

## MONAGHAN COUNTY COUNCIL

### PLANNING AND DEVELOPMENT

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**File Ref:** 24/60047

**Applicant:** Tru Poultry Ltd

**Advertised Development Description:** Permission to construct 1 No. poultry house (in lieu of 1 No. Poultry House previously approved under Planning Ref. 18/199) together with all ancillary structures (to include meal bin(s) and storm water attenuation tank), site works, and, the incorporation of adjoining land within the site boundary to permit, where necessary, a free range farming activity, associated with the above development on, or adjacent to an existing poultry farm. This application relates to a development which is for the purposes of an activity requiring a Licence under Part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013. An Environmental Impact Assessment Report (E.I.A.R.) and Natura Impact Statement (N.I.S.) will be submitted with this planning application.

**Location:** Crossnacaldoo, Tydavnet.

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#### Site Details

Roadside poultry farm, which is licensed by the Environmental Protection Agency.



*Roadside view-in*

#### Relevant Planning History

- Permission for the existing poultry house, along with a second undeveloped house, was granted under planning file number 18/199.
- The appropriate period of 18/199 has been extended in the interim until November 2027, i.e. permission for the second undeveloped house remains live.

### **Consultation**

Municipal District (MD) Engineer: No objections.

EHO: No objections.

Environment Section: Conditionally satisfied.

Inland Fisheries Ireland (IFI): Comments received and noted.

EPA: Comments received and noted; no specific objections.

### **Objections/Submissions/Observations**

None.

### **Appropriate Assessment**

Section 15.30 and Policy AAP 1 of the County Development Plan 2019-2025 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. an SAC or SPA) must be subject to an Appropriate Assessment (AA). This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010).

Policy AAP 1 states that all projects and plans will be screened for the need to undertake AA under Article 6 of the Habitats Directive.

The site adjoins the Slieve Beagh SPA and the following AA screening issues pertain:

- Distance from any Natura 2000 site.
- Scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA.
- Development Plan policies in respect of the protection of Natura 2000 sites.
- In-combination effects of the proposed development and plans or projects.

An AA Screening Report, prepared by an environmental consultant as part of the submitted Environmental Impact Assessment Report (EIAR), concludes that the potential impacts which may occur from atmosphere emissions require a Stage 2 AA and the preparation of a Natura Impact Statement (NIS).

The submitted NIS details how the change to free range, with a significantly lower stocking rate, would result in a total decrease in ammonia emissions from the currently approved levels.

### **Other Matters**

The Environmental Protection Agency (EPA) have formally advised the Planning Authority that the Slieve Beagh SPA is experiencing an exceedance of its critical level for ammonia and critical load for nutrient nitrogen as a result of the cumulative impact of ammonia emissions.

Accordingly, the implications for development sites within 10km of the Slieve Beagh SPA are:

- For new installations, no new licenses would fulfil the criteria to allow them to be licensed, i.e. not contribute to an already high ammonia load.
- For existing installations, investment in new technologies and abatement would be required in order to license an expansion so that the expansion does not increase the emissions.

## Planning Assessment

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

- The development is typically designed and can be accommodated spatially (Policy AGP 1a, 1b, 1i-1l and Policy AGP 2h-i).
- No built heritage impact (Policy AGP 1c).
- No <100m third party houses (Policies AGP 1d and AGP 2f).
- Concerning the water environment and environmental protection generally (Policy AGP 1e-f and Policy AGP 2c-e, 2g), Environment Section are conditionally satisfied.
- The existing/previously approved access would be used (Policy AGP 1g and Section 15.27).
- There are no existing buildings on-site that could be used (Policy AGP 1h).
- An Environmental Impact Assessment Report (EIAR) has been submitted in support (Policy AGP 2a; see **Environmental Impact Assessment**).
- A NIS has been submitted (Policies AAP1 and AGP 2a; see **Appropriate Assessment**).
- Details of existing operations in the vicinity/locale have been described as per Policy AGP 2b. The assigned agent has contended the development, with the change to free range and a significant reduction in bird numbers, would not have a significant cumulative adverse impact on the local environment.

