

Obs Tues 22/10

P.09/20

~~Playstation~~

Laura ~~Arch~~

**PLANNING APPLICATION CONTROL FORM**

Application Reference No.: 19/440

Decision due by (12/11/2019) 11/1/20

Previous Ref. Nos.: 17622

Date of Receipt of Application: (18/09/2019) 6/12/19

Applicant : Sammy Wilkin

Address: Damien McGivney c/o M. Hetheron Eng. Services Cogan Street Oldcastle Co. Meath

Location of Development: Cornwall Rockcorry Co. Monaghan

**Description** : permission for a development consisting of construction of (1) free range poultry unit and associated works (2) infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area (3) complete all ancillary site works and associated site structures together with the retention of (a) amendments and alterations to poultry unit during construction (b) detached storage shed (c) amended site layout from that previously granted under reference number 17/622. Significant further information relates to the submission of nutrient management plan and amended site layout plan.

**VALIDATION**

Validated by: \_\_\_\_\_ Date of Validation: \_\_\_\_\_

**SITE NOTICE**

Was Notice published on site Yes  No

Inspected by: A. McKeena Date of Inspection: 9.10.19

**Refer file for reports to:**

Municipal District

E.H.O.

S.E.E. Water Services

Flooding Section

S.E.E. Environment

S.E. Planner

AA not required

Donna McEvoy AI

**MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT REPORT**

**File Ref:** 19/440 (Additional Information)

**Applicant:** Sammy Wilkin

**Development:** permission for a development consisting of construction of (1) free range poultry unit and associated works (2) infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area (3) complete all ancillary site works and associated site structures together with the retention of (a) amendments and alterations to poultry unit during construction (b) detached storage shed (c) amended site layout from that previously granted under reference number 17/622.

**Location:** Cornawall, Rockcorry, Co. Monaghan

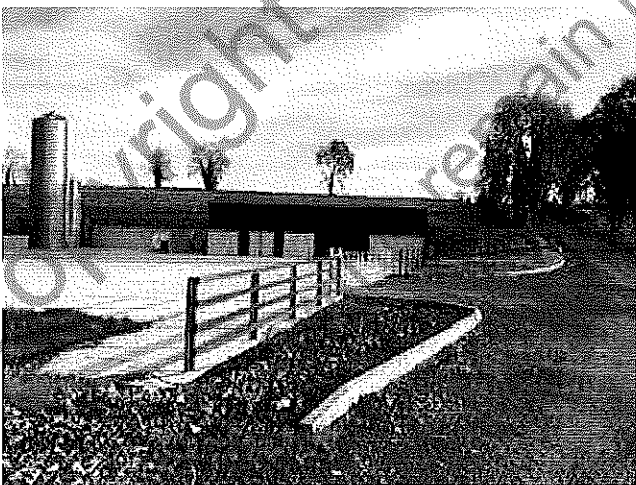
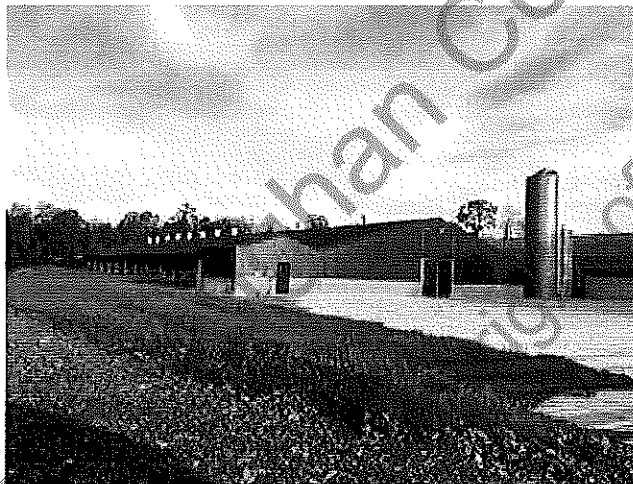
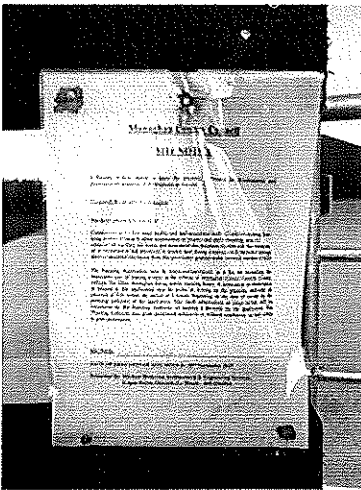
**Initial Assessment**

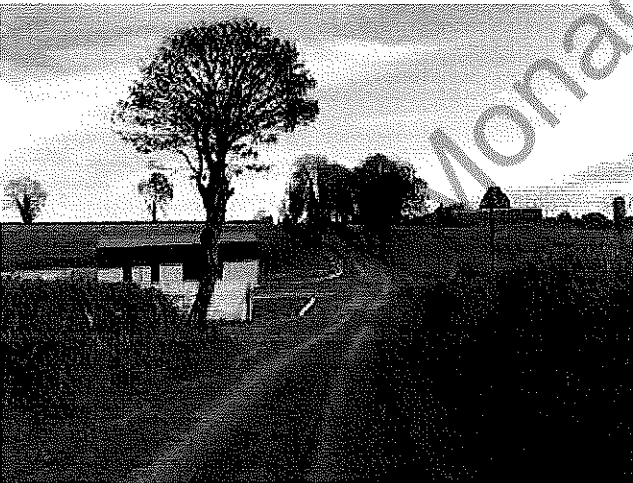
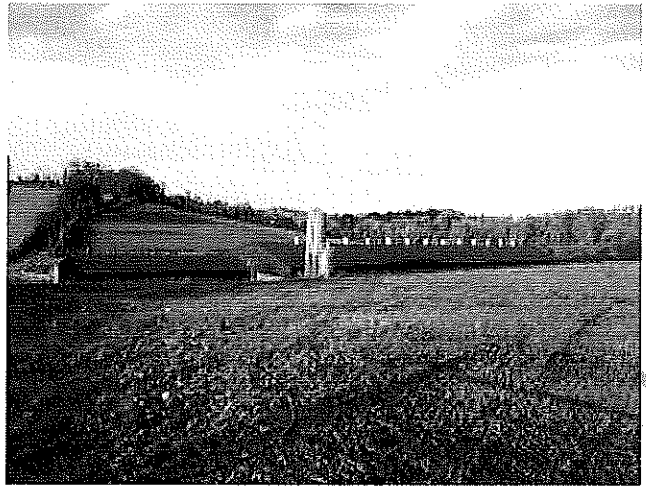
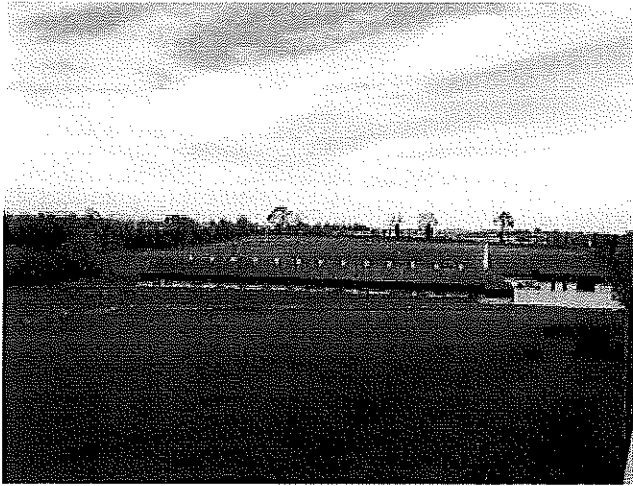
**1. Date of Site Inspection**

