

**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 18/199

Applicant: Kieran McKenna

Development: Permission to construct 2 number poultry houses together with all ancillary structures (to include meal storage bin(s), adjoining store and soiled water tank(s)) and ancillary site works (to include a new site entrance) associated with the 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 1994-2013. An Environmental Impact Statement (EIS) has been submitted with the planning application.

Location: Crossnacalduo, Tydavnet, Co. Monaghan

Characteristics of the Site

The site comprises a greenfield site measuring 2.392 hectares in size. The site comprises a number of agricultural fields and the topography of same is relatively flat with the site falling gradually in a south to northerly direction. Low lying hedging is located around and within the site boundaries. The site is located along Regional Road 186.

Characteristics of Area

The site is located along Regional Road 186 in the townland of Crossnacalduo 6km west of Emyvale and 6km north west of Tydavnet. Watterson's Concrete is located directly opposite the site area. The remaining area is characterised by sporadic residential development and agricultural complexes.

Relevant Site History

One previous planning history relating to this site:

05/766: Outline permission to erect a bungalow including sewerage treatment unit, percolation area and all site works. Granted.

Consultee Responses

Municipal District: No objections as per report dated 13th June 2018.

Inland Fisheries Ireland: No objections as per report dated 11th June 2018.

Dept. of Culture, Heritage & the Gaeltacht: Additional information requested as per report dated 14th June 2018.

Heritage Officer: Additional information requested as per report dated 22nd June 2018.

Environment Section: Additional information requested as per report dated 30th May 2018.

Objections/Representations Received

No objections/representations received.

Planning Assessment

- Planning Policy

Section 15.12 and policies AFP1, AFP2, AFP4 and AFP9 of the Monaghan County Development Plan 2013-2019 apply.

Policy AFP1

For Appropriate Assessment Screening report refer to separate section at end of report.

Policy AFP2

The Planning Authority recognises that importance of agriculture in contributing to the economic development of the county and as sources of employment in rural areas. Consequently, in accordance with Policy AFP2, favourable consideration to agricultural development will be given subject to meeting a number of criteria:

- i. *It is necessary for the running of the enterprise*
This application seeks permission for two number poultry units and associated structures. The development will be located on a greenfield site. The supporting documentation notes that the development of the purposely designed broiler houses is necessary for the poultry enterprise proposed. Conversion of existing buildings is not an option, and existing poultry houses are not available to the applicant, on this or any other site.
- ii. *Is appropriate in terms of scale, location and design*
The design and scale of the proposed poultry units are standard with regard to agricultural buildings.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*
It is acknowledged that the site is relatively flat and is visible from the adjoining regional road. Notably however the actual structures will be located approximately 100 metres back from the public road, behind existing vegetation which has been referred to as "mature" on the site layout plan. The landform in the vicinity is flat and open. The Planning Authority is of the opinion that the applicant shall provide specific details of the vegetation which can be retained to the front of the site and shall demonstrate that this vegetation is sufficient to afford an adequate degree of enclosure/screening to the proposed development. It is noted that the gable of the structures will face the road and will have less on a visual impact than if the entire length of the structures was parallel to the road.
- iv. *Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for operational or other reasons.*
The proposed units will be located on a greenfield site. The applicant has indicated that the proposed development is located away from any existing farm buildings so as to satisfy the processors requirements regarding bio-security. It is essential that new developments are located away from bovine (or other enterprises) so as to improve bio-security on the site.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape.*
As per point iii above.
- vi. *Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.*
The site in question is not located within 100 metres of any third party residential dwelling.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*
Given the location of the site detached from any third party residential property, it is considered that there will be no impact on the amenity of any nearby residents by reason of noise, smell, pollution or general disturbance.
- viii. *Will not result in a traffic hazard:*
The District Engineer has no objections to the proposed development. Sight distances of 150 metres can be achieved at the proposed entrance point.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*
Environment Section has been consulted and has requested additional information.

- Development in Areas with Potential Flood Risk

Section 8.4.6 of the Monaghan County Development Plan and The Planning System and Flood Risk Management – Guidelines for Planning Authorities and policy FLP 3 apply

There is no evidence that the site area floods.

Environmental Impact Assessment Report

The proposed development will afford for a total number of 110,000 birds within the site area. An Environmental Impact Assessment Report has been submitted accordingly.

This application was received after the 15th of May 2017 and therefore the development has been assessed in accordance with Directive 2014/52/EU. This Directive requires the submission of an Environmental Impact Assessment Report which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended).

The Directive requires that the environmental impact assessment report shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:

- a) Population and human health
- b) Biodiversity with particular attention to species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC
- c) Land, soil, water and climate
- d) Material assets, cultural heritage and the landscape
- e) The interaction between the factors referred to in points (a) to (d)

The Directive also requires the assessment of the expected impacts from the vulnerability of the project/proposals to risk of major accidents or disasters which are relevant to the project concerned. The submitted EIAR has been summarised and assessed in accordance with the various factors outlined above.

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- **Effects on Population and Human Health**

The E.I.A.R notes that the proposed development is of average scale by current industry standards but will add to the economic activity on the farm with consequent positive “trickle down” effects on the regional and local community particularly with regard to construction works, supply of construction materials, and the installation of the required housing, water, feed and ventilation systems thus helping to stabilise the population of the local area.

The E.I.A.R states that significant effects on population/human health and/or human beings are not anticipated. There are no third party dwellings within 100 metres of the proposed development to be adversely affected by, or experience significant impairment of amenity due to the proposed development. The proposed development is unlikely to generate or release sounds of odours that will significantly impair amenity beyond the site boundary. The experience of other similar sites indicates that the legal limits for such emissions 55db daytime and 45db night time are highly unlikely to be exceeded beyond the site boundary. There are no processes proposed which will constantly or regularly release odorous emissions from the site at nuisance levels. Fugitive odour releases will be limited to times when birds are being removed from the site. In so far as it possible odour emissions at the site will not be significant and will be limited to times at which birds or

manure are being removed from the site. In so far as 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. The site is not located close to and/or likely to adversely affect any Areas of Primary or Secondary Amenity value. Where nuisance effects occur, people object and under statutory requirements their objections will have to be investigated and have to be corrected if found to be real and justified.

- **Effects on biodiversity**

The site of the proposed development is a greenfield site however as the proposed development will be limited in extent it will have no adverse impact outside the boundary of the site. The site is managed grassland and the flora and fauna around the site has developed in this context. The main habitats surrounding the site include improved grassland, mosaic grassland, rough grassland, scrub, coniferous forestry plantations, wet and dry heath, treelines, hedgerows, drains and stream. Much of the site and surrounding area to be developed is improved agricultural grassland. The area to be developed is relatively small and represents a sustainable form of farm diversification. Ground works and land profiling will be kept to a minimum outside the footprint of the proposed site. The proposed development is not near to or likely to adversely impact on any Areas of Primary or Secondary Amenity value. The site is located close to Slieve Beagh SPA. An Appropriate Assessment Screening Report has been submitted as part of this planning application.

The site of the proposed development is located in the Neagh Bann River Basin District. The E.I.A.R states that there will be no discharge of soiled water or effluent from the proposed development to surface water and therefore the no impact on surface water.

The E.I.A.R states that a rodent control programme will be developed. The programme as implemented will be in line with Bord Bia and Department of Agriculture, Food and The Marine requirements. Detailed records regarding bait point location, frequency of baiting and products used are to be maintained on site. No other pests will be attracted to the site due to the proper storage and disposal of all wastes, proper storage of all feedstuffs and maintain the houses and external areas in a clean and tidy manner.

Weed control will be carried out around the site as required to reduce any cover for pests. The E.I.A.R notes that the development, managed as is proposed and which will operate under License regulations will have no measurable impact on either flora or fauna outside the site boundary.

Given that the area of the proposed site is managed agricultural area with poor biological diversity, retaining as much as possible of the existing landscaping/hedgerow around the site boundary together with any proposed additional landscaping should maintain biological diversity on the site. Notably the E.I.A.R has failed to discuss the impact of the proposed hedge loss with respect to biodiversity.

- **Land and Soil**

The E.I.A.R states that the proposed structures will be constructed on a greenfield site and as such there will be disturbance of same within the site boundary. There is no significant potential for any effect on soil outside of the development area, and any land take required to facilitate the proposed development will be minor in terms of the applicant's landholding and the wider agricultural area.

If anything there is the potential for some positive benefits on soil on potential customer farmer lands as a result of the production of organic fertiliser by the proposed development.

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the character of the surrounding landscape. The site being well screened in the landscape will be generally visually unobtrusive. The site is not likely to adversely impact any Natura 2000 site, Area of Primary/Secondary Amenity Value and/or Views from Scenic Routes.

- **Effect on Material Assets**

Resources that are valued and that are intrinsic to specific places are called "material assets". They may be of either human or natural origin and the value may arise for either economic or cultural reasons. Material assets that could potentially be affected by the proposed development include:

I. Material Assets: agricultural properties including all agricultural enterprises.

The proposed development will be completed on greenfield site which is currently farmed by the applicant. The proposed development is surrounded by agricultural farmland. The proposed development will not interact with any lands outside the confines of the site, except for the production of a valuable organic fertiliser which may be utilised by farmers as a replacement for chemical fertiliser.

II. Material Assets: Non-agricultural properties including residential, commercial, recreational and non agricultural land.

The proposed development is a traditional farming practice in this area and is surrounded by agricultural lands and is located well away from any built up areas and/or development clusters. There are no third party residential dwellings located within 100 metres of the site. The development will have no impact on adjoining property values if for no other reason than this is an agricultural development in an agricultural area and as such agricultural development is not alone expected in, but also appropriate to this area.

