

Memorandum

From Gary Farrelly
Assistant Planner

To Nicholas O'Kane
Senior Planner

loh 29/4/19

Date 25th April 2019

Planning Reg. No: 19/103
Applicant: Killian Smith
Type of Application: Permission
Development Description: to construct 1 no. poultry house together with all ancillary structures and all associated site works at Clonloaghan, Kilcogy.
Municipal District: Ballyjamesduff

Site location

The subject site is located within the townland of Clonloaghan, approximately 3km east of the village of Kilcogy. Access to the site is via a private laneway taken off the 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

None

Pre-Planning

None

Submissions

Submission received from Peter Sweetman.

States that it is not possible for Cavan County Council to grant a permission in accordance with CJEU judgements.

Representations

Submission from Inland Fisheries Ireland.

Internal Reports

Environment Section

The application for this new poultry house will be 1,997m² in size and house 39,000 broiler chickens, which is below the threshold for an EPA IED Licence.

The proposed development is on a Greenfield site, with a nearby bovine farm.

In relation to the poultry litter generated as a result of the proposed development, 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.

It has been confirmed that the feed used for the chickens would be formulated to the optimum crude protein levels to minimise nutrient excretion. This would in turn reduce the volume of slurry produced and also the levels of ammonia, thus reducing likelihood of odour nuisance.

We welcome the submission of a report from Poultry Veterinary Services in Cootehill, indicating that they have no concerns in relation to this development, providing strict bio-security practices are implemented in accordance with best practice guidance.

The information submitted by CLW planners refers to a bovine stocking rate of 47kg N/Ha, which is farmed on approximately 14.5ha.

It is estimated that there will be approximately 63m³ of soiled water generated per annum, which will increase the Nitrogen loading to 51.5Kg/N/Ha, which is well within the statutory 170Kg/N/Ha.

It is proposed that this soiled water will be collected and stored in a dedicated soiled water tank and then spread onto the adjoining spreadlands.

I would note that there appears to be conflicting information within the farm developments application form and the site layout plan in relation to the total volume of the soiled/wash water tank. The plans/sections indicate that the soiled/wash water tank has a total capacity of 129.6m³, whereas the farm developments application form indicates that the soiled/wash water tank will have a total capacity of 144m³. Irrespective of this, there appears to be sufficient capacity to manage the volume of soiled/wash water estimated.

It is proposed that the water supply source for the proposed development will be from a new private well onsite. Although the site layout plan indicates that the well is located to the east of the site, the exact distance of the well from the development has not been

indicated. Notwithstanding this, reviewing the map in relation to our GIS mapping, the well would appear to be located approximately 60 – 80 meters away from the poultry development and. Therefore, in line with recommendations within the Department of Agriculture Specification - S123 (Bovine Livestock Units and Reinforced Tanks).

The applicant may wish to refer to the EPA Drinking Water Advice Note 14 - Borehole Construction and Wellhead Protection, for advice and guidance on well construction.

It is proposed that surface water will be discharged via a silt trap to a local watercourse on the east of the site. The drainage channels, silt trap and location of discharge have been denoted on the site map provided.

There are a number of noise/odour sensitive locations within 400m of the development site. A Noise/Odour Impact Assessment has been submitted. The findings of this report indicate that there are 8 third party noise/odour sensitive locations within a 400m radius of the development site, with the nearest location being located approximately 175m from the development. The assessment further highlights that other 7 third party locations are >300m from the development site. The assessment proposes a number of measures to mitigate against potential noise and odour issues. I would recommend that, if this development is to proceed, the odour and noise mitigation measures within Sections 1 & 2 of the Noise/Odour Impact Assessment are implemented. I would highlight that there does not appear to be any complaints recorded in relation to noise of odour/ noise issue from the nearby bovine farm.

Noise / Odour is a matter for the planner to consider, however I would recommend that if this development is to be granted planning permission, that the planner ensure the proposed mitigation measures, along with any other best practice measures, are implemented by way of planning condition.

There has been a map submitted highlighting poultry units within a 2km radius. This map indicates that 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. The planner should consider the cumulative impact that the proposed development may have on the greater area.

Insofar as our remit is concerned I have no objection to the proposed development subject to planning conditions.