9-10-2019

**2 Site Notice & Photos**

In order





### 3. Pre-Planning Meeting(s)

No as per Application Form

### 4. Zoning

The subject site is located in a 'Category 2- Remaining Rural Area' as per MCDP 2019-2025.

### 5. Characteristics of the Site/Area

- Subject site, denoted in red on the map below, has a stated site area of 3.21Ha.
- Four subject site boundaries clearly defined
- Brownfield site with one poultry unit, store and existing access onto Local Tertiary Road, granted under 17/622

- undulating nature of the surrounding landscape, the proposed unit will be located within a valley i.e low-lying site
- In excess of 100m from nearest dwelling house (155m)
- applicant owns an existing complex to the south east of the site, as per blue line boundary
- Within 15km of Natura 2000 sites- Kilroosky Lough SAC
- No OPW flooding concerns



## 6. Proposed Development

This is an application for Retention Permission and Permission.

### Permission

- construction of free range poultry unit and associated works
- infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area

### Retention Permission

- complete all ancillary site works and associated site structures
- amendments and alterations to poultry unit during construction
- detached storage shed
- amended site layout from that previously granted under reference number 17/622.

## 7. Site Planning History

### As per Application Form

Previous Valid Planning Applications: 17/622

Subject of Appeal: No

Site Flooded: No

Previous Uses: No

Statutory Notices: No

### Planning Authority's iPlan Record

**17/622:** Permission to construct (1) free range poultry unit (2) underground washings storage tank (3) upgrade existing agricultural entrance (4) complete all ancillary site works and associated site structures. Significant Further Information has been received in relation to revised site boundaries and provision of improved access and traffic movement measures along and from the existing adjacent local tertiary road LT23313. Granted.

## 8. Observations

The last date for observations was 22-10-2019. No submission was received.

## 9. Referrals Reports

MCC Internal

Environment: Report dated 5-11-2019. Additional Information  
Flooding: No objection  
No other Referrals for internal reports on Planning Application Control Form  
Consultees  
No Consultee Referrals on Planning Application Control Form

Environment Report dated 5-11-2019

"The site is located on a locally important poor aquifer and on an area of low groundwater vulnerability. The receiving waters are located in waterbody NW\_36\_237 currently classified as "poor" status and has a Water Framework Directive of restore 2021.

- There is one existing unit onsite. The proposed and existing units will house a total of 38,950 birds (broilers) which is below the threshold for EPA Licensing
- All poultry manure generated from the site is proposed to be removed by George Coulson. DAFM Record 3 Forms shall be completed (signed letter from contractor attached with application).
- Dead birds will be collected by a permitted contractor, a letter from Michael Galligan is attached.
- It is proposed to landspread washwaters along with existing farmyard organic fertilisers. The applicants 2019 Fertiliser Plan has been submitted. Nutrient loadings from proposed soiled waters does not appear to be included in this plan and therefore the sustainable use of washwaters from the unit has not been demonstrated.
- Map of lands have been attached with the application, these lands are in low groundwater vulnerability.
- Soiled water proposals have been submitted and it is proposed to divert storm water and roof water to an existing drain. A revised site layout drawing is required. Roof water and yard waters should be discharged via separate drainage routes. To offer further protection to the watercourse yard waters should discharge to a soil polishing filter after a silt trap.

It is recommended that Additional Information be requested from the Applicant".

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

Monaghan County Development Plan 2019-2025

Section 15.15 Agricultural Development- Policies AGP1 and AGP2

Section 6.7 Natura 2000 Sites and Appropriate Assessment

Revised Guidelines for Planning Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment, August 2018

**11. Planning Assessment**

Application Information

Landowner Farm Area:	153acres.
Site Area:	3.21Ha.
Proposed Floor Area (House 2):	1998sqm
Retained Poultry Floor Area (House 1):	1998sqm
Retained Store Area:	162sqm

Assessment

This is an application for Retention Permission and Permission.

Permission

- construction of free range poultry unit and associated works
- infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area

Retention Permission

- complete all ancillary site works and associated site structures
- amendments and alterations to poultry unit during construction
- detached storage shed
- amended site layout from that previously granted under reference number 17/622.

### Revisions to 17/622

The proposed retention permission relates to revisions to the site layout, poultry unit and detached storage shed previously approved under 17/622.

The site area has been increased from 2.279Ha to 3.21Ha.

The existing poultry unit was relocated during construction- the minor changes in its location, floor area, FFL, door, window, elevations and overall height are considered acceptable.

The location of the approved poultry unit is outlined on the submitted plans with FFL of 101.250 and includes a retention floor area of 266sqm.

The storage shed is 164sqm (dimensions c19.3m x c9.1m x c5.8m high) with retaining walls to the rear and finishes in green juniper cladded sheeting. It comprises a storage area, services area and store.

The total stated existing floor area is 2161sqm and the stated retention floor area is 428sqm.

### Proposed Poultry Unit

The applicant has applied for Permission to construct a free range poultry unit, denoted in purple on the submitted plans.

The proposed floor area is 1998sqm with dimensions c92.5m x c22.5m x c6.3m high and FFL of 101.250. The proposed integrated storage/service area is c44sqm with dimensions c6.5m x c6.9m x c3.9m high. The proposed finish is green juniper cladded sheeting.

It is located to the west of the existing poultry unit on the area of fill and c23.4m from the local tertiary road.

The 2no. meal bins are located on the concrete apron between the existing and proposed poultry houses, one with a 2.6m diameter and overall height of 13.4m and the other with a 2.2m diameter and overall height of 7.3m.

The Planning Authority notes the proposed retaining walls along the concrete apron to facilitate development.