III. Material Assets: Natural or other resources including mineral resources, land and energy.

The proposed development will require a portion of land upon which the proposed poultry house will be developed; however there will be no adverse impact outside of the development area. The proposed development will also involve the use of a limited amount of construction materials, however the extent of the development is limited in nature and the amount of resources required in the construction of the house, and potential adverse impact of same is negligible when sourced from authorised sources. The operation of the farm will require additional feed, gas and water. The applicant will operate modern feeding, ventilation and heating systems to minimise same. The farm does not require any major modifications to the existing electricity network, water or road infrastructure in the area.

- **Archaeological and Cultural Heritage**

There are no known archaeological sites within the site boundary and no reason to suspect the presence of such sites within the area of the proposed development. The closest recorded protected structure is an enclosure located circa 1.6km metres west of the proposed development site.

- **Description of Likely significant effects of the proposed development**

The proposed development is of average scale by current industry standards but it would add to the economic activity on the farm with consequent 'trickle down' positive effect in the region and the local community, particularly with regard to construction workers, supply of construction materials, and the installation of the required housing, water, feed and ventilation systems.

The E.I.A.R notes that the impact of the development on the landscape will be minimal following the implementation of proposals in relation to location, landscaping, proposed external finish and its integration into the existing site.

The long term impact on traffic on the local road as a result of the proposed development will not have a significant adverse impact. Any short term increase in traffic would be associated with the

construction of the proposed development and would cease upon completion of the proposed development.

Once the proposed development would be completed, there would be additional traffic due to:

- I. Feed delivery (2 x 27 tonnes/week on average)
- II. Manure transport 4 loads per batch (manure lorry capacity 30 tonnes/load)
- III. Bird deliveries/collections, gas, shavings deliveries (20-25 loads/batch).
- IV. Fortnightly waste collection and collection of mortalities.

The E.I.A.R states that this will result in an average of 6-8 movements per week in addition to daily attendance at the site by the applicant and additional traffic associated with cleaning of the houses, inspections, audits etc.

Traffic to and from the site will be minimised by optimising load sizes. The E.I.A.R states that there will be a minimal increase in poultry farm traffic, when compared to greenfield status however this will not adversely impact on the Regional Road network which will be more than adequate to accommodate same. Traffic flows will use existing routes and the proposed site entrance. The site is well serviced by the existing road infrastructure and therefore any proposed increase in traffic will not have an adverse impact on the local area. A new/upgraded site entrance onto the adjoining regional route will be created as per the plans and details submitted to facilitate the proposed development.

The E.I.A.R. states that there are no significant negative effects expected as a result of the proposed development in relation to the use of natural resources.

The E.I.A.R indicates that clean water is not an emission. Site management shall be focused on ensuring that all storm water collection surfaces and facilities are maintained in clean and fully functional condition at all times so that the possibility of storm water carrying significant pollution to the stream is effectively eliminated.

The emission of pollutants shall be effectively controlled and prevented by the regular removal of all solid waste materials from the site to authorised disposal/recovery sites elsewhere and by the removal of poultry manure off site by an experienced contractor. Accordingly, it is expected that there should not be any significant emissions of pollutants from the site and that there should be no perceptible environmental effect arising from emission of pollutants from the site.

With regard to the above and due to the nature of the proposed development, there will be no increase in the amount of wastes/potential pollutants produced or used on the farm and/or no significant increase in noise, vibration, light, heat and/or radiation that would lead to a significant adverse environmental impact.

The additional organic fertiliser/poultry manure to be produced will be utilised as a resource ingredient in the mushroom compost industry and/or as an organic fertiliser and will be removed from the site by an experienced contractor. All soiled water shall be allocated to the applicant's landholding.

The proposed development will be carried out in accordance with the management and operational routine proposed and is not expected to create any significant nuisance. The net increase in the volumes of waste/by-product which will be generated as a result of this proposed development will not cause a significant adverse environmental impact, as all waste

streams shall be minimised by implementing good practice measures on site and any wastes that cannot be eliminated will be disposed/recovered in line with existing requirements including to approved disposal/recovery site and/or approved carriers.

The volume of organic fertiliser/manure (by-product) will be minimised by efficient cleaning out and the use of high pressure low volume power washers. In any event adequate measures for the collection, storage, management and use of these materials have been identified previously, thus ensuring that there is no adverse environmental impact from same. The opportunity to eliminate any of the waste products does not exist.

The opportunity to reduce the volume of waste materials below that which are generated under Good Farming Practice and which will be generated on this farm once the proposed development is completed is very small and is near zero i.e. some birds die prematurely in the site. The proposed cleaning, hygiene, disease control and restricted access measures that are to be implemented on site will minimise this risk. Accordingly the waste that is dead birds cannot be eliminated and cannot realistically be planned to reduce below the level achievable under current best practice.

Similarly the E.I.A.R states that with regard to the hazardous waste in the form of spent fluorescent tubes the volumes are small and already minimised. Whilst the applicant can be forever conscious of the reduce, reuse and recycle principle in relation to all waste, there is relatively little that can be done to effect significant further gains in this proposed development.

The E.I.A.R states that the potential risk to human health/cultural heritage and/or the environment due to accidents and/or disasters is limited due to the innate nature of the production system and activities on site. There is no significant high risk/hazardous products used, produced and/or released by the proposed development which would pose a risk to human health, cultural heritage and/or the environment outside of the site boundary as a result of any accident/disaster.

- **The interaction between the factors referred to in points (a), (b) and (c).**

The E.I.A.R has provided details with respect to the inter-relationships between the various factors outlined above. Positive impacts are detailed as follows:

- I. Impacts of land/soil on human health/population.
- II. Impacts of human health/population on other factors.

The following impacts are detailed as having neutral impacts:

- I. Impacts of land/soil on water, landscape and visual and biodiversity (Flora and Fauna).
- II. Impacts of water on bio-diversity (Flora and Fauna).
- III. Impacts of air and climate/climate change on biodiversity (Flora and Fauna) and human health/population.

Interactions between the above environmental factors show the potential effect of the poultry farm on the community and its environs. Human beings are the main impact receptor, flora and fauna being the other. The poultry farm and its production processes will minimally impact upon the landscape, archaeology, terrestrial, water quality and climate described under the heading natural environment. The E.I.A.R notes that traffic, air quality, noise, tourism and material assets are the factors that affect the community directly. This poultry farm with its planned integration into the existing farming activities, and the associated fertiliser substitution programme will have no significant impact on the rural community.

In summary the E.I.A.R notes the following:

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- I. The proposal will make a significant positive contribution to the rural economy of County Monaghan and will serve to increase employment and secure the viability and competitiveness of the applicant's farm enterprise as well as the wider poultry farming industry.
- II. The development will not give rise to any significant environmental effects.
- III. The granting of permission for the proposed development will strongly accord with the provisions of the development plan and will provide a significant boost to the economy of the county.
- IV. The development will operate under the conditions imposed as part of any grant of planning permission and E.P.A licence for the farm.
- V. A description of measures envisaged to avoid, reduce, prevent or offset any identified significant adverse effects on the environment are noted.

- **Alternative Site**

The E.I.A.R explains the rationale for the chosen site. The applicant has previously screened the lands available to them including developing the existing poultry farm located to the north of the site. The current site was deemed to be most suitable for the following reasons:

- i. Is the most suitable site in terms of minimising the level of excavation/groundworks required and has good road access.
- ii. Is not an elevated site in terms of the wider landscape and will not be visually detrimental. The proposed landscaping will minimise any potential impact.
- iii. Is separate from the applicant's existing family farmyard thus preventing direct contamination from agri-vehicles, personnel, footwear etc between enterprises. Bio-security is important to any enterprise such as this and the applicant would like to maintain this to the highest standards.
- iv. Is greater than 100 metres from any third party dwellings.
- v. The site has no significant and/or specific environmental constraints which mitigate against the proposed site and/or would support the selection of any alternative site available to the applicant in preference to the proposed site.

- **Alternative Layout & Design**

The proposed development was designed to ensure that the proposed house would integrate into the existing site with minimal, if any, adverse visual impact on the surrounding landscape. The proposed layout was also designed to ensure adequate access on site for all traffic associated with the proposed development and to ensure that the site is contained, safe and efficient in operation. The layout of the proposed poultry houses to the rear of the landholding will minimise any potential adverse visual impact. The E.I.A.R notes that whilst works involving hedgerow removal area required these are necessary to comply with council standards and replacement landscaping will be provided behind the new visibility splays. Existing landscaping will be maintained where possible and strengthened where necessary along the boundaries to further screen the proposed developments from view.

The design of the proposed housing is in accordance with BAT requirements. The exterior finish, where practicable, will be green or similar in colour to existing poultry houses in the general area and will be sympathetic to the local environment. All roofing material will be dark in colour. Accordingly, the E.I.A.R notes that no alternative design and layout was considered.

The E.I.A.R states that no other alternative sites, layouts and/or designs were deemed satisfactory and/or appropriate as the proposed development:

1. Complies with the requirements of the Nitrates Directive.

2. Satisfies the applicants need for efficiencies of scale while not requiring significant additional lands.
3. Is in line with BAT requirements and
4. Will be well integrated into the landscape and existing farmyard with the use of similar construction techniques, natural/dark coloured finishes as proposed and additional landscaping where required.
5. Complies with the provisions of the Monaghan County Development Plan 2013-2019.

- **Alternative Size**

The proposed development has been designed and scaled to take into account the following:

1. Physical restraints/parameters of the site.
2. Economies of scale for the applicant so that the scale of the proposed development is sufficient to cover the development as well as operational costs.
3. The requirement of Manor Farm in terms of their supply requirements and recommendations from same with regard to economic and sustainable food production.

The scale of the proposed development is in keeping with the scale of other existing farms supplying Manor Farm and licensed by the E.P.A which are operating without adverse environmental impact and are of a scale that can be appropriately managed by the applicant.