## Environmental Impact Assessment

- Current number of birds approved for the farm is c.100000. This development would, with a change to free range, reduce numbers to c.71000.
- Application received after the 15/05/17; assessed in accordance with Directive 2014/52/EU. Directive 2014/52/EU requires the submission of an EIAR which assesses the development in accordance with certain factors which diverge from those previously set out in the Planning and Development Act 2000 (as amended).
- Directive 2014/52/EU requires that the Environmental Impact Assessment Report (EIAR) shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:
  - Population and human health.
  - Biodiversity, particularly re species and habitats protected under Directive 92/42/EEC and Directive 2009/147/EC.
  - Land, soil, water and climate.
  - Material assets, cultural heritage and the landscape.
  - Interaction between the mentioned factors.
- The Planning Authority has assessed and summarised the content of the submitted EIAR as prepared by Paraic Fay of CLW Environmental Planners.

### Effects on population and human health

- Development is of average/typical scale by current industry standards.
- Development will create increased economic activity both for the developer and the surrounding community (re construction and maintenance).
- Unlikely to generate/release sounds/odours that will significantly impair amenity beyond the site boundary.
- Change to free range would significantly reduce total bird numbers.
- If nuisance effects occur, public can object/complain under statutory facilities; will have to be investigated and corrected if found to be real and justified.

#### Effects on biodiversity

- Flora and fauna in and around the site are settled in terms of the established context.
- The change to free range, with a significantly lower stocking rate, would result in a total decrease in ammonia emissions from the currently approved levels.
- The assigned agent contends that the proposal is not likely to adversely impact on any amenity areas. Whilst Slieve Beagh, which is designated by the County Development Plan 2019-2025 as an Area of Primary Amenity, adjoins the site, the farm is established/existing.
- A rodent control program will cover the overall site.
- Weed control will be carried out around the site as required.
- Retaining as much as possible of the existing landscaping/hedgerow around the site boundary, together with any proposed landscaping, should maintain biological diversity on-site.

#### Effects on land and soil

- Development can be accommodated within the established farm. Further land/soil disturbance within the site boundary will be limited.
- 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 wider agricultural area.
- Potential for some positive benefits on soil on potential customer farmer lands as a result of the production of organic fertiliser by the proposed development.

#### Effects on water

- 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 only discharge from the site for surface waters will be the discharge of rainwater from the roofs and clean yards to field drainage.

#### Effects on air

- Potential effects on air relate to the odour and gaseous emissions that may be associated with the birds and bird manure on-site.
- Appropriate management practices will be implanted on-site to minimise potential odour emissions. Odours are not likely to cause nuisance or impair amenity beyond the site boundary, bar possibly when birds and/or manure are being removed from the site at the end of each batch.
- The change to free range, with a significantly lower stocking rate, would result in a total decrease in emissions from the currently approved levels.

#### Effects on climate/climate change

- Appropriate construction and maintenance should mean that the development will have little effect on climate/climate change (relatively small footprint).

#### Effects on landscape

- The development is an addition to an existing poultry farm that is already established in the locale.

#### Effects on archaeological and cultural heritage

- No evidence of any archaeological features, structures of built heritage significance or sites of cultural interest on or adjacent to the site.

#### Effects on material assets

- Valued resources 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.
- As per the information submitted, the development will not detrimentally affect any surrounding agricultural properties/businesses, any non-agricultural properties or any natural or other resources.