### EIS/Poultry Thresholds

- Capacity of existing poultry unit is 18,950 free range broiler chickens, as per 17/622
- Capacity of proposed poultry unit is 20,000 free range broiler chickens
- Total capacity of 38,950 free range
- Total capacity is below the threshold required for the preparation of EIAR (in excess of 40,000 places)
- In accordance with Schedule 5, Part 1, 17 and Schedule 5 Part 2, 1(e)(i) of the Planning and Development Regulations, the proposed development does not require an EIS.

### Fill Area

- The Applicant has applied for Permission to infill the existing low-lying portion of lands to allow construction of poultry unit and surrounding area
- Existing field level and contours shaded green as per submitted plans
- Fill area hatched orange with existing and proposed ground levels shown on submitted plans
- Finished field levels to range between 99.250 to 101.00, increased from c97.337

### Access and sightlines

The submitted plans demonstrate the following:

- 50m sightlines in each direction onto the local tertiary road
- 9.6m wide entrance for HGV access with 11.5m setback from road edge
- 10.5m HGV turning radius tracking shown

### Applicants Submission

The Applicant has not submitted a Planning Report justifying location, operations and management of the proposed poultry unit- to be submitted by Additional Information.

### Policies for Agricultural Development

The importance of agriculture in County Monaghan is recognised.

- All planning applications shall be required to include an 'Agricultural Development' Form.
- All planning applications shall be required to be accompanied by a completed supplementary planning application form for agricultural developments.

While the Applicant is requested to demonstrate Compliance with Policy AGP 1 and AGP 2, by Additional Information, the Planning Authority will assess the information submitted with this initial application.

Policy for Agricultural Development	
<b>AGP 1</b>	<p>To permit development on new and <u>established</u> agricultural or forestry holdings where it is demonstrated that;</p> <p>It is necessary for the efficient use of the agricultural holding or enterprise,</p> <ul style="list-style-type: none"><li>a) The appearance, character and scale are appropriate to its location, appropriate design for its location on existing poultry farm</li><li>b) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary, Low-lying site only Not visible from the public domain Will integrate with existing/supplementary landscaping</li><li>c) The proposal will not have an adverse impact on the natural or built heritage, No impact on heritage</li><li>d) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise, smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided, In excess of 100m from nearest dwelling house Stated to be 155m to nearest house</li><li>e) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water, Environment Report recommends Additional Information</li><li>f) Proper provision for disposal of liquid and solid waste is provided. Environment Report recommends Additional Information</li><li>g) The proposal will not result in a traffic hazard. 50m sightlines onto local tertiary road indicated on submitted plans 50m sightlines complies with MCDP 2019-2025 No resultant traffic hazard</li></ul> <p><u>Where a new building is proposed applicants must also provide the following information:</u></p> <ul style="list-style-type: none"><li>h) Outline why there is no suitable existing building on the holding that cannot be used. To be submitted by Additional Information</li><li>i) Design, scale and materials which are sympathetic to the locality and adjacent buildings. appropriate design and materials for poultry unit on existing poultry farm</li><li>j) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons. Proposed poultry unit located within existing poultry farm</li></ul>

	<p>k) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings. appropriate finishes and colour for poultry unit on existing poultry farm low-lying site no visual impact on surrounding environment</p> <p>l) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity. Proposed poultry unit located within existing poultry farm</p>
--	---

Policy for Intensive Agriculture /Poultry and Pig Farming	
<b>AGP 2</b>	<p>In addition to the information required under AGP 1 the following additional information will be required for assessing applications for <u>intensive poultry units</u> or similar specialised agri-developments the Council:</p> <p>a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment. EIAR/AA not required to be submitted</p> <p>b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site. To be submitted by Additional Information</p> <p>c) Methods for waste management including frequency and location of disposal relative to the proposed unit. Environment Report recommends Additional Information</p> <p>d) Details of air pollution arising from the units and effluent storage, transportation and spreading. To be submitted by Additional Information</p> <p>e) Proximity of development to aquifers and water courses and its impact on them. Environment Report recommends Additional Information</p> <p>f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner. No impact on third party residential amenity Stated to be 155m from nearest dwelling house</p> <p>g) Details of associated activities such as cleaning, ventilation and heating. To be submitted by Additional Information</p> <p>h) A comprehensive landscaping plan Existing site boundary landscaping details as per submitted Site Layout Plan No landscaping existing and no proposal shown for western site boundary To be submitted by Additional Information</p> <p>i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration. To be submitted by Additional Information.</p> <p>j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals. 50m sightlines shown on plans within family ownership, complies with MCDP 2019-2025 There would be an intensification of use of the Local Road and the existing access by the proposed development; however, it is considered that the potential additional</p>



traffic generated by the proposed development could be facilitated on the local road network and on the site.
---

#### Additional Information Assessment

AI was requested on 11-11-2019 and a response was received on 6-12-2019.

The AI submission was referred to the Environment Department and a response was received on 19-12-2019 (No objection subject to Conditions).

The AI request was as follows:

1. The Applicant has not submitted a Planning Report justifying location, operations and management of the proposed poultry unit. The onus is on the Applicant to provide the information required to assess this proposed poultry unit.

In this regard, the applicant shall submit details to demonstrate compliance with the Agricultural Policies set out in Policy AGP 1 (a) – (l) and Policy AGP 2 (a) – (j) of Monaghan County Development Plan 2019-2025.

#### Planning Authority Assessment

The Planning Authority notes the content of the submitted Planning Statement dated 4-12-2019, as prepared by Michael Hetherton Architectural and Engineering Services Ltd.

The Planning Authority is satisfied that the Applicant has adequately addressed AI Item No1 as per AI submission on 6-12-2019.

2. The Planning Authority notes the lack of existing/proposed landscaping on the western site boundaries as per submitted Site Layout Plan on Drawing No. A1\_004.

In this regard, the Applicant shall submit a comprehensive landscaping plan in accordance with Section 15.19 of Monaghan County Development Plan 2019-2025, detailing the following:

- a) existing planting, trees and hedgerows (if any) to be removed to facilitate the proposed development
- b) proposed/supplementary landscaping along all site boundaries, specifically on the western site boundary, as well as a landscape/planting schedule to demonstrate that the proposed development will integrate successfully into the landscape

#### Planning Authority Assessment

The Planning Authority notes the content of the submitted Planning Statement dated 4-12-2019, Drawing Title "FI response- Site Layout Plan" and Tree/Hedgerow Survey Schedule, as prepared by Michael Hetherton Architectural and Engineering Services Ltd.

Of particular note, the south west boundary is to be defined with a proposed stock and fox proof fence with timber posts and high tensile chicken wire. No hedge planting or tree planting is to be placed on this boundary as it will cause interference with the efficiency of the free range boiler chickens due to a risk of nesting.

The Planning Authority is satisfied that the Applicant has adequately addressed AI Item No2 as per AI submission on 6-12-2019.

