to this site:

- a) All sound trees on site (including those in surrounding hedgerows) shall be retained except those that require to be removed to facilitate the actual physical development of the site.
- b) Any existing hedgerow to be removed to facilitate sightlines shall be reinstated in the setback position behind the sightlines. Any new planting / hedgerow strengthening shall be of native species only.
- c) Any new perimeter planting carried out on the site, on the access laneway, or at the entrance to public road shall also be of native species only.
- d) No new non-native tree species shall be introduced into farm or its boundaries.
- e) Any tree failures within five years of planting shall be replaced.
- f) No invasive species shall be introduced as part of the proposed development. Any invasive species occurring shall only be dealt with promptly by an invasive species specialist.

Reason: In the interests of visual amenity and biodiversity.

11. All construction waste arising from the proposed development shall be removed from the site using appropriately authorised waste collection contractors only.

Reason: In the interest of sustainable waste management.

PLANNER SIGNATURE

Bonagh Treana

DATE: 24/06/2021

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CAVANAUGH COUNTY COUNCIL
PLANNING DEPARTMENT
VIEWING ROOM ONLY

Appendix – Site Images (5th May 2021)

Image 1: Proposed site



Image 2: Existing poultry unit on site