- **Alternative Process's Considered**

A number of processes were looked at by the applicant and included, but were not limited to:

1. Layer Housing – as a result of recent changes announced by supermarkets and the goal that all eggs will be sourced from free range systems by 2025, the completion of enriched cage housing was not an option.
2. Free range layer/broiler – this is the main alternative to the conventional production systems, however this system does not suit the applicant as it requires significant additional land not available to the applicant. In addition the market for same is small and already well supplied and from an environmental perspective the production of free range broilers would actually consume more resources i.e. feed, water, energy etc.

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 a more sustainable manner.

- **Alternative Management of By-Products**

Application to land and/or for use in compost production is the two main practical economic means of utilising the nutrients in poultry manure. The poultry industry locally has a dedicated system established for the management of poultry manure involving a number of specialist contractors registered with The Department of Agriculture, Food and the Marine. The applicant has received confirmation from one of these contractors that they will manage and remove the poultry manure from the farm.

The E.I.A.R notes that at present, there are no other options for the utilisation of organic fertiliser produced. The applicant will however continue to examine the possibility of alternative uses of this fertiliser.

- **Summary**

On the basis of application details it is the opinion of the planning authority that the potential for environmental impacts will be confined to the immediate local area. Given the distance of the

nearest third party dwelling to the site the associated increases in traffic to/from the site during the construction phase along with emissions such as noise, it is not considered any such impacts will be to an unacceptable degree.

Main impacts considered applicable are set out hereunder:

- I. Clearing of existing vegetation to facilitate location of new building
- II. Mechanical excavation of the site;
- III. The works required for the provision of the building
- IV. Potential for noise and general disturbance during construction and operation stage(s) by traffic generation;
- V. Potential for emission of odours during operational stage;

Notwithstanding the short-term impacts on the environment which will be created via the construction phase, subject to the 'best practice' and implementation of mitigation measures identified in the E.I.A.R being followed during operation stage it is considered that the proposed development appears to be acceptable in terms of environmental impacts.

However the Planning Authority notes that the removal of hedgerows and the subsequent impact of same on biodiversity/landscape has not been adequately assessed in the submitted E.I.A.R.

Appropriate Assessment

- Background

Section 4.88, policies APP1-AAP5 and policy ADP1 of the Monaghan County Development Plan 2013-2019 apply.

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. 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). Notably no Screening Report has been submitted as part of this planning application.

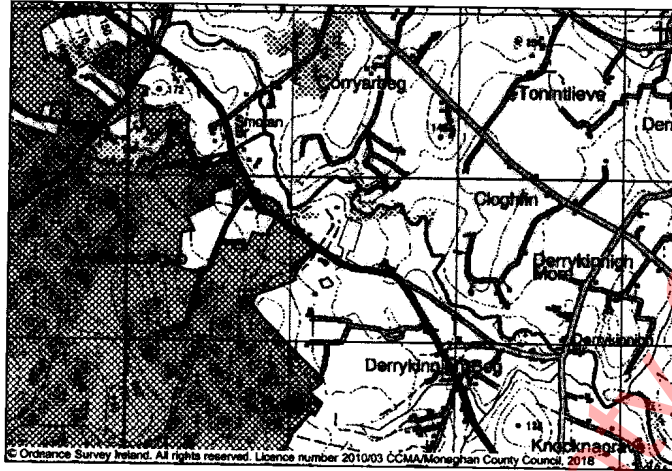
The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

- Proposal

The site in question lies just outside the Slieve Beagh SPA. The primary objective of the Slieve Beagh SPA is to maintain or restore the favourable conservation condition of Hen Harrier.

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Location of site with respect to Slieve Beagh SPA



The Slieve Beagh SPA comprises much of the eastern and south-eastern sectors of the Slieve Beagh upland area that extends from County Monaghan into Northern Ireland. Mountain blanket bog is well developed at the higher altitudes and especially at Eshbrack (peak of 365 m). The vegetation is largely dominated by Deergrass (*Scirpus cespitosus*), Ling Heather (*Calluna vulgaris*), Cross-leaved Heath (*Erica tetralix*), Hare's-tail Cottongrass (*Eriophorum vaginatum*), Common Cottongrass (*E. angustifolium*), Crowberry (*Empetrum nigrum*) and a range of mosses such as *Sphagnum capillifolium*, *S. papillosum*, *S. tenellum* and *Hypnum cupressiforme*. In places, Cranberry (*Vaccinium oxycoccos*) is an abundant component of the vegetation. Elsewhere the bog is mostly cutover and there are also wet and dry heaths present. In total, bog and heath occupies 43% of the site. The mid-slopes are afforested (40% of site), with plantations of various ages (open canopy, closed canopy, clear-fell). The remainder of the site is rough or marginal grassland (16%). Some of the old field systems support species-rich wet grassland vegetation dominated by Soft Rush (*Juncus effusus*). Several small dystrophic lakes are present within the site.

This SPA is one of the strongholds for Hen Harrier in the country. A survey in 2005 resulted in four confirmed breeding pairs, representing over 2.5% of the national total. However, when the Northern Ireland sector of Slieve Beagh is considered, there was a total of 10 breeding pairs in 2005. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and

moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.

The site also supports breeding Merlin, a species that is also listed on Annex I of the E.U. Birds Directive. Two probable pairs were recorded in 2002-03 during survey work for a wind farm but further survey is required to determine the exact status of this small falcon. Red Grouse is found in unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red listed. Peregrine, another E.U. Birds Directive Annex I species, nests in the Northern Ireland sector of Slieve Beagh and can be seen over the site at times.

Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier and is one of the top sites in the country for the species. It may also be of national importance for breeding Merlin.

Notably the applicant has submitted an Appropriate Assessment Screening Report which has been carried out by Noreen McLoughlin. The findings of the report are summarised as follows:

- i. Given the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified then the likelihood of any direct, indirect or cumulative impacts upon this designated site is low.
- ii. There will be no land take from any designated site and there will be no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.
- iii. No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.
- iv. There will be no impacts on any designated site arising from emissions to surface water features of the designated sites. The site is downstream of any waterbodies connected to the SPA and only clean surface water run-off will be directed into local watercourses and silt traps will be installed on all lines. Any associated land-spreading of the manure from this development will be done in accordance with S.I 605 of 2017 (as amended). This will minimise run-off from land into local watercourses.
- v. The proposed development is east of the closest designated areas of the SPA/SAC. The prevailing wind in Ireland blows towards the north-east. This means that much of the atmospheric emissions from the facility will be blown away from the closest ecological receptors of the SPA/SAC.
- vi. Excavated material from the construction will be used on site. Bare soil will be reseeded straight away where appropriate. Any remaining soil will be disposed of in a responsible manner at a licensed facility away from any designated sites.
- vii. There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact on the Natura 2000 sites identified.
- viii. There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. The site was walked and any potential habitats for Hen Harrier within the site were assessed. There are no suitable habitats within the application site for the Hen Harrier. Whilst the Hen Harrier may continue to forage close to and possibly over the application site the construction and operation of the development will not have any negative impacts on the foraging behaviour of this species. In addition, all rodenticide used on site will be carried out in accordance with best practice.
- ix. There will be no reduction in species density.
- x. There will be no negative impacts upon surface or ground water quality.

The Appropriate Assessment Screening Report concludes that the proposed development will have no impacts upon any Natura 2000 site. The integrity and the conservation objectives of the site will be maintained and the habitats and species associated with this site will not be adversely affected. As a result it is recommended that the development does not need to proceed to Stage II.

The Heritage Officer has made specific comments with respect to the submitted screening documentation and has requested that additional information is requested.

Conclusion

In principle, the location of two poultry units at this location is acceptable, given the rural locality. A number of issues require addressing prior to a final decision being made.

Recommendation

That the following **ADDITIONAL INFORMATION** is requested:

1. Policy AFP2 of the Monaghan County Development Plan 2013-2019 states that favourable consideration will be given to agricultural development where the development "*is sited so as to benefit from any screening provided by topography or existing landscaping*". As a result of the open nature of the landscape applicant shall demonstrate to the satisfaction of the Planning Authority that the existing mature hedge located to the south of the poultry units will provide adequate screening to the proposed development. Information shall include a detailed survey of the band of existing vegetation and shall include details of species and heights of the existing vegetation.
2. Policy RAP3 of the Monaghan County Development Plan 2013-2019 states "*new access lanes/roads should run alongside existing hedgerows/boundaries and should following the natural contours of the site*". The Planning Authority is of the opinion that the creation of the service road through the middle of the site is unacceptable and contrary to the aforementioned policy. Applicant shall submit revised plans to address the concerns of the Planning Authority.
3. Directive 2014/52/EU requires the submission of an Environmental Impact Assessment Report which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended). The Directive requires that the environmental impact assessment report shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on a number of issues. The Planning Authority notes that approximately 144 metres of hedging/vegetation will be removed to facilitate the proposed development. The impact of the removal of this existing vegetation has not been assessed with respect to bio-diversity (flora and fauna) or visual aspects and landscape. Applicant shall address this matter and submit a revised E.I.A.R accordingly.
4. In the interest of environmental development applicant shall take into account that a portion of the proposed lands for washwater application are wetlands. Applicant shall take note of Section 18(2) (a) of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and shall submit the following information:
 - i. 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.
- ii. A nutrient management assessment to include stocking rate for 2018 with a detailed breakdown of all animals. This plan shall accommodate the use of organic fertilizer from current bovine herd. Estimated projections shall include Nitrogen and Phosphorus content from **all wash waters** arising from the proposed development for landspreading.
 - iii. Alternative suitable lands shall be identified if necessary and maps shall be submitted for approval.

Applicant shall consult Environment Section to discuss the issues raised in point 4 above.