Planning Assessment

The proposed development is for 1 no. poultry house on a greenfield site nearby an existing bovine farm. The proposed structure will measure 1,997sqm and will accommodate 39,000 broiler chickens. The structure will have a ridge height of 5.9 metres 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 structure will be 92.50 metres with the topography of the site ranging from 90.89 metres to 93.87 metres. The structure has been sited to the south boundary of the site along the existing mature hedgerow. Having regard to this and to the topography of the site, the structure will be well screened.

Storm water from the development will be discharged to an open drain via a perforated storm line and silt trap.

Access to the site will be via the existing service road serving the existing family dwelling.

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.

Requirement for Environmental Impact Assessment Report

An EIAR is required as stated under Schedule 5 of the Planning and Development Regulations 2001-2015 where:

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.

The proposed development is for 39,000 places for broilers which is below the threshold for Part 1 above, which specifies a threshold of 85,000.

Part 2 relates to installations for intensive rearing of poultry not included in Part 1. In other words, intensive poultry rearing that does not comprise hens or broilers. Therefore, Part 2 does not apply in this instance. (It should also be noted that the threshold for an IED/IPPS licence is 40,000 birds.)

An EIAR is therefore not mandatory in this case. However, the legislation does allow for a sub-threshold EIAR to be requested by the planning authority where the likelihood of significant effects on the environment cannot be excluded by the planning authority. The planning authority shall then make a determination as to whether the development would be likely to have significant effects on the environment, and consequently whether an EIAR is required or not.

In reaching such a determination, the planning authority is to have regard to the likely significant effects of the development on any site, area, land, place or feature as appropriate, as set out under Article 103 (3) of the Planning and Development Regulations, as amended. In making this determination, the planning authority must have regard to the criteria set out in Annex III of the EU Directive 2014, which are set out under the following headings.

Characteristics of the project:

This proposal is for a broiler poultry operation within a rural agricultural area. In terms of size and design, the poultry house itself would occupy a footprint of 1,997sqm excluding ancillary development and access. This would constitute some loss of farm land, but not to a degree that would be likely to have a significant environmental effect. The proposed development also makes effective use of an existing service road taken off the public road. The poultry house is designed similar to other poultry houses in the county, in accordance with required standards, and is conducive to an agricultural landscape such as this.

A noise and odour assessment of the proposed development, has been undertaken which assesses the impact on sensitive receptors within a 400m radius of the site. Odour impacts and pollution will be controlled on site, as is common with other poultry

operations, and can be enforced by planning condition, and are not likely to be significant given the scale of the proposal and the adoption of good operational and management practice, as outlined in the submitted assessment. Proposals are also set out in the planning application to collect and process the waste, and measures can be taken on site to prevent contamination. Considering this, the proposed development is unlikely to cause a significant environmental effect on site by way of pollution.

In terms of climate change, the proposed broiler chicken capacity will replace the existing bovine farming activities on a c.1ha section of land which I consider will not have a significant impact in terms of climate change.

Overall, the characteristics of the proposed development are not such that would, on their own, warrant an EIAR or would be likely to have a significant environmental effect.

Location of project:

The proposed development is proposed within a relatively flat landscape with significant mature hedgerow bounding the site. I have examined the presence of 8 dwellings identified within 400m of the application site, the closest of which is approximately 160m south of the site. I consider that significant environmental impacts can be avoided or appropriately mitigated by good operational practice and reinforced by planning condition, thereby avoiding the likelihood of a significant environmental effect.

The site is located approximately 4km from the Lough Sheelin SPA and approximately 14km from the Lough Oughter and Associated Loughs SAC. As assessed below, I do not consider the development will impact upon the integrity or the site structure of the designated sites.

I note that there are no recorded monuments within close proximity of the site, the closest being a Ringfort (CV01722) approximately 670m north east of the site. Having regard to this I do not consider the development will have a significant impact on this site or any other nearby historical sites.

Type and characteristics of potential impacts:

I have examined the characteristics and location of the proposed development against the criteria set out in Article 3(1) of the Directive concerning the (1) magnitude and spatial extent of the impact, (2) the nature of the impact, (3) the transboundary nature of

the impact, (4) the intensity and complexity of the impact, (5) the probability of the impact, (6) the expected onset, duration, frequency and reversibility of the impact, (7) the cumulation of the impact with that of other existing and/or approved projects, and (h) the possibility of effectively reducing the impact. I am satisfied that no significant environmental effects are likely taking all the above into consideration.

