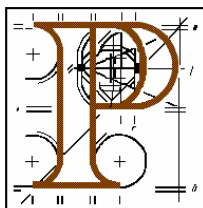


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# An Bord Pleanála



## Inspector's Report

**Ref.:** PL13. 240907

**Development:** Construction of two poultry houses, two soiled water tanks and associated site works. This application relates to development which comprises or is for the purposes of an activity requiring an Integrated Pollution Control Licence. An Environment Impact Statement (EIS) has been submitted as part of the planning application.

Coolanoran, Newcastle West, Co. Limerick.

### PLANNING APPLICATION

**Planning Authority:** Limerick County Council

**Planning Authority Ref.:** 12/245

**Applicant:** Pat Kenny

**Type of Application:** Permission

**Planning Authority Decision:** Grant subject to conditions

### APPEAL

**Type of Appeal:** Third Party

**Appellant(s):** Dr. Patrick O'Connor

**Observers:** None.

**INSPECTOR:** Robert Speer

**Date of Site Inspection:** 28<sup>th</sup> September, 2012

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## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The proposed development site is located in the rural townland of Coolanoran, Co. Limerick, approximately 500m west of the N21 (Castleisland – Limerick) National Route and c. 3.7km northeast of the town of Newcastle West. The surrounding area is typically rural and is characterised by an open flat terrain interspersed with individual dwelling houses and farmsteads. The subject site has a stated site area of 0.82 hectares and forms part of a wider landholding which encompasses the applicants dwelling house in addition to an existing intensive poultry rearing operation which consists of 2 No. poultry houses, 2 No. feed silos and associated outbuildings. The actual siting of the proposed poultry houses will be located to the rear (southwest) of the existing complex of farm buildings and comprises an open field set in pasture bounded by mature hedgerow. Access to the site is obtained via an existing entrance arrangement onto the local service road bounding the landholding to the immediate northeast which in turn provides direct access to the N21 National Road. This particular stretch of roadway is characterised by an increasing prevalence of one-off housing, although it is of relevance to note that there are two other poultry rearing operations located in close proximity to the subject site approximately 200m and 800m respectively further northwest along the roadway.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1 The proposed development consists of the expansion of an existing intensive poultry rearing operation (existing floor area: 2,250m<sup>2</sup>) through the construction of 2 No. additional poultry (broiler) houses each measuring 76.2m x 14.615m with an overall ridge height of approximately 5.3m. Each of the proposed units will have an internal gross floor area of 1,059m<sup>2</sup> with the capacity to house up to 20,000 No. birds and, therefore, the total internal gross floor area of the proposed development will be 2,114m<sup>2</sup> with a combined capacity of 40,000 No. places. Accordingly, when taken in conjunction with the existing operation on site, the proposed development will result in an effective doubling of the existing facility by providing a cumulative total of 80,000 No. places.

2.2 The proposed poultry houses will be located on greenfield lands to the rear (southwest) of the existing complex of farm buildings on site and will be accessed via the existing entrance / access arrangement serving same. The structures will be sited parallel to one another with a concrete apron to be provided to front of each unit in order to assist in the stocking / emptying etc. of the houses. An underground soiled wash water storage tank (with a capacity of 16m<sup>3</sup>) will be provided for each of the proposed houses adjacent to the concrete yard / apron. Associated site development works include the re-routing of an existing drainage ditch in order to facilitate vehicular access to the proposed poultry houses (*N.B.* Although not detailed on the submitted drawings, correspondence on file refers to the installation of a new feed silo (approximately 7.6m in height and 3.0m in diameter) adjacent to the proposed housing).

2.3 Litter / manure from the proposed poultry houses will be collected for use as an organic fertiliser to be spread on spreadlands located in Co. Kildare in accordance with 'Good Agricultural Practice for Protection of Waters' SI 101/209 and SI 378 2006. Wash

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water arising from the cleaning out of the poultry houses after each batch will be directed to the proposed storage tanks before being landspread on the adjoining lands in the applicants ownership in accordance with the submitted Nutrient Management Plan, although during the closed spreading season it has been confirmed that the wash water will be accepted by 'Cremin's Farm Compost', Broadford, Charleville, Co. Limerick.

### **3.0 ENVIRONMENTAL IMPACT STATEMENT**

3.1 An Environmental Impact Statement has accompanied the subject application and this generally provides a satisfactory description of the receiving environment, the proposed development, its impacts and proposed mitigation measures. It has been accompanied by a non-technical summary and includes the information required by Schedule 6 of the Planning and Development Regulations, 2001, as amended, and complies with Section 172 of the Planning and Development Act, 2000 and Article 94 of the Regulations. In this respect I would advise the Board that Class 2(e)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, prescribes '*Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry*' for the purposes of Part X of the Act.

*N.B.* The expansion of the existing intensive poultry rearing operation as proposed will necessitate the receipt of an Integrated Pollution Prevention Control licence from the Environmental Protection Agency on the basis that it comprises a prescribed activity (*Principal Class of Activity: 6.1.0 Intensive Agriculture*), namely, the rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 40,000 places. In this respect I would advise the Board that an application for an IPPC licence for said activity (*Reg. No. P0929-01*) was lodged with the EPA on 18<sup>th</sup> January, 2011 and that a decision on same is pending. At present, it is my understanding that the applicant has yet to provide a full response to the Agency's letter of 6<sup>th</sup> May, 2011 requesting the submission of outstanding information in accordance with Article 11(2)(b)(ii) of the Environmental Protection Agency (Licensing) Regulations.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 On Site:**

PA Ref. No. 931238. Was granted on 21<sup>st</sup> January, 1994 permitting Pat Kenny permission for the construction of 2 No. pre-fabricated broiler fattening units.

PA Ref. No. 1143. Was refused on 15<sup>th</sup> March, 2011 refusing Pat Kenny permission for the construction of two poultry houses, a soiled water tank and associated site works (this application relates to development which comprises or is for the purpose of an activity requiring an integrated pollution control licence. An environmental impact statement (EIS) has been submitted as part of the planning application) for the following reason:

- The Planning Authority considers that the intensification of the overall use on the site from the proposed two additional poultry houses within such close proximity

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to existing residential properties will cause undue noise, odours and general disturbance incompatible with a level of amenity that the occupants of such dwellings might be expected to enjoy. Due to the nature of the application, which would more than double the intensity of use on the site, where no adequate amelioration through relocation within the landholding or other means can reasonably be