#### Description of likely significant effects of the proposed development

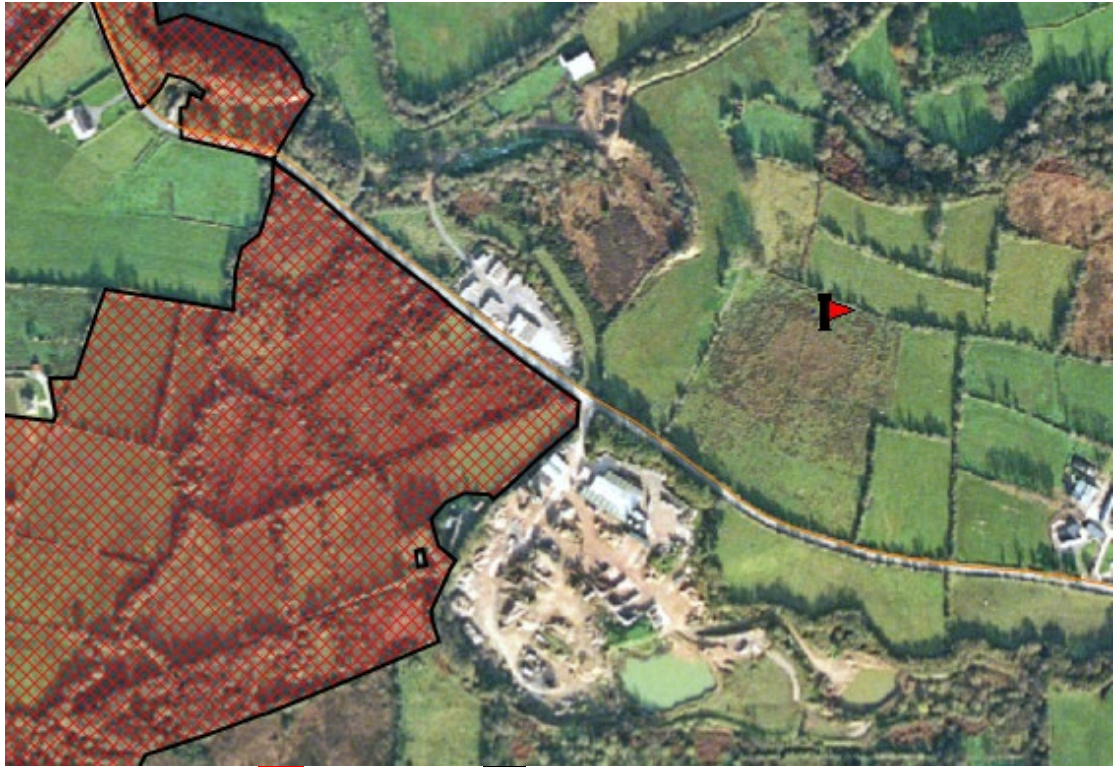
- Again, by being appropriately constructed and maintained, the development, will not unduly affect the setting/surroundings vis-a-vis landscape, traffic, natural resources, emissions, nuisance, waste production, climate (change), public health, etc.
- No negative impacts have been identified regarding the interaction between population and human health, biodiversity, Land, soil, water, climate, material assets, cultural heritage and the landscape.
- It is anticipated that the proposed development will not lead to a 'transboundary' effect due to the distance of the proposed development from any international boundary (site is approximately 3km from the Northern Ireland border) and any by-products will be utilised/disposed of/recovered within the country. Again, total bird numbers would be reduced with the free range change.

#### Alternative Site

- This site was logically chosen over any possible alternative because:
  - Addition to an already established poultry farm.
  - Site lends itself to the development re contours/ground levels.
  - Views-in are restricted and established.
  - No <100m third party houses.
  - Development can be integrated into the existing site management protocols vis-à-vis biosecurity.

#### **Conclusions**

- A grant of permission is recommended. It is considered that the development, if constructed and maintained as proposed, will not adversely impact the environment.
- Re the Slieve Beagh SPA, the submitted NIS reasonably concludes that the change to free range, with a significantly lower stocking rate, would result in a total decrease in emissions from the currently approved levels.
- A community, recreation and amenity development contribution is due as per the separately attached calculation sheet.



OS Map showing the SPA relative to the site

## **Recommendation**

That Permission is **GRANTED** subject to the following conditions:

1. (a) The developer shall pay to Monaghan County Council a sum of €5532 in accordance with the General Development Contribution Scheme 2021-2026 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.
- (d) This condition shall, as required, supersede condition 1 attached under planning permission file number 18/199.