3. The Applicant shall address the following:
  - a) Submit a nutrient management assessment (including both Nitrogen and Phosphorus) to demonstrate how is it proposed to sustainably use wash waters arising from the proposed development. This assessment shall take account of the requirements of the European Union (Good Agricultural Protection for Protection of Waters) Regulations, 2017. This assessment shall be prepared by a qualified agricultural advisor/consultant.

- b) Submit an assessment on the proposed development. This assessment shall be prepared by a qualified agricultural advisor/consultant. The assessment shall include at a minimum:
  - (i) Description of the location of the proposed development
  - (ii) Description of the operation and management of the proposed development
  - (iii) Size in hectares of paddock/range area (taking into account guidelines on number of birds/hectare)
  - (iv) Management of organic fertilizer including soiled water and organic fertilizer
  - (v) Management of Range/Paddock area including;
    - Nitrogen and Phosphorus Balance/Hectare
    - Number of proposed silage cuts per year on the paddock area
    - Cropping Routine within the range/paddock area
- c) Submit confirmation that a buffer zone of at least 3m from any drain or watercourse within/adjacent the paddock areas shall be maintained.
- d) Demonstrate using SUDS that surface water arising on the concrete apron shall be adequately pre-treated prior to discharge. This shall include the addition of an adequately sized silt trap and soil polishing filter to treat surface water arising on the concrete apron. The soil polishing filter shall be located after the silt trap.
- e) Submit a revised site layout map 1:500 detailing:
  - (i) all foul (red) and storm (blue) lines and the outfall for each
  - (ii) All roofwater diverting independently to soakpit or rainwater harvesting
  - (iii) All yards waters from vehicular turning area and feed silo to discharge to silt trap, followed by an appropriately sized soiled polishing filter

The above would constitute Significant Further Information. In accordance with Article 35 of the Planning and Development Regulations 2001 (as amended), the Applicant shall:

- (i) Revise the Site Notice indicating 'Significant Further Information/Revised Plans, as appropriate'
- (ii) Erect revised Site Notice on site
- (iii) Revise the Press Notice indicating 'Significant Further Information/Revised Plans, as appropriate'
- (iv) Submit a Copy of the Revised Site Notice and Revised Press Notice to the Planning Authority.

#### Planning Authority Assessment

The Planning Authority notes the content of the submitted Planning Statement dated 4-12-2019, as prepared by Michael Hetherton Architectural and Engineering Services Ltd.

The Environment Report dated 19-12-2019 states no objection subject to Conditions.

The Planning Authority is satisfied that the Applicant has adequately addressed AI Item No3 as per AI submission on 6-12-2019.

#### Development Contribution

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

Retention floor area:	428sqm
Proposed Poultry House:	1998sqm
2no. silos:	12sqm
<b>Total Floor Area:</b>	<b>2438sqm</b>

### Appropriate Assessment

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

Policy HLP13 of MCDP 2019-2025 states

"To resist development in or adjacent to any Natura 2000 site (SPA or SAC) where it would result in the deterioration of that habitat or any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the qualifying interest of such sites subject to the preparation of an appropriate assessment exercise under the provisions of the EU Habitats Directive"

The subject site is located within 15km of Natura 2000 sites, namely Kilroosky Lough SAC.

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

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

### Conclusion

The Planning Authority is satisfied that the Additional Information request has been adequately addressed as per AI submission on 6-12-2019.

The proposed development accords with Section 15.15 and Section 6.7 of Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

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

### Recommendation

#### Main Reasons and Considerations

Having regard to

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

it is considered that the proposed development,

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

and subject to compliance with the conditions set out below it is considered that the proposed development accords with both the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

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

1. (a)The developer shall pay to Monaghan County Council a sum of **€4816.00** in accordance with the General Development Contribution Scheme 2013-2019 (as revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area.

(b) The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages).

(c) No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

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

2. The following requirements shall be fully complied with:

- a) The site shall be managed in a manner which prevents the discharge of polluting matter to any waters.
- b) The applicant shall operate and maintain the free-range paddock area in a manner which prevents nutrient (Nitrogen and Phosphorus) losses to receiving waters.
- c) A buffer zone of at least 3m from any drain or watercourse within/adjacent the paddock areas shall be maintained.
- d) No additional fertilisers shall be applied to the paddock areas and one cut of silage shall be removed from these areas each year.
- e) Development shall comply with Department of Agriculture specifications for free range paddocks. The stocking rate on the paddock areas shall not exceed 1,000 birds per hectare.
- f) Prior to first cycle of birds, the applicant shall submit a signed letter from the Department of Agriculture, Food and the marine, confirming free range status.
- g) There shall be no change in poultry type, change in system which results in change in dry Matter content of the manure or increase in the number of poultry proposed without prior approval from the planning authority.
- h) During and post construction phase appropriate measures shall be taken to prevent any discharges of polluting matter to waters.
- i) All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system. Inspection manhole to be placed on storm line prior to exiting the development. Surface water shall discharge to the subsoil polishing filter via a silt trap and interceptor as per plans submitted.
- j) All structures and buildings shall be designed and constructed to the relevant Department of Agriculture specifications and in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- k) All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- l) All manure/organic fertilisers arising from the development shall be collected in leak proof storage facilities in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

- m) Manure shall be taken offsite by the contractor detailed on the application who must be registered with the Department of Agriculture Food and Marine shall be utilized in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- n) Receipts for manure collection and removal shall be submitted to the Environment Section by the 31<sup>st</sup> of December each year. Receipts to include tonnages and dates of movement.
- o) Any intention to change haulier or intention to utilize any manure shall be prenotified for approval by the Environment Section.
- p) Records of manure movements offsite shall be recorded on Record 3 forms (as prescribed by the Department of Agriculture Food and Marine). These forms shall be maintained on site at all times and submitted to the Environment Section of Monaghan County Council on request. Records maintained shall comply with requirements of Article 23 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and as a minimum shall include:
  - (i) Name and address of Contractor/Haulier
  - (ii) Date of each disposal operation
  - (iii) Quantity (weight and volume) disposed of
  - (iv) The name and herd number of the receiving farm
  - (v) Any other information as may be required from time to time by the Planning Authority
- q) If at any time the Planning Authority is satisfied that this development is causing environmental pollution and / or a public health nuisance, the operation shall cease immediately on the direction of the said authority and shall not be resumed until permission is granted by the said authority.
- r) Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Local Government (Waste Management) Act 1996 as amended.

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

3. Terms and Conditions of the original permission Ref No.17/622 shall be fully complied with except where modified by this permission.

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

4. (a) The planting details and associated site works as indicated on plans as submitted to the Planning Authority on 18-9-2019, as amended by Additional Information submitted on 6-12-2019, shall be fully implemented prior to any operation of the poultry house hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.