5. The Heritage Officer has assessed the proposed development and notes the following:
- No habitat survey or impact assessment has been provided in the application for the lands designated for wash water application. All of the site associated with the development must be included in the assessment – it is inadequate to exclude the lands identified in Appendix 8 that are to be used for land spreading wash water from the EIAR. From aerial photography and maps, this land appears to include some peatland with a mosaic of habitat types.
 - The application site is less than 1km from the Sliabh Beagh SPA. All aspects of the development are not identified in the Appropriate Assessment Screening Report – i.e. the landspreading of wash waters.
 - The specific reasons why the Appropriate Assessment is not moving to stage 2 are not recorded in the submitted Appropriate Assessment Screening Report. A recent EU ruling (*Kelly v. An Bord Pleanála* [2014] IEHC 400) makes it a duty to provide reasons as to why the Appropriate Assessment is not moving to stage 2 and these must be properly reasoned and based on scientific knowledge).
 - The site is adjacent to the Mountain Water River, the only waterbody in County Monaghan designated as having High Ecological Status under the Water Framework Directive. It should be established that this development will not cause this sensitive and important river to lose its water quality status before the application is allowed to proceed.

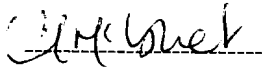
To address the above applicant shall submit the following information:

- i. Detailed habitat map of the land (17 hectares) shown in Appendix 8, designed for landspreading of wash waters.
- ii. Impact assessment of landspreading wash waters for the habitats and species composition– in particular impact of nutrient loads on the 17 hectares and also for the Mountain Water River.
- iii. Land spreading activity shall be included in the Appropriate Assessment as part of the description of the development and assessed accordingly.
- iv. Reasons must be provided to support Appropriate Assessment screening to show that the development will not adversely affect the integrity of the site concerned.

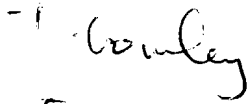
Applicant shall consult the Heritage Officer to discuss the issues raised in point 5 above.

6. The Department of Culture, Heritage and the Gaeltacht has assessed the proposed development and has recommended that the following information shall be submitted:
- i. A bat survey undertaken by a suitably qualified ecological consultant which determines the use of the site by bats and shall specifically determine whether the mature trees/vegetation which will be removed to facilitate the proposed development are being used by bats.

- ii. As a result of the increased development pressure in the area surrounding the Slieve Beagh SPA especially as a result of poultry farms and wind farms an accurate assessment of the cumulative effects on the Hen Harrier by all developments in the surrounding area shall be submitted.
- iii. To avoid an increase in the availability of perching and nesting locations for avian predators of ground nesting birds, no additional trees should be planted however the planting of hedgerows shall be encouraged. Applicant shall submit revised plans which show details of planting which comply with the aforementioned advice.



Helen McCourt
Assistant Planner
29th June 2018



5-7-18

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**MONAGHAN COUNTY COUNCIL
PLANNING AND DEVELOPMENT REPORT**

File Ref: 18/199

Applicant: Kieran McKenna

Development: Permission to construct 2 number poultry houses together with all ancillary structures (to include meal storage bin(s), adjoining store and soiled water tank(s)) and ancillary site works (to include a new site entrance) associated with the 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 1994-2013. An Environmental Impact Statement (EIS) has been submitted with the planning application.

Location: Crossnacaldoo, Tydavnet, Co. Monaghan

Characteristics of the Site

The site comprises a greenfield site measuring 2.392 hectares in size. The site comprises a number of agricultural fields and the topography of same is relatively flat with the site falling gradually in a south to northerly direction. Low lying hedging is located around and within the site boundaries. The site is located along Regional Road 186.

Characteristics of Area

The site is located along Regional Road 186 in the townland of Crossnacaldoo 6km west of Emyvale and 6km north west of Tydavnet. Watterson's Concrete is located directly opposite the site area. The remaining area is characterised by sporadic residential development and agricultural complexes.

Relevant Site History

One previous planning history relating to this site:

05/766: Outline permission to erect a bungalow including sewerage treatment unit, percolation area and all site works. Granted.

Consultee Responses

Municipal District: No objections as per report dated 13th June 2018.

Inland Fisheries Ireland: No objections as per report dated 11th June 2018.

Dept. of Culture, Heritage & the Gaeltacht: Additional information requested as per report dated 14th June 2018.

Heritage Officer: Additional information requested as per report dated 22nd June 2018.

Environment Section: Additional information requested as per report dated 30th May 2018.

Objections/Representations Received

No objections/representations received.

Planning Assessment

- Planning Policy

Section 15.12 and policies AFP1, AFP2, AFP4 and AFP9 of the Monaghan County Development Plan 2013-2019 apply.

Policy AFP1

For Appropriate Assessment Screening report refer to separate section at end of report.

Policy AFP2

The Planning Authority recognises that importance of agriculture in contributing to the economic development of the county and as sources of employment in rural areas. Consequently, in accordance with Policy AFP2, favourable consideration to agricultural development will be given subject to meeting a number of criteria:

- i. *It is necessary for the running of the enterprise*
This application seeks permission for two number poultry units and associated structures. The development will be located on a greenfield site. The supporting documentation notes that the development of the purposely designed broiler houses is necessary for the poultry enterprise proposed. Conversion of existing buildings is not an option, and existing poultry houses are not available to the applicant, on this or any other site.
- ii. *Is appropriate in terms of scale, location and design*
The design and scale of the proposed poultry units are standard with regard to agricultural buildings.
- iii. *Does not seriously impact on the visual amenity of the area or on the natural or manmade environment.*
It is acknowledged that the site is relatively flat and is visible from the adjoining regional road. Notably however the actual structures will be located approximately 100 metres back from the public road, behind existing vegetation which has been referred to as "mature" on the site layout plan. The landform in the vicinity is flat and open. The Planning Authority is of the opinion that the applicant shall provide specific details of the vegetation which can be retained to the front of the site and shall demonstrate that this vegetation is sufficient to afford an adequate degree of enclosure/screening to the proposed development. It is noted that the gable of the structures will face the road and will have less on a visual impact than if the entire length of the structures was parallel to the road.
- iv. *Is located within or adjacent to existing farm buildings, unless where the applicant has clearly demonstrated that the building must be located elsewhere for operational or other reasons.*
The proposed units will be located on a greenfield site. The applicant has indicated that the proposed development is located away from any existing farm buildings so as to satisfy the processors requirements regarding bio-security. It is essential that new developments are located away from bovine (or other enterprises) so as to improve bio-security on the site.
- v. *Is sited so as to benefit from any screening provided by topography or existing landscape.*
As per point iii above.
- vi. *Is not located within 100 metres of any residential property not located on the holding, unless with the express written consent of the owner of that property.*
The site in question is not located within 100 metres of any third party residential dwelling.
- vii. *Will not result in an unacceptable loss of residential amenity by reason of noise, smell, pollution, general disturbance etc.*
Given the location of the site detached from any third party residential property, it is considered that there will be no impact on the amenity of any nearby residents by reason of noise, smell, pollution or general disturbance.
- viii. *Will not result in a traffic hazard:*
The District Engineer has no objections to the proposed development. Sight distances of 150 metres can be achieved at the proposed entrance point.
- ix. *Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.*
Environment Section has been consulted and has requested additional information.

- Development in Areas with Potential Flood Risk

Section 8.4.6 of the Monaghan County Development Plan and The Planning System and Flood Risk Management – Guidelines for Planning Authorities and policy FLP 3 apply

There is no evidence that the site area floods.

Environmental Impact Assessment Report

The proposed development will afford for a total number of 110,000 birds within the site area. An Environmental Impact Assessment Report has been submitted accordingly.

This application was received after the 15th of May 2017 and therefore the development has been assessed in accordance with Directive 2014/52/EU. This Directive requires the submission of an Environmental Impact Assessment Report which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended).

The Directive requires that the environmental impact assessment report shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:

- a) Population and human health
- b) Biodiversity with particular attention to species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC
- c) Land, soil, water and climate
- d) Material assets, cultural heritage and the landscape
- e) The interaction between the factors referred to in points (a) to (d)

The Directive also requires the assessment of the expected impacts from the vulnerability of the project/proposals to risk of major accidents or disasters which are relevant to the project concerned. The submitted EIAR has been summarised and assessed in accordance with the various factors outlined above.

The Directive also requires the assessment of the expected impacts from the vulnerability of the project/proposals to risk of major accidents or disasters which are relevant to the project concerned.

- **Effects on Population and Human Health**

The E.I.A.R notes that the proposed development is of average scale by current industry standards but will add to the economic activity on the farm with consequent positive “trickle down” effects on the regional and local community particularly with regard to construction works, supply of construction materials, and the installation of the required housing, water, feed and ventilation systems thus helping to stabilise the population of the local area.

The E.I.A.R states that significant effects on population/human health and/or human beings are not anticipated. There are no third party dwellings within 100 metres of the proposed development to be adversely affected by, or experience significant impairment of amenity due to the proposed development. The proposed development is unlikely to generate or release sounds of odours that will significantly impair amenity beyond the site boundary. The experience of other similar sites indicates that the legal limits for such emissions 55db daytime and 45db night time are highly unlikely to be exceeded beyond the site boundary. There are no processes proposed which will constantly or regularly release odorous emissions from the site at nuisance levels. Fugitive odour releases will be limited to times when birds are being removed from the site. In so far as it possible odour emissions at the site will not be significant and will be limited to times at which birds or

manure are being removed from the site. In so far as 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. The site is not located close to and/or likely to adversely affect any Areas of Primary or Secondary Amenity value. Where nuisance effects occur, people object and under statutory requirements their objections will have to be investigated and have to be corrected if found to be real and justified.

- **Effects on biodiversity**

The site of the proposed development is a greenfield site however as the proposed development will be limited in extent it will have no adverse impact outside the boundary of the site. The site is managed grassland and the flora and fauna around the site has developed in this context. The main habitats surrounding the site include improved grassland, mosaic grassland, rough grassland, scrub, coniferous forestry plantations, wet and dry heath, treelines, hedgerows, drains and stream. Much of the site and surrounding area to be developed is improved agricultural grassland. The area to be developed is relatively small and represents a sustainable form of farm diversification. Ground works and land profiling will be kept to a minimum outside the footprint of the proposed site. The proposed development is not near to or likely to adversely impact on any Areas of Primary or Secondary Amenity value. The site is located close to Slieve Beagh SPA. An Appropriate Assessment Screening Report has been submitted as part of this planning application.