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

2. (a) Prior to the commencement of development, the developer shall obtain a review of the existing EPA (Environmental Protection Agency) licence (Register No: P1098-01), reflecting the changes outlined in this planning application.
- (b) The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended).
- (c) All buildings shall accord with the pertaining Departmental specifications.
- (d) Any contaminated surface water runoff shall be disposed of directly in a sealed system.
- (e) All soiled waters shall be directed to a storage tank.
- (f) No effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.
- (g) All soiled waters shall be collected, stored and utilised in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended).
- (h) All uncontaminated roof water from buildings and yard water shall be separately collected and discharged in a sealed system to an adequate soakpit and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road. Development shall be carried out in strict accordance with the submitted stormwater attenuation report.
- (i) An inspection manhole shall be installed for sampling and inspection purposes and shall be located on the surface/storm water line after the silt trap and prior to the discharge.
- (j) All drainage works shall be carried out in accordance with agreed details.
- (k) All organic fertiliser generated by the development hereby approved (and existing development within the site) shall be conveyed through properly constructed channels to the proposed facilities and shall not discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or public road. Seepage from the manure storage shed shall be directed to leak proof storage facilities in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended).
- (l) All organic fertiliser generated by the proposed development shall be disposed of in accordance with the details submitted to the Planning Authority and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended).

(m) Organic fertiliser shall be taken off-site by the contractor/haulier as stated in the planning application. This contractor must be registered with the Department of Agriculture Food and Marine and the organic fertiliser shall be utilised in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended). Any changes in contractor shall be agreed in writing with the Planning Authority.

(n) There shall be no change in poultry type or increase in the numbers of poultry being accommodated at this site unless otherwise agreed in writing with the Planning Authority.

(o) Any construction and demolition waste or excess soil generated during the construction phase, which cannot be reused on-site, shall be suitably disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 (as amended).

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

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

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

(s) There shall be no overflow drain facility from any bunds on-site and all filling and off-take points shall be located within a bund.

(t) Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended).

(u) Developer shall immediately inform the Planning Authority and IFI (Inland Fisheries Ireland) of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body.

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

(w) 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 relative guidance produced by Inland Fisheries Ireland (IFI).

(x) The developer shall operate and maintain the free range paddock area in a manner that prevents nutrient (nitrogen and phosphorus) losses to receiving waters. A buffer zone of at least 3m from any drain or non-designated watercourse, or 5m from the high status watercourse within/adjacent to the paddock areas, shall be maintained.

No additional fertilisers shall be applied to the paddock areas and at least one cut of silage shall be removed from these areas each year.

Development shall comply with Department of Agriculture and Bord Bia specifications for free range paddocks.

Reason: In the interest of environmental protection.

3. (a) Roofing material shall be dark green, dark grey, dark blue or black in colour.

(b) No unpainted metal sheeting shall be used for roofing or on the external wall finishes.

Reason: In the interest of visual amenity.



4. Ground and floor levels shall be as per the plans submitted. Any facilitating cut and/or fill shall be graded to a natural contour to reflect the existing topography of the area.


Reason: In the interests of visual amenity and securing a satisfactory standard of development.

5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 13/02/2024 (including the Environmental Impact Assessment Report and the Natura Impact Statement), and as may otherwise be required in order to comply with the above conditions.

Reason: In the interest of proper planning and sustainable development.

A handwritten signature in black ink, appearing to read 'B. Clerkin', with a long horizontal flourish extending to the right.

Ben Clerkin  
Planner  
04/04/2024

Re 2024					
Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3.(g) Comm, Rec, Amenity...	Agricultural buildings and structures...	<u>Up to 300sqm</u> Exempt  <u>Over 300sqm</u> €630 plus €2 per sqm over 300sqm  Extensions €2 per sqm		2751sqm  €630 + €4902 (2451 x €2) = €5532	
<b>Contributions Due (€)</b>					<b>€5532</b>
Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)					
Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)	
Total Amount Due					
Contributions Due – Discount					Total Due (€)
					<b>€5532</b>
Checked / Date					
AP / EP		AO		SEP	
 04/04/2024					
		04/04/2024			

PLANNING AND DEVELOPMENT

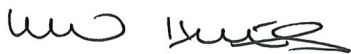
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RE: Assessment of the submitted Environmental Impact Assessment Report (EIAR).

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

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



Adrian Hughes  
Senior Planner

Date: 05.04.24