- (b) Landscaping works within the site area as detailed on plans as submitted to the Planning Authority on 18-9-2019, as amended by Additional Information submitted on 6-12-2019, shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.

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

5. (a) Roofing material shall be dark green, dark grey, dark blue or black in colour.
- (b) No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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

- The development shall be retained and carried out in accordance with plans and documentation submitted on 18-9-2019, as amended by Additional Information submitted on 6-12-2019, except as may otherwise be required in order to comply with the above conditions.

**Reason: In the interest of orderly development and to prevent unauthorised development.**

*Aisling King Mc Kenna*

**Aisling King Mc Kenna**

**Assistant Planner**

**Date** 6-1-20

*Naura Nulty*

*Exec Planner*

7-1-2020

Copyright of Monaghan County Council  
Maps and Drawing remain the Copyright of the Originator

Monaghan County Council's Development Contributions Calculations, effective 1<sup>st</sup> January 2019

Ref No. 19/440

Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3 Provision of Community, Recreation, Amenity Infrastructure	(g) Provision of buildings or other structures for the purposes of agriculture	Up to 300 m <sup>2</sup> (3229 sq ft) Exempt  Over 300 m <sup>2</sup> €540 plus €2 per m <sup>2</sup> over 300 m <sup>2</sup>  Extensions €2 per m <sup>2</sup>	Retention floor area: 428sqm  Proposed Poultry House: 1998sqm  2no. silos: 12sqm  Total Floor Area: 2438sqm	€540 + €4276 (2138sqm x €2) = €4816.00	€4816.00
<b>Contributions Due (€)</b>					<b>€4816.00</b>
Category (a) – (m)	Dev Type	% Reduction	Calculations		
					N/A
<b>Contributions Due – Discount</b>					<b>€4816.00</b>
Checked / Date					
AP / EP	AO		SEP		
<i>Al McKenna</i> 6-1-20	<i>PP A Gallagher</i> 7/1/20		<i>S Merty</i>		

**MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT REPORT**

**File Ref:** 19/440 (Additional Information)

**Applicant:** Sammy Wilkin

**Development:** permission for a development consisting of construction of (1) free range poultry unit and associated works (2) infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area (3) complete all ancillary site works and associated site structures together with the retention of (a) amendments and alterations to poultry unit during construction (b) detached storage shed (c) amended site layout from that previously granted under reference number 17/622.

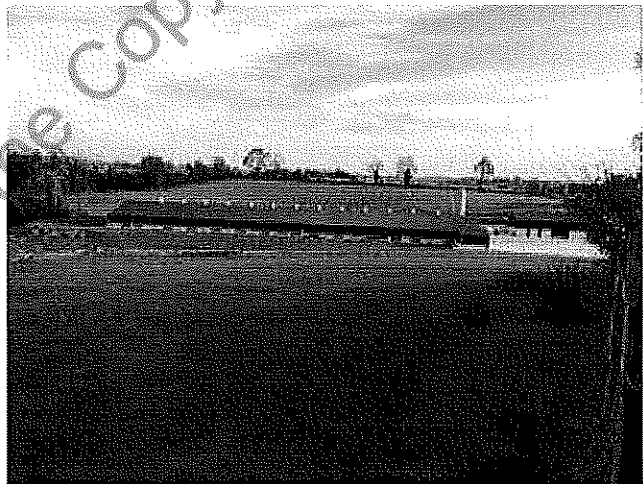
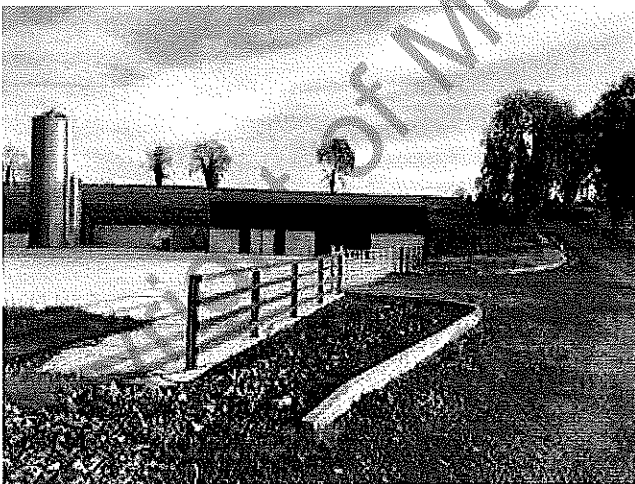
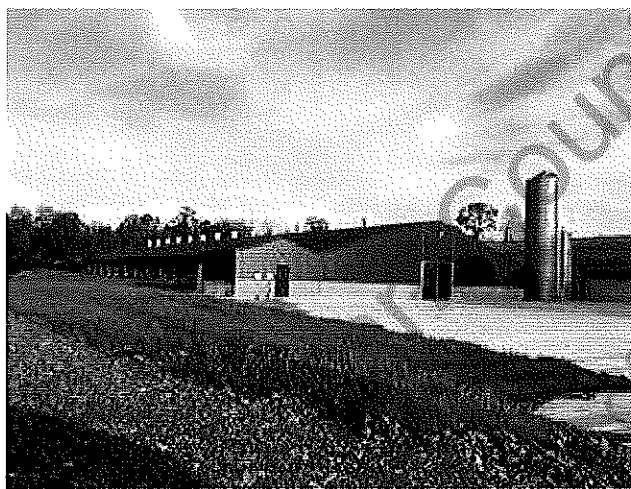
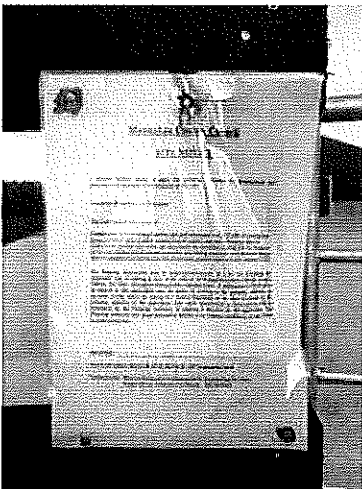
**Location:** Cornawall, Rockcorry, Co. Monaghan