The site of the proposed development is located in the Neagh Bann River Basin District. The E.I.A.R states that there will be no discharge of soiled water or effluent from the proposed development to surface water and therefore the no impact on surface water.

The E.I.A.R states that a rodent control programme will be developed. The programme as implemented will be in line with Bord Bia and Department of Agriculture, Food and The Marine requirements. Detailed records regarding bait point location, frequency of baiting and products used are to be maintained on site. No other pests will be attracted to the site due to the proper storage and disposal of all wastes, proper storage of all feedstuffs and maintain the houses and external areas in a clean and tidy manner.

Weed control will be carried out around the site as required to reduce any cover for pests. The E.I.A.R notes that the development, managed as is proposed and which will operate under License regulations will have no measurable impact on either flora or fauna outside the site boundary.

Given that the area of the proposed site is managed agricultural area with poor biological diversity, retaining as much as possible of the existing landscaping/hedgerow around the site boundary together with any proposed additional landscaping should maintain biological diversity on the site. Notably the E.I.A.R has failed to discuss the impact of the proposed hedge loss with respect to biodiversity.

- **Land and Soil**

The E.I.A.R states that the proposed structures will be constructed on a greenfield site and as such there will be disturbance of same within the site boundary. There is no significant potential for any effect on soil outside of the development area, and any land take required to facilitate the proposed development will be minor in terms of the applicant's landholding and the wider agricultural area.

If anything there is the potential for some positive benefits on soil on potential customer farmer lands as a result of the production of organic fertiliser by the proposed development.

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- **Geological and Geomorphological heritage of the area.**

The proposed development will be constructed on a greenfield site. There is no significant potential for any effect outside the development area. The site of the proposed development is predominately managed agricultural lands. As the proposed development will be integrated into the existing landscape and will not have any effect on the geomorphological heritage of the area.

- **Water**

The submitted E.I.A.R states that effects on groundwater from the proposed development should be nil as there will be no process discharge to ground and there is minimal risk of accidental leakage or spillage of polluting liquid on the site. The proposed development will be carried out on an impermeable concrete base with proper storm and soiled water separation and collection facilities. The proposed development will operate on a dry manure basis and all manure will be removed from the houses at the end of each batch. It will be managed as dry manure thus eliminating the risk of any leak to groundwater. The only soiled water from the proposed development will arise due to washing down of the poultry houses. The volume of water needed from the farm once the proposed development has been completed will be proportionate to the proposed stock levels. The existing water supply on the farm is from the Truagh Group Water Scheme which will serve the proposed development.

- **Surface Water**

Adverse effects on surface water from the proposed development should be nil as there will be no process discharge to surface water and there is minimal risk of accidental leakage or spillage of polluting liquid on the site. The only discharge from the site to surface waters will be the discharge of rainwater from roofs and clean yards to field drainage which flows towards the adjacent watercourse the Mountain Water River. The E.I.A.R identifies the relevant policies contained in the Monaghan County Development Plan 2013-2019 for the protection of water quality and also includes a number of mitigation measures both during the construction and operational phases which should be implemented to the local biodiversity of the surrounding area and ensure the protection of local wildlife both during and construction and during operational phases.

- **Air**

The E.I.A.R states that the potential effects of the proposed development on air relate to the odour emissions that may be associated with poultry and poultry manure on site. Odorous emissions from the developed site are 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 all occur at the end of each batch, approximately 7-8 times a year. The E.I.A.R references management practices which will be implemented so as to minimise potential odour emissions from the proposed developments.

- **Climate/Climate Change**

The submitted E.I.A.R states that climate information is an important factor in determining likely impacts that the farm operation will have on the local population and concludes that the proposed development will not have an influence on local or national climate and that all practicable steps, such as landscaping, management routines etc, will be planned for and will be taken so as to minimise odour from the site. Its rural setting and location distant from local residences will ensure no effects on human beings. The E.I.A.R concludes that the development will have no significant adverse effect on climate.

- **Landscape**

The E.I.A.R indicates that there will be no effects on the surrounding landscape. The proposed development is typical of agricultural farm buildings within the area and will have limited impact on

the character of the surrounding landscape. The site being well screened in the landscape will be generally visually unobtrusive. The site is not likely to adversely impact any Natura 2000 site, Area of Primary/Secondary Amenity Value and/or Views from Scenic Routes.

- **Effect on Material Assets**

Resources that are valued and that are intrinsic to specific places are called “material assets”. They may be of either human or natural origin and the value may arise for either economic or cultural reasons. Material assets that could potentially be affected by the proposed development include:

I. Material Assets: agricultural properties including all agricultural enterprises.

The proposed development will be completed on greenfield site which is currently farmed by the applicant. The proposed development is surrounded by agricultural farmland. The proposed development will not interact with any lands outside the confines of the site, except for the production of a valuable organic fertiliser which may be utilised by farmers as a replacement for chemical fertiliser.

II. Material Assets: Non-agricultural properties including residential, commercial, recreational and non agricultural land.

The proposed development is a traditional farming practice in this area and is surrounded by agricultural lands and is located well away from any built up areas and/or development clusters. There are no third party residential dwellings located within 100 metres of the site. The development will have no impact on adjoining property values if for no other reason than this is an agricultural development in an agricultural area and as such agricultural development is not alone expected in, but also appropriate to this area.

III. Material Assets: Natural or other resources including mineral resources, land and energy.

The proposed development will require a portion of land upon which the proposed poultry house will be developed; however there will be no adverse impact outside of the development area. The proposed development will also involve the use of a limited amount of construction materials, however the extent of the development is limited in nature and the amount of resources required in the construction of the house, and potential adverse impact of same is negligible when sourced from authorised sources. The operation of the farm will require additional feed, gas and water. The applicant will operate modern feeding, ventilation and heating systems to minimise same. The farm does not require any major modifications to the existing electricity network, water or road infrastructure in the area.

- **Archaeological and Cultural Heritage**

There are no known archaeological sites within the site boundary and no reason to suspect the presence of such sites within the area of the proposed development. The closest recorded protected structure is an enclosure located circa 1.6km metres west of the proposed development site.

- **Description of Likely significant effects of the proposed development**

The proposed development is of average scale by current industry standards but it would add to the economic activity on the farm with consequent ‘trickle down’ positive effect in the region and the local community, particularly with regard to construction workers, supply of construction materials, and the installation of the required housing, water, feed and ventilation systems.

The E.I.A.R notes that the impact of the development on the landscape will be minimal following the implementation of proposals in relation to location, landscaping, proposed external finish and its integration into the existing site.

The long term impact on traffic on the local road as a result of the proposed development will not have a significant adverse impact. Any short term increase in traffic would be associated with the

construction of the proposed development and would cease upon completion of the proposed development.

Once the proposed development would be completed, there would be additional traffic due to:

- I. Feed delivery (2 x 27 tonnes/week on average)
- II. Manure transport 4 loads per batch (manure lorry capacity 30 tonnes/load)
- III. Bird deliveries/collections, gas, shavings deliveries (20-25 loads/batch).
- IV. Fortnightly waste collection and collection of mortalities.

The E.I.A.R states that this will result in an average of 6-8 movements per week in addition to daily attendance at the site by the applicant and additional traffic associated with cleaning of the houses, inspections, audits etc.

Traffic to and from the site will be minimised by optimising load sizes. The E.I.A.R states that there will be a minimal increase in poultry farm traffic, when compared to greenfield status however this will not adversely impact on the Regional Road network which will be more than adequate to accommodate same. Traffic flows will use existing routes and the proposed site entrance. The site is well serviced by the existing road infrastructure and therefore any proposed increase in traffic will not have an adverse impact on the local area. A new/upgraded site entrance onto the adjoining regional route will be created as per the plans and details submitted to facilitate the proposed development.

The E.I.A.R. states that there are no significant negative effects expected as a result of the proposed development in relation to the use of natural resources.

The E.I.A.R indicates that clean water is not an emission. Site management shall be focused on ensuring that all storm water collection surfaces and facilities are maintained in clean and fully functional condition at all times so that the possibility of storm water carrying significant pollution to the stream is effectively eliminated.

The emission of pollutants shall be effectively controlled and prevented by the regular removal of all solid waste materials from the site to authorised disposal/recovery sites elsewhere and by the removal of poultry manure off site by an experienced contractor. Accordingly, it is expected that there should not be any significant emissions of pollutants from the site and that there should be no perceptible environmental effect arising from emission of pollutants from the site.

With regard to the above and due to the nature of the proposed development, there will be no increase in the amount of wastes/potential pollutants produced or used on the farm and/or no significant increase in noise, vibration, light, heat and/or radiation that would lead to a significant adverse environmental impact.

The additional organic fertiliser/poultry manure to be produced will be utilised as a resource ingredient in the mushroom compost industry and/or as an organic fertiliser and will be removed from the site by an experienced contractor. All soiled water shall be allocated to the applicant's landholding.

The proposed development will be carried out in accordance with the management and operational routine proposed and is not expected to create any significant nuisance. The net increase in the volumes of waste/by-product which will be generated as a result of this proposed development will not cause a significant adverse environmental impact, as all waste

streams shall be minimised by implementing good practice measures on site and any wastes that cannot be eliminated will be disposed/recovered in line with existing requirements including to approved disposal/recovery site and/or approved carriers.

The volume of organic fertiliser/manure (by-product) will be minimised by efficient cleaning out and the use of high pressure low volume power washers. In any event adequate measures for the collection, storage, management and use of these materials have been identified previously, thus ensuring that there is no adverse environmental impact from same. The opportunity to eliminate any of the waste products does not exist.