Assessment Conclusions

I have assessed the proposal against Article 103(3), and I am satisfied that there would be no likely significant environmental effects arising from the development, and therefore that there is no requirement for an EIAR in my reasoned conclusion. In reaching this determination, I have taken into account the criteria of Annex III of the Directive as summarised above.

The main reasons and considerations on which I have made this determination are based on the nature, scale and context of the proposed development, the absence of any landscape designations, distance from any European site, and distance from sensitive receptors.

Appropriate Assessment

The subject site is located within the Buffer Zone of the Lough Oughter and Associated Loughs SAC. The Lough Sheelin SPA is approximately 4km from the site. I am satisfied, having regard to the nature and scale of the development and to the separation distance between the site and the European Sites (14km to Lough Oughter SAC) that no Appropriate Assessment issues arise and therefore it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

Development Contributions

Agricultural Structures – €5 per sqm (0-300sqm exempt)

$$1,997 - 300 = 1,697 \text{sqm}$$

$$1,697 \times €5 = €8,485$$

Conclusions & Recommendation

It is considered that, subject to compliance with the conditions set out below, the development would not injure the amenities of the area and would be 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 scale and nature of the development, it is considered that, subject to compliance with the conditions set out below, the development would be in accordance with the provisions of the development plan and would not adversely impact public health or the environment. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and received by the Planning Authority on the 20th March 2019, except as may otherwise be required in order to comply with the following conditions.
(b) The development hereby approved shall be for 39,000 places for broilers only.

Reason: In the interest of proper planning and sustainability.

2. The developer shall pay the sum of €8,490 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 prior to 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 existing hedgerows and trees within and surrounding the site shall be retained, *except those that are required to be removed to facilitate the actual physical development of the site.*

Reason: In the interest of visual amenity and biodiversity.

4. 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.

5. The development shall be carried out in accordance with Inland Fisheries Ireland (IFI) guide to the requirements for the protection of Fisheries Habitat during construction and development works at river sites.

Reason: In the interest of public health.

6. All wells shall 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.

7. (a) Poultry house design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S100 S101 and S123.
(b) Soiled/wash water tank design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S123.
(c) Meal storage bin design and construction standards shall be in accordance with the Department of Agriculture and Food specifications S110.

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

8. Soiled water arising from the development shall be directed to and collected in the proposed soiled water storage tank in accordance with the Department of Agriculture and Food specifications S123 and S129.

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

9. Effluent, manure or soiled water shall not be caused or permitted to flow onto adjoining property or to enter any stream, drain, ditch or other watercourse or to overflow the effluent storage tanks.

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

10. Uncontaminated surface run-off from roofs and clean paved areas within the development shall be collected separately from effluent and shall be disposed of to an approved watercourse adjoining the site in accordance with the Department of Agriculture and Food specifications S129.

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

11. Effluent or soiled water shall not be spread on or applied to land where there is risk, because of the gradient of the land and/or the weather conditions prevailing at the time of spreading or application that the effluent will run from the land to any lake, river, ditch, stream or other watercourse.

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

12. Poultry manure & wash waters shall be disposed of in the general manner outlined in the application documents on the basis that any necessary Waste Permits in accordance with the Waste Management Act, 1996-2008 are obtained.

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

13. Detailed records shall be maintained in regard to manure & soiled water disposal; these shall include such matters as dates, volumes disposed of and outlet locations. The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Planning Authority and be provided to the Planning Authority on request in writing.

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

14. Transport of poultry manure and soiled water shall be in suitably contained, leakproof vehicles.

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

15. (a) Casualty birds shall be disposed of by an approved waste contractor and in accordance with Department of Agriculture regulations.
(b) The temporary on-site storage of carcasses shall be in sealed containers.

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

16. Any alteration to the disposal method for manure, soiled water and casualty birds shall only be implemented with the prior written approval of the Planning Authority.

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

17. Packaging waste, contaminated drums, equipment and protective clothing shall be collected and stored in suitably sealed leakproof containers, where practicable, pending disposal in accordance with the Waste Management Act, 1996-2008.

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

18. The applicant shall operate the facility in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary. Removal or disposal of poultry litter and the clean-out of houses should be undertaken in such a manner to reduce impacts from odour or noise and to prevent nuisance to premises in the surrounding area.

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

PLANNER SIGNATURE



DATE 25-4-19

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Appendix – Site Images (8th April 2019)

Image 1: Agricultural field outside redline boundary



Image 2: Proposed location of poultry unit alongside existing hedgerow and trees