**1. Date of Site Inspection**

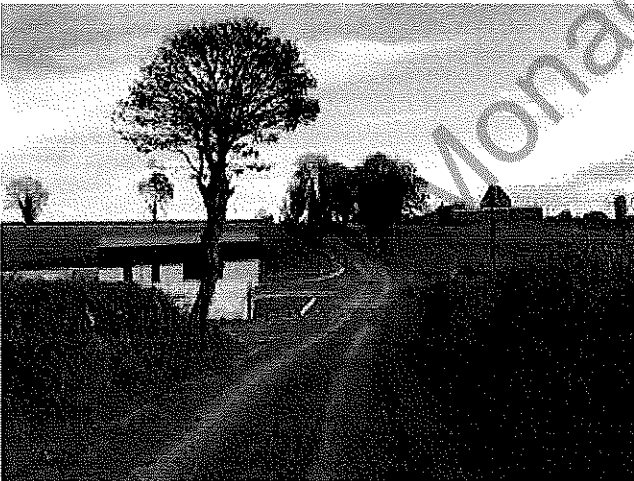
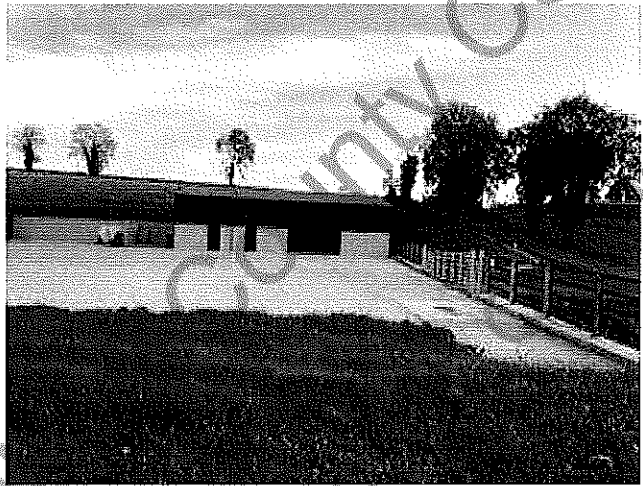
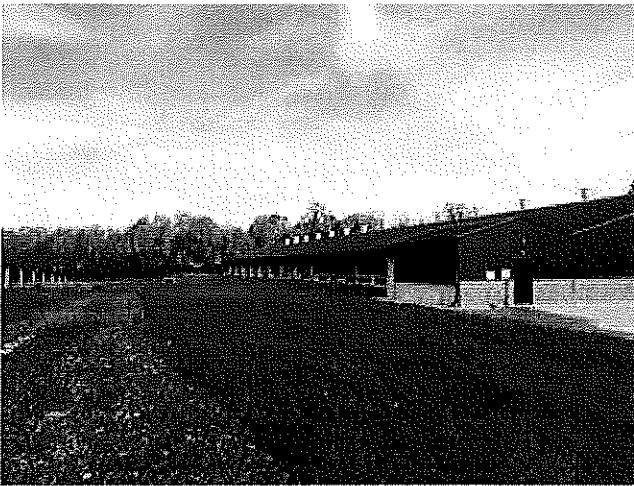
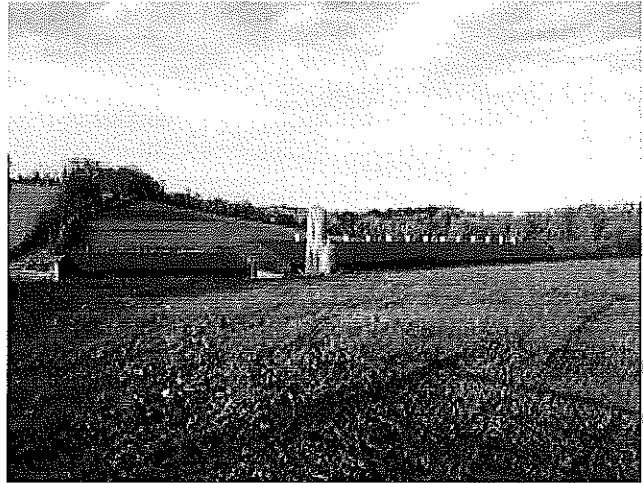
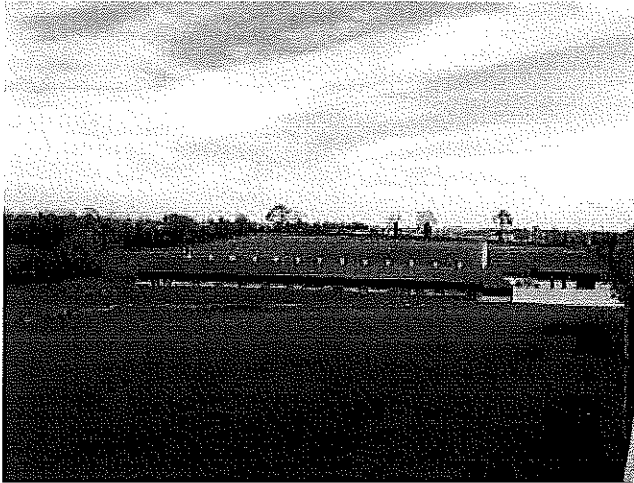
9-10-2019

**2 Site Notice & Photos**

In order







### 3. Pre-Planning Meeting(s)

No as per Application Form

### 4. Zoning

The subject site is located in a 'Category 2- Remaining Rural Area' as per MCDP 2019-2025.

### 5. Characteristics of the Site/Area

- Subject site, denoted in red on the map below, has a stated site area of 3.21Ha.
- Four subject site boundaries clearly defined
- Brownfield site with one poultry unit, store and existing access onto Local Tertiary Road, granted under 17/622

- undulating nature of the surrounding landscape, the proposed unit will be located within a valley i.e low-lying site
- In excess of 100m from nearest dwelling house (155m)
- applicant owns an existing complex to the south east of the site, as per blue line boundary
- Within 15km of Natura 2000 sites- Kilroosky Lough SAC
- No OPW flooding concerns



## 6. Proposed Development

This is an application for Retention Permission and Permission.

### Permission

- construction of free range poultry unit and associated works
- infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area

### Retention Permission

- complete all ancillary site works and associated site structures
- amendments and alterations to poultry unit during construction
- detached storage shed
- amended site layout from that previously granted under reference number 17/622.

## 7. Site Planning History

### As per Application Form

Previous Valid Planning Applications: 17/622

Subject of Appeal: No

Site Flooded: No

Previous Uses: No

Statutory Notices: No

### Planning Authority's iPlan Record

**17/622:** Permission to construct (1) free range poultry unit (2) underground washings storage tank (3) upgrade existing agricultural entrance (4) complete all ancillary site works and associated site structures. Significant Further Information has been received in relation to revised site boundaries and provision of improved access and traffic movement measures along and from the existing adjacent local tertiary road LT23313. Granted.

## 8. Observations

The last date for observations was 22-10-2019. No submission was received.

## 9. Referrals Reports

### MCC Internal

Environment: Report dated 5-11-2019. Additional Information

Flooding: No objection

No other Referrals for internal reports on Planning Application Control Form

### Consultees

No Consultee Referrals on Planning Application Control Form

### Environment Report dated 5-11-2019

"The site is located on a locally important poor aquifer and on an area of low groundwater vulnerability. The receiving waters are located in waterbody NW\_36\_237 currently classified as "poor" status and has a Water Framework Directive of restore 2021.