The opportunity to reduce the volume of waste materials below that which are generated under Good Farming Practice and which will be generated on this farm once the proposed development is completed is very small and is near zero i.e. some birds die prematurely in the site. The proposed cleaning, hygiene, disease control and restricted access measures that are to be implemented on site will minimise this risk. Accordingly the waste that is dead birds cannot be eliminated and cannot realistically be planned to reduce below the level achievable under current best practice.

Similarly the E.I.A.R states that with regard to the hazardous waste in the form of spent fluorescent tubes the volumes are small and already minimised. Whilst the applicant can be forever conscious of the reduce, reuse and recycle principle in relation to all waste, there is relatively little that can be done to effect significant further gains in this proposed development.

The E.I.A.R states that the potential risk to human health/cultural heritage and/or the environment due to accidents and/or disasters is limited due to the innate nature of the production system and activities on site. There is no significant high risk/hazardous products used, produced and/or released by the proposed development which would pose a risk to human health, cultural heritage and/or the environment outside of the site boundary as a result of any accident/disaster.

- **The interaction between the factors referred to in points (a), (b) and (c).**

The E.I.A.R has provided details with respect to the inter-relationships between the various factors outlined above. Positive impacts are detailed as follows:

- I. Impacts of land/soil on human health/population.
- II. Impacts of human health/population on other factors.

The following impacts are detailed as having neutral impacts:

- I. Impacts of land/soil on water, landscape and visual and biodiversity (Flora and Fauna).
- II. Impacts of water on bio-diversity (Flora and Fauna).
- III. Impacts of air and climate/climate change on biodiversity (Flora and Fauna) and human health/population.

Interactions between the above environmental factors show the potential effect of the poultry farm on the community and its environs. Human beings are the main impact receptor, flora and fauna being the other. The poultry farm and its production processes will minimally impact upon the landscape, archaeology, terrestrial, water quality and climate described under the heading natural environment. The E.I.A.R notes that traffic, air quality, noise, tourism and material assets are the factors that affect the community directly. This poultry farm with its planned integration into the existing farming activities, and the associated fertiliser substitution programme will have no significant impact on the rural community.

In summary the E.I.A.R notes the following:

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- I. The proposal will make a significant positive contribution to the rural economy of County Monaghan and will serve to increase employment and secure the viability and competitiveness of the applicant's farm enterprise as well as the wider poultry farming industry.
- II. The development will not give rise to any significant environmental effects.
- III. The granting of permission for the proposed development will strongly accord with the provisions of the development plan and will provide a significant boost to the economy of the county.
- IV. The development will operate under the conditions imposed as part of any grant of planning permission and E.P.A licence for the farm.
- V. A description of measures envisaged to avoid, reduce, prevent or offset any identified significant adverse effects on the environment are noted.

- **Alternative Site**

The E.I.A.R explains the rationale for the chosen site. The applicant has previously screened the lands available to them including developing the existing poultry farm located to the north of the site. The current site was deemed to be most suitable for the following reasons:

- i. Is the most suitable site in terms of minimising the level of excavation/groundworks required and has good road access.
- ii. Is not an elevated site in terms of the wider landscape and will not be visually detrimental. The proposed landscaping will minimise any potential impact.
- iii. Is separate from the applicant's existing family farmyard thus preventing direct contamination from agri-vehicles, personnel, footwear etc between enterprises. Bio-security is important to any enterprise such as this and the applicant would like to maintain this to the highest standards.
- iv. Is greater than 100 metres from any third party dwellings.
- v. The site has no significant and/or specific environmental constraints which mitigate against the proposed site and/or would support the selection of any alternative site available to the applicant in preference to the proposed site.

- **Alternative Layout & Design**

The proposed development was designed to ensure that the proposed house would integrate into the existing site with minimal, if any, adverse visual impact on the surrounding landscape. The proposed layout was also designed to ensure adequate access on site for all traffic associated with the proposed development and to ensure that the site is contained, safe and efficient in operation. The layout of the proposed poultry houses to the rear of the landholding will minimise any potential adverse visual impact. The E.I.A.R notes that whilst works involving hedgerow removal area required these are necessary to comply with council standards and replacement landscaping will be provided behind the new visibility splays. Existing landscaping will be maintained where possible and strengthened where necessary along the boundaries to further screen the proposed developments from view.

The design of the proposed housing is in accordance with BAT requirements. The exterior finish, where practicable, will be green or similar in colour to existing poultry houses in the general area and will be sympathetic to the local environment. All roofing material will be dark in colour. Accordingly, the E.I.A.R notes that no alternative design and layout was considered.

The E.I.A.R states that no other alternative sites, layouts and/or designs were deemed satisfactory and/or appropriate as the proposed development:

1. Complies with the requirements of the Nitrates Directive.

2. Satisfies the applicants need for efficiencies of scale while not requiring significant additional lands.
3. Is in line with BAT requirements and
4. Will be well integrated into the landscape and existing farmyard with the use of similar construction techniques, natural/dark coloured finishes as proposed and additional landscaping where required.
5. Complies with the provisions of the Monaghan County Development Plan 2013-2019.

- **Alternative Size**

The proposed development has been designed and scaled to take into account the following:

1. Physical restraints/parameters of the site.
2. Economies of scale for the applicant so that the scale of the proposed development is sufficient to cover the development as well as operational costs.
3. The requirement of Manor Farm in terms of their supply requirements and recommendations from same with regard to economic and sustainable food production.

The scale of the proposed development is in keeping with the scale of other existing farms supplying Manor Farm and licensed by the E.P.A which are operating without adverse environmental impact and are of a scale that can be appropriately managed by the applicant.

- **Alternative Process's Considered**

A number of processes were looked at by the applicant and included, but were not limited to:

1. Layer Housing – as a result of recent changes announced by supermarkets and the goal that all eggs will be sourced from free range systems by 2025, the completion of enriched cage housing was not an option.
2. Free range layer/broiler – this is the main alternative to the conventional production systems, however this system does not suit the applicant as it requires significant additional land not available to the applicant. In addition the market for same is small and already well supplied and from an environmental perspective the production of free range broilers would actually consume more resources i.e. feed, water, energy etc.

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 a more sustainable manner.

- **Alternative Management of By-Products**

Application to land and/or for use in compost production is the two main practical economic means of utilising the nutrients in poultry manure. The poultry industry locally has a dedicated system established for the management of poultry manure involving a number of specialist contractors registered with The Department of Agriculture, Food and the Marine. The applicant has received confirmation from one of these contractors that they will manage and remove the poultry manure from the farm.

The E.I.A.R notes that at present, there are no other options for the utilisation of organic fertiliser produced. The applicant will however continue to examine the possibility of alternative uses of this fertiliser.

- **Summary**

On the basis of application details it is the opinion of the planning authority that the potential for environmental impacts will be confined to the immediate local area. Given the distance of the

nearest third party dwelling to the site the associated increases in traffic to/from the site during the construction phase along with emissions such as noise, it is not considered any such impacts will be to an unacceptable degree.

Main impacts considered applicable are set out hereunder:

- I. Clearing of existing vegetation to facilitate location of new building
- II. Mechanical excavation of the site;
- III. The works required for the provision of the building
- IV. Potential for noise and general disturbance during construction and operation stage(s) by traffic generation;
- V. Potential for emission of odours during operational stage;

Notwithstanding the short-term impacts on the environment which will be created via the construction phase, subject to the 'best practice' and implementation of mitigation measures identified in the E.I.A.R being followed during operation stage it is considered that the proposed development appears to be acceptable in terms of environmental impacts.

However the Planning Authority notes that the removal of hedgerows and the subsequent impact of same on biodiversity/landscape has not been adequately assessed in the submitted E.I.A.R.

Appropriate Assessment

- Background

Section 4.88, policies APP1-AAP5 and policy ADP1 of the Monaghan County Development Plan 2013-2019 apply.

Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. 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). Notably no Screening Report has been submitted as part of this planning application.

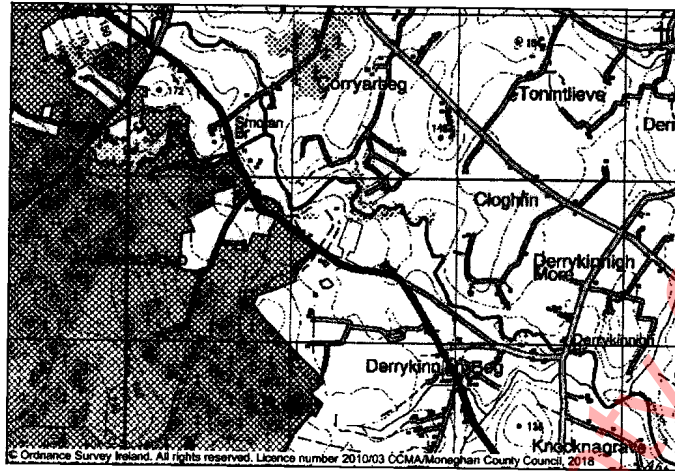
The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

- Proposal

The site in question lies just outside the Slieve Beagh SPA. The primary objective of the Slieve Beagh SPA is to maintain or restore the favourable conservation condition of the Hen Harrier.

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Location of site with respect to Slieve Beagh SPA



The Slieve Beagh SPA comprises much of the eastern and south-eastern sectors of the Slieve Beagh upland area that extends from County Monaghan into Northern Ireland. Mountain blanket bog is well developed at the higher altitudes and especially at Eshbrack (peak of 365 m). The vegetation is largely dominated by Deergrass (*Scirpus cespitosus*), Ling Heather (*Calluna vulgaris*), Cross-leaved Heath (*Erica tetralix*), Hare's-tail Cottongrass (*Eriophorum vaginatum*), Common Cottongrass (*E. angustifolium*), Crowberry (*Empetrum nigrum*) and a range of mosses such as *Sphagnum capillifolium*, *S. papillosum*, *S. tenellum* and *Hypnum cupressiforme*. In places, Cranberry (*Vaccinium oxycoccos*) is an abundant component of the vegetation. Elsewhere the bog is mostly cutover and there are also wet and dry heaths present. In total, bog and heath occupies 43% of the site. The mid-slopes are afforested (40% of site), with plantations of various ages (open canopy, closed canopy, clear-fell). The remainder of the site is rough or marginal grassland (16%). Some of the old field systems support species-rich wet grassland vegetation dominated by Soft Rush (*Juncus effusus*). Several small dystrophic lakes are present within the site.