- There is one existing unit onsite. The proposed and existing units will house a total of 38,950 birds (broilers) which is below the threshold for EPA Licensing
- All poultry manure generated from the site is proposed to be removed by George Coulson. DAFM Record 3 Forms shall be completed (signed letter from contractor attached with application).
- Dead birds will be collected by a permitted contractor, a letter from Michael Galligan is attached.
- It is proposed to landspread washwaters along with existing farmyard organic fertilisers. The applicants 2019 Fertiliser Plan has been submitted. Nutrient loadings from proposed soiled waters does not appear to be included in this plan and therefore the sustainable use of washwaters from the unit has not been demonstrated.
- Map of lands have been attached with the application, these lands are in low groundwater vulnerability.
- Soiled water proposals have been submitted and it is proposed to divert storm water and roof water to an existing drain. A revised site layout drawing is required. Roof water and yard waters should be discharged via separate drainage routes. To offer further protection to the watercourse yard waters should discharge to a soil polishing filter after a silt trap.

It is recommended that Additional Information be requested from the Applicant".

## 10. Development Plan Policy/Ministerial Guidelines

### Monaghan County Development Plan 2019-2025

Section 15.15 Agricultural Development- Policies AGP1 and AGP2

Section 6.7 Natura 2000 Sites and Appropriate Assessment

Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018

## 11. Planning Assessment

### Application Information

Landowner Farm Area: 153acres.

Site Area: 3.21Ha.

Proposed Floor Area (House 2): 1998sqm

Retained Poultry Floor Area (House 1): 1998sqm

Retained Store Area: 162sqm

### Assessment

This is an application for Retention Permission and Permission.

#### Permission

- construction of free range poultry unit and associated works
- infill of existing low-lying portion of lands to allow construction of poultry unit and surrounding area

#### Retention Permission

- complete all ancillary site works and associated site structures
- amendments and alterations to poultry unit during construction
- detached storage shed
- amended site layout from that previously granted under reference number 17/622.

### Revisions to 17/622

The proposed retention permission relates to revisions to the site layout, poultry unit and detached storage shed previously approved under 17/622.

The site area has been increased from 2.279Ha to 3.21Ha.

The existing poultry unit was relocated during construction- the minor changes in its location, floor area, FFL, door, window, elevations and overall height are considered acceptable.

The location of the approved poultry unit is outlined on the submitted plans with FFL of 101.250 and includes a retention floor area of 266sqm.

The storage shed is 164sqm (dimensions c19.3m x c9.1m x c5.8m high) with retaining walls to the rear and finishes in green juniper cladded sheeting. It comprises a storage area, services area and store.

The total stated existing floor area is 2161sqm and the stated retention floor area is 428sqm.

### Proposed Poultry Unit

The applicant has applied for Permission to construct a free range poultry unit, denoted in purple on the submitted plans.

The proposed floor area is 1998sqm with dimensions c92.5m x c22.5m x c6.3m high and FFL of 101.250. The proposed integrated storage/service area is c44sqm with dimensions c6.5m x c6.9m x c3.9m high. The proposed finish is green juniper cladded sheeting.

It is located to the west of the existing poultry unit on the area of fill and c23.4m from the local tertiary road.

The 2no. meal bins are located on the concrete apron between the existing and proposed poultry houses, one with a 2.6m diameter and overall height of 13.4m and the other with a 2.2m diameter and overall height of 7.3m.

The Planning Authority notes the proposed retaining walls along the concrete apron to facilitate development.

### EIS/Poultry Thresholds

- Capacity of existing poultry unit is 18,950 free range broiler chickens, as per 17/622
- Capacity of proposed poultry unit is 20,000 free range broiler chickens
- Total capacity of 38,950 free range
- Total capacity is below the threshold required for the preparation of EIAR (in excess of 40,000 places)
- In accordance with Schedule 5, Part 1, 17 and Schedule 5 Part 2, 1(e)(i) of the Planning and Development Regulations, the proposed development does not require an EIS.

### Fill Area

- The Applicant has applied for Permission to infill the existing low-lying portion of lands to allow construction of poultry unit and surrounding area
- Existing field level and contours shaded green as per submitted plans
- Fill area hatched orange with existing and proposed ground levels shown on submitted plans
- Finished field levels to range between 99.250 to 101.00, increased from c97.337

### Access and sightlines

The submitted plans demonstrate the following:

- 50m sightlines in each direction onto the local tertiary road
- 9.6m wide entrance for HGV access with 11.5m setback from road edge

- 10.5m HGV turning radius tracking shown

Applicants Submission

The Applicant has not submitted a Planning Report justifying location, operations and management of the proposed poultry unit- to be submitted by Additional Information.

Policies for Agricultural Development

The importance of agriculture in County Monaghan is recognised.

- All planning applications shall be required to include an 'Agricultural Development' Form.
- All planning applications shall be required to be accompanied by a completed supplementary planning application form for agricultural developments.

While the Applicant is requested to demonstrate Compliance with Policy AGP 1 and AGP 2, by Additional Information, the Planning Authority will assess the information submitted with this initial application.

Policy for Agricultural Development	
<b>AGP 1</b>	<p>To permit development on new and <u>established</u> agricultural or forestry holdings where it is demonstrated that;</p> <p>It is necessary for the efficient use of the agricultural holding or enterprise,</p> <ol style="list-style-type: none"> <li>a) The appearance, character and scale are appropriate to its location, appropriate design for its location on existing poultry farm</li> <li>b) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary, Low-lying site only Not visible from the public domain Will integrate with existing/supplementary landscaping</li> <li>c) The proposal will not have an adverse impact on the natural or built heritage, No impact on heritage</li> <li>d) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise, smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided, In excess of 100m from nearest dwelling house Stated to be 155m to nearest house</li> <li>e) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water, Environment Report recommends Additional Information</li> <li>f) Proper provision for disposal of liquid and solid waste is provided. Environment Report recommends Additional Information</li> <li>g) The proposal will not result in a traffic hazard. 50m sightlines onto local tertiary road indicated on submitted plans 50m sightlines complies with MCDP 2019-2025 No resultant traffic hazard</li> </ol> <p><u>Where a new building is proposed applicants must also provide the following information:</u></p> <ol style="list-style-type: none"> <li>h) Outline why there is no suitable existing building on the holding that cannot be used. To be submitted by Additional Information</li> <li>i) Design, scale and materials which are sympathetic to the locality and adjacent buildings. appropriate design and materials for poultry unit on existing poultry farm</li> <li>j) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential</li> </ol>