This SPA is one of the strongholds for Hen Harrier in the country. A survey in 2005 resulted in four confirmed breeding pairs, representing over 2.5% of the national total. However, when the Northern Ireland sector of Slieve Beagh is considered, there was a total of 10 breeding pairs in 2005. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and

moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.

The site also supports breeding Merlin, a species that is also listed on Annex I of the E.U. Birds Directive. Two probable pairs were recorded in 2002-03 during survey work for a wind farm but further survey is required to determine the exact status of this small falcon. Red Grouse is found in unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red listed. Peregrine, another E.U. Birds Directive Annex I species, nests in the Northern Ireland sector of Slieve Beagh and can be seen over the site at times.

Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier and is one of the top sites in the country for the species. It may also be of national importance for breeding Merlin.

Notably the applicant has submitted an Appropriate Assessment Screening Report which has been carried out by Noreen McLoughlin. The findings of the report are summarised as follows:

- i. Given the small size and scale of the development in relation to the overall size of the Natura 2000 sites identified then the likelihood of any direct, indirect or cumulative impacts upon this designated site is low.
- ii. There will be no land take from any designated site and there will be no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.
- iii. No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.
- iv. There will be no impacts on any designated site arising from emissions to surface water features of the designated sites. The site is downstream of any waterbodies connected to the SPA and only clean surface water run-off will be directed into local watercourses and silt traps will be installed on all lines. Any associated land-spreading of the manure from this development will be done in accordance with S.I 605 of 2017 (as amended). This will minimise run-off from land into local watercourses.
- v. The proposed development is east of the closest designated areas of the SPA/SAC. The prevailing wind in Ireland blows towards the north-east. This means that much of the atmospheric emissions from the facility will be blown away from the closest ecological receptors of the SPA/SAC.
- vi. Excavated material from the construction will be used on site. Bare soil will be reseeded straight away where appropriate. Any remaining soil will be disposed of in a responsible manner at a licensed facility away from any designated sites.
- vii. There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact on the Natura 2000 sites identified.
- viii. There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. The site was walked and any potential habitats for Hen Harrier within the site were assessed. There are no suitable habitats within the application site for the Hen Harrier. Whilst the Hen Harrier may continue to forage close to and possibly over the application site the construction and operation of the development will not have any negative impacts on the foraging behaviour of this species. In addition, all rodenticide used on site will be carried out in accordance with best practice.
- ix. There will be no reduction in species density.
- x. There will be no negative impacts upon surface or ground water quality.

The Appropriate Assessment Screening Report concludes that the proposed development will have no impacts upon any Natura 2000 site. The integrity and the conservation objectives of the site will be maintained and the habitats and species associated with this site will not be adversely affected. As a result it is recommended that the development does not need to proceed to Stage II.

The Heritage Officer has made specific comments with respect to the submitted screening documentation and has requested that additional information is requested.

Conclusion

In principle, the location of two poultry units at this location is acceptable, given the rural locality. A number of issues require addressing prior to a final decision being made.

Request for Additional Information

The following additional information was requested on the 5th July 2018:

1. Policy AFP2 of the Monaghan County Development Plan 2013-2019 states that favourable consideration will be given to agricultural development where the development "*is sited so as to benefit from any screening provided by topography or existing landscaping*". As a result of the open nature of the landscape applicant shall demonstrate to the satisfaction of the Planning Authority that the existing mature hedge located to the south of the poultry units will provide adequate screening to the proposed development. Information shall include a detailed survey of the band of existing vegetation and shall include details of species and heights of the existing vegetation.
2. Policy RAP3 of the Monaghan County Development Plan 2013-2019 states "*new access lanes/roads should run alongside existing hedgerows/boundaries and should following the natural contours of the site*". The Planning Authority is of the opinion that the creation of the service road through the middle of the site is unacceptable and contrary to the aforementioned policy. Applicant shall submit revised plans to address the concerns of the Planning Authority.
3. Directive 2014/52/EU requires the submission of an Environmental Impact Assessment Report which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended). The Directive requires that the environmental impact assessment report shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on a number of issues. The Planning Authority notes that approximately 144 metres of hedging/vegetation will be removed to facilitate the proposed development. The impact of the removal of this existing vegetation has not been assessed with respect to bio-diversity (flora and fauna) or visual aspects and landscape. Applicant shall address this matter and submit a revised E.I.A.R accordingly.
4. In the interest of environmental development applicant shall take into account that a portion of the proposed lands for wastewater application are wetlands. Applicant shall take note of Section 18(2) (a) of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and shall submit the following information:
 - i. 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.
- ii. A nutrient management assessment to include stocking rate for 2018 with a detailed breakdown of all animals. This plan shall accommodate the use of organic fertilizer from current bovine herd. Estimated projections shall include Nitrogen and Phosphorus content from **all wash waters** arising from the proposed development for landspreading.
 - iii. Alternative suitable lands shall be identified if necessary and maps shall be submitted for approval.

Applicant shall consult Environment Section to discuss the issues raised in point 4 above.

5. The Heritage Officer has assessed the proposed development and notes the following:
- No habitat survey or impact assessment has been provided in the application for the lands designated for wash water application. All of the site associated with the development must be included in the assessment – it is inadequate to exclude the lands identified in Appendix 8 that are to be used for land spreading wash water from the EIAR. From aerial photography and maps, this land appears to include some peatland with a mosaic of habitat types.
 - The application site is less than 1km from the Sliabh Beagh SPA. All aspects of the development are not identified in the Appropriate Assessment Screening Report – i.e. the landspreading of wash waters.
 - The specific reasons why the Appropriate Assessment is not moving to stage 2 are not recorded in the submitted Appropriate Assessment Screening Report. A recent EU ruling (*Kelly v. An Bord Pleanála* [2014] IEHC 400) makes it a duty to provide reasons as to why the Appropriate Assessment is not moving to stage 2 and these must be properly reasoned and based on scientific knowledge).
 - The site is adjacent to the Mountain Water River, the only waterbody in County Monaghan designated as having High Ecological Status under the Water Framework Directive. It should be established that this development will not cause this sensitive and important river to lose its water quality status before the application is allowed to proceed.

To address the above applicant shall submit the following information:

- i. Detailed habitat map of the land (17 hectares) shown in Appendix 8, designed for landspreading of wash waters.
- ii. Impact assessment of landspreading wash waters for the habitats and species composition– in particular impact of nutrient loads on the 17 hectares and also for the Mountain Water River.
- iii. Land spreading activity shall be included in the Appropriate Assessment as part of the description of the development and assessed accordingly.
- iv. Reasons must be provided to support Appropriate Assessment screening to show that the development will not adversely affect the integrity of the site concerned.

Applicant shall consult the Heritage Officer to discuss the issues raised in point 5 above.

6. The Department of Culture, Heritage and the Gaeltacht has assessed the proposed development and has recommended that the following information shall be submitted:
- i. A bat survey undertaken by a suitably qualified ecological consultant which determines the use of the site by bats and shall specifically determine whether the mature trees/vegetation which will be removed to facilitate the proposed development are being used by bats.

- ii. As a result of the increased development pressure in the area surrounding the Slieve Beagh SPA especially as a result of poultry farms and wind farms an accurate assessment of the cumulative effects on the Hen Harrier by all developments in the surrounding area shall be submitted.
- iii. To avoid an increase in the availability of perching and nesting locations for avian predators of ground nesting birds, no additional trees should be planted however the planting of hedgerows shall be encouraged. Applicant shall submit revised plans which show details of planting which comply with the aforementioned advice.

Receipt of Additional Information

Following this request for additional information, revised plans and documentation were submitted to the Planning Authority on the 31st August 2018. The original request for additional information has been addressed as follows:

1. With respect to the integration of the units on the site the applicant has provided the following detail:
 - The main screening afforded to this site is from the existing hedgerows running north to site on either side of the site, to the west-south west and to the east- south east. These hedgerows will effectively screen the proposed development from both approaches, with the proposed development potentially visible from the short section of road directly in front of the development where the hedgerow is to be removed to facilitate the sight lines.
 - The predominant species in the hedgerows surrounding the site include Whitethorn, Blackthorn, Holly, Bramble, Gorse, Ash and Alder. Existing hedgerows are maintained to 2-3 metres high. No mature trees (photo 3) will be removed as a result of the proposed development, however a number of semi mature ash trees (5-7m high) located in the roadside hedge and/or the 2 short sections of hedgerow bisecting the site shall be removed.
 - To ensure that there is no visual impact from the proposed development the following proposals have been detailed by the applicant:
 - Plant a replacement hedge behind the sightlines as indicated on the site plan.
 - Complete additional planting in the existing hedge line to the west/south west of the proposed development to infill any gaps in same.
 - Construct 2 number landscaped earthen banks between the public road and the proposed development.
 - Landscape bank number 1 will be created to the fore of the new access road to screen same and to screen the proposed poultry houses. The bank will be 2.5 metres high and grassed to provide a natural finish within a short space of time. Thereafter a hedge row consisting of Blackthorn, Whitethorn and holly will be planted on top of same and will grow to 1.5-2m high providing a 4-4.5m screen to the proposed development.
 - Landscape bank number 2 will be created to the fore of the new development to further screen the proposed poultry houses. Same will be 2.5m high and grassed so as to provide a natural finish within a short space of time. Thereafter a hedge row consisting of Blackthorn, Whitethorn and holly will be planted on top of same and let grow to 1.5-2m high, providing a 4-4.5m screen to the proposed development.