	<p>operational or other reasons. Proposed poultry unit located within existing poultry farm</p> <p>k) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings. appropriate finishes and colour for poultry unit on existing poultry farm low-lying site no visual impact on surrounding environment</p> <p>l) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity. Proposed poultry unit located within existing poultry farm</p>
--	---

Policy for Intensive Agriculture /Poultry and Pig Farming	
<b>AGP 2</b>	<p>In addition to the information required under AGP 1 the following additional information will be required for assessing applications for <u>intensive poultry units</u> or similar specialised agri-developments the Council:</p> <p>a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment. EIA/AA not required to be submitted</p> <p>b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site. To be submitted by Additional Information</p> <p>c) Methods for waste management including frequency and location of disposal relative to the proposed unit. Environment Report recommends Additional Information</p> <p>d) Details of air pollution arising from the units and effluent storage, transportation and spreading. To be submitted by Additional Information</p> <p>e) Proximity of development to aquifers and water courses and its impact on them. Environment Report recommends Additional Information</p> <p>f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner. No impact on third party residential amenity Stated to be 155m from nearest dwelling house</p> <p>g) Details of associated activities such as cleaning, ventilation and heating. To be submitted by Additional Information</p> <p>h) A comprehensive landscaping plan Existing site boundary landscaping details as per submitted Site Layout Plan No landscaping existing and no proposal shown for western site boundary To be submitted by Additional Information</p> <p>i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration. To be submitted by Additional Information.</p> <p>j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals. 50m sightlines shown on plans within family ownership, complies with MCDP 2019-2025 There would be an intensification of use of the Local Road and the existing access by</p>

the proposed development; however, it is considered that the potential additional traffic generated by the proposed development could be facilitated on the local road network and on the site.

#### Development Contribution

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

Retention floor area:	428sqm
Proposed Poultry House:	1998sqm
2no. silos:	12sqm
<b>Total Floor Area:</b>	<b>2438sqm</b>

#### Appropriate Assessment

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

Policy HLP13 of MCDP 2019-2025 states

"To resist development in or adjacent to any Natura 2000 site (SPA or SAC) where it would result in the deterioration of that habitat or any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the qualifying interest of such sites subject to the preparation of an appropriate assessment exercise under the provisions of the EU Habitats Directive"

The subject site is located within 15km of Natura 2000 sites, namely Kilroosky Lough SAC.

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

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

#### Conclusion

Additional Information relating to:

- Compliance with Policy AGP 1 and AGP 2
- Landscaping Plan
- Environment Report

#### Recommendation

**It is recommended that Additional Information be requested as follows:**

1. The Applicant has not submitted a Planning Report justifying location, operations and management of the proposed poultry unit. The onus is on the Applicant to provide the information required to assess this proposed poultry unit.  
In this regard, the applicant shall submit details to demonstrate compliance with the Agricultural Policies set out in Policy AGP 1 (a) – (l) and Policy AGP 2 (a) – (j) of Monaghan County Development Plan 2019-2025.
2. The Planning Authority notes the lack of existing/proposed landscaping on the western site boundaries as per submitted Site Layout Plan on Drawing No. A1\_004.

In this regard, the Applicant shall submit a comprehensive landscaping plan in accordance with Section 15.19 of Monaghan County Development Plan 2019-2025, detailing the following:


- a) existing planting, trees and hedgerows (if any) to be removed to facilitate the proposed development
- b) proposed/supplementary landscaping along all site boundaries, specifically on the western site boundary, as well as a landscape/planting schedule to demonstrate that the proposed development will integrate successfully into the landscape

3. The Applicant shall address the following:

- a) Submit a nutrient management assessment (including both Nitrogen and Phosphorus) to demonstrate how is it proposed to sustainably use **wash waters** arising from the proposed development. This assessment shall take account of the requirements of the European Union (Good Agricultural Protection for Protection of Waters) Regulations, 2017. This assessment shall be prepared by a qualified agricultural advisor/consultant.
- b) Submit an assessment on the proposed development. This assessment shall be prepared by a qualified agricultural advisor/consultant. The assessment shall include at a minimum:
  - (i) Description of the location of the proposed development
  - (ii) Description of the operation and management of the proposed development
  - (iii) Size in hectares of paddock/range area (taking into account guidelines on number of birds/hectare)
  - (iv) Management of organic fertilizer including soiled water and organic fertilizer
  - (v) Management of Range/Paddock area including:
    - Nitrogen and Phosphorus Balance/Hectare
    - Number of proposed silage cuts per year on the paddock area
    - Cropping Routine within the range/paddock area
- c) Submit confirmation that a buffer zone of at least 3m from any drain or watercourse within/adjacent the paddock areas shall be maintained.
- d) Demonstrate using SUDS that surface water arising on the concrete apron shall be adequately pre-treated prior to discharge. This shall include the addition of an adequately sized silt trap and soil polishing filter to treat surface water arising on the concrete apron. The soil polishing filter shall be located after the silt trap.
- e) Submit a revised site layout map 1:500 detailing:
  - (i) all foul (red) and storm (blue) lines and the outfall for each
  - (ii) All roofwater diverting independently to soakpit or rainwater harvesting
  - (iii) All yards waters from vehicular turning area and feed silo to discharge to silt trap, followed by an appropriately sized soiled polishing filter

The above would constitute Significant Further Information. In accordance with Article 35 of the Planning and Development Regulations 2001 (as amended), the Applicant shall:

- (i) Revise the Site Notice indicating 'Significant Further Information/Revised Plans, as appropriate'
- (ii) Erect revised Site Notice on site
- (iii) Revise the Press Notice indicating 'Significant Further Information/Revised Plans, as appropriate'
- (iv) Submit a Copy of the Revised Site Notice and Revised Press Notice to the Planning Authority.

  
Aisling King McKenna  
Assistant Planner  
Date 8.11.19



PLANNING APPLICATION DECISION FORM

Planning Application  
Reference No. 19440

Decision due by: \_\_\_\_\_

Reports received from:

Municipal District \_\_\_\_\_

S.E.E. Roads \_\_\_\_\_

E.H.O. \_\_\_\_\_

S.E.E. Environment

S.E.E. Water Services \_\_\_\_\_

Planning Officer

I recommend that planning permission be:

Granted, subject to the conditions  
outlined in the enclosed

Refused, for the reasons  
outlined in the enclosed

Planning Officer's Report

Planning Officer's Report

Recommended by Senior  
Executive Planner: Laura Nulty

Date: 4-1-2020

Recommended by:

MJ Huis  
Senior Planner

Date: 10.01.2020

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions  
recommended in

Refused

Planning Officer's Report

Other

MJ Huis  
Senior Planner

10.01.2020  
Date