- The landscaping measures proposed together with the fact that the FFL of the proposed development is at or below the road level will help ensure that the proposed development is integrated into the landscape.
2. The access lane has been amended. The reconfigured access has been agreed with this assigned officer prior to resubmission of the additional information.
 3. The E.I.A.R has been amended accordingly to reflect the removal of the 144 metres of hedgerow. With respect to biodiversity (flora/fauna) the E.I.A.R notes that the proposed development will involve the removal of 144 metres of hedgerow in addition to the entrance upgrade works. In some areas these existing hedges are low with gaps therein. There are 3 number 5-7 metre high trees to be removed within this area. It is planned to plant an equivalent area of hedgerow adjacent to house number 1 and in front of the proposed development. Not alone will this replace the area removed it also links up the existing hedgerows within the fields thus providing wildlife with alternate suitable corridors effectively around, rather than through the proposed site, integrates with the existing hedgerows and once established should ensure minimal adverse impact on wildlife. As there are no mature trees to be removed/replaced the replacement of the wildlife corridors should happen significantly quicker as the hedgerow species proposed will establish in a quicker timeframe. The E.I.A.R further states that an additional 150 metres of hedgerow shall be planted along the revised access route which will increase the overall level of planting on the farm. In addition, the E.I.A.R has provided mitigation measures to avoid any adverse impact of the proposed development.

With respect to impact on the landscape, the E.I.A.R has indicated that the layout of the proposed development has been designed to ensure that there is minimal visual impact on the local area. The development is set back into the landholding and is orientated with the gable ends of the houses towards the road. The removal of the hedgerows will be replaced with additional hedging planted around the development which will be completed on an earthen bank to maximise the screening value of the landscaping. There will be additional planting along the roadway accessing the site and infilling of gaps in the existing hedgerows surrounding the site. The use of native species natural to the area and grassed earthen banks for landscaping will ensure that the proposed development will integrate successfully.

4. Revised details have been assessed by the Environment Section who have no further objections to the proposed development.
5. A revised Appropriate Assessment Screening report has been submitted. The AA Screening Report concludes that the proposed development whether individually or in combination with other plans and projects will have no impacts upon the Slieve Beagh SPA. The integrity of the site will be maintained and the habitats and species associated with the site will not be adversely affected. The development does not need to proceed to Stage II of the Appropriate Assessment process. Notably the screening report has been undertaken by a qualified Ecologist. The Heritage Officer has been reconsulted with the revised documentation and has provided no further comments with respect to the proposed development.
6. A Bat Survey has been undertaken by Dr. Tina Aughney of Bat Eco Services which is summarised as follows:
 - The report presents the results of site visits completed on 3rd and 4th August 2018
 - Five species of bats was recorded foraging and commuting within the survey area

- This is a high number of species biodiversity emphasising the high degree of linear habitat connectivity within the survey area.
- The eastern field boundary is the most important commuting route and foraging areas for bats compared to other field boundaries within the survey area
- General Mitigation Measures:
 - Measure 1: Removal of trees
 - Measure 2: Lighting
 - Measure 3: Bat Box Scheme
 - Measure 4: Planting regime
 - Measure 5: Monitoring.

This information was originally requested by the Department of Culture, Heritage and the Gaeltacht. Notably no further comment from the Department has been received with respect to the proposed works.

Conclusion

The information submitted on the 31st August 2018 has addressed the original request for additional information. There are no further objections to the proposed development which will afford for the development of agricultural development in the rural area.

Recommendation

That planning permission is **GRANTED** subject to the following conditions:

- 1a. The developer shall pay to Monaghan County Council a sum of **€10958.00** 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.

- 2a. Prior to commencement of development, or as otherwise agreed in writing with the Planning Authority, developer shall obtain an Industrial Emissions (IE) License from the EPA as the proposed development comprises or is for the purpose of an activity for which an Industrial Emissions (IE) License is required.
- b. Developer shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to any watercourse. These measures shall take account of the Guidance produced by Inland Fisheries Ireland titled "*Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites*". This document is available to download at <https://www.fisheriesireland.ie/documents/624-guidelines-on-protection-of-fisheries-during-construction-works-in-and-adjacent-to-waters/file.html>
- c. All proposed surface water drainage systems shall be designed to ensure that no polluting matter enters the surface water collection system.

- d. A silt trap shall be installed to service surface water as per the application. The silt trap shall be adequately maintained.
- e. 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 written consent from the planning authority.
- f. There shall be no increase in livestock numbers as stated on the application form except in accordance with an approved Farm Waste and Nutrient Management Plan and without the prior written consent from the Planning Authority.
- g. Developer shall ensure run-off from soiled yard areas is kept to a minimum, collected in suitably constructed tanks and landspread in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- h. 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.
- i. All soiled waters generated from cleaning or other operations shall be collected and stored in a suitable watertight tank and disposed of on lands in the townland of Raflacony as per information submitted to the Planning authority on the 31st August 2018, in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- j. All manure/organic fertilisers arising from the development shall be collected in leak proof/suitably constructed tanks and stored in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- k. Manure/ Organic fertilisers taken off site shall conform with the Department of Agriculture Food and the Marine requirements and guidance under Animal By Products legislation and local authority guidance on the protection of sensitive waters including water supply sources.
- l. Manure shall be taken off site as per details submitted with the application by a contractor registered with the Department of Agriculture Food and Marine shall be utilized in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- m. Receipts for manure collection and removal must be submitted to the Environment Section by the 31st of December each year or at a time agreed in writing with the Planning Authority. Receipts to include tonnages and dates of movement.
- n. Records of manure movement's 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 Environmental Services 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 of receiving premises.
 - v. Any other information as may be required by the Planning Authority
 - vi. Any intention to change haulier or intention to utilise any manure shall be agreed in writing with the Planning Authority.
- o. If at any time Monaghan County Council is satisfied that this development is causing environmental pollution the operator shall submit a remediation action plan to address the identified issues within a specified timeframe.
- p. 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: In the interest of environmental protection.

- 3a. 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.

- 4. The proposed development will be carried out in accordance with recommendations of the Bat Survey carried out by Bat Eco Services and submitted to the Planning Authority on the 31st August 2018.

Reason: In the interest of orderly development.

- 5a. The planting details and associated site works as indicated on plans as submitted to the Planning Authority on the 31st August 2018 shall be fully implemented prior to any occupancy of the dwelling 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 the 31st August 2018 shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.
- c. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances to be removed. All other trees and hedgerows bounding this site shall be permanently retained in this development, shall be reinforced with additional planting in accordance with plans submitted to the Planning Authority on the 31st August 2018 and shall be protected from damage at all times, particularly during building operations.
- d. The line of the recessed entrance to be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly.

Reason: In the interest of visual amenity.

- 6a. Prior to any works commencing, visibility splays of **150** metres, measured to the nearside road edge in each direction, shall be provided from a point in the centre of the entrance 3.0 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 0.26 metre and 2.0 metres above ground level in both directions. The area within the visibility splays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- b. Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.
- c. Where the existing roadside hedge/embankment is to be removed, the roadside verge shall be widened (by grading back or infilling where necessary using appropriate inert material) to include the entire area within the visibility splays, top soiled, and grassed to the satisfaction of the planning authority.

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- d. The new entrance shall form a bellmouth of a minimum of 6 metres radius with edge of new boundary. Entrance gates shall be set back at least 17 metres from the public road to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
- e. Entrance/access road shall be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres and the surface shall be graded back so that its level at 3.0 metres from the edge of the carriageway is a minimum of 100 mm below road level. Gradient of access road shall be not greater than 1:20 (5.0%) for the first 5 metres from boundary and 1:10 (10.0%) thereafter.
- f. French drain consisting of 300mm diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end, and intersection of other drains and at not greater than 40 metres intervals. (Separate application shall be made to Monaghan County Council if this requires a road opening licence).
- g. Cattlegrid/ACO Drain/Gullies shall be installed at proposed entrance and constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly, measures shall be taken to prevent road surface water from flowing onto the entrance. The discharge from the above drainage shall be piped to an appropriate drainage pipeline or watercourse.
- h. Provision shall be made within the site for surface water drainage and no surface water shall be allowed flow onto the public roadway. The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage shall remain unimpeded.
- i. No development exempt or otherwise shall be erected over the public sewer, drain or water-main, unless otherwise agreed in writing with the planning authority.
- j. Before any work is commenced on this development a security, by way of a cash deposit, in the sum of €2250, shall be paid to the planning authority by the developer to ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactorily. Failure to carry out all entrance works to a standard to the satisfaction of the planning authority will result in forfeiture of part or all of the cash security.

Reason: In the interest of road safety.

- 7. The development shall be carried out in accordance with plans and documentation submitted on 11th May 2018 as amended by plans and documentation submitted on the 31st August 2018 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.

Helen McCourt

Helen McCourt
Assistant Planner
18th October 2018

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Development Contributions Calculations - Non-Residential Development (1)

Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3(g) Comm, Rec, Amenity	Bldgs / Structures for Agri	Up to 300 m ² (3229 sq ft) footprint Exempt Over 300 m ² footprint €530 plus €2 per m ² over 300 m ² Extensions €2 per m ² of footprint	2 poultry units, link store, bin store, generator store, feed silos (x4) = 5514sqm 5514sqm- 300sqm = 5214sqm	€530 + (5214 x €2) = €10958.00	€10958.00

Contributions Due (€) **€10958.00**

Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)

Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)
				N/A

Total Amount Due
 Contributions Due – Discount **Total Due (€)**
€10958.00

Checked / Date

AP / EP	AO	SEP
<i>W. Coover</i>	<i>[Signature]</i>	19.10.18


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

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

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



Adrian Hughes
Senior Planner

22.10.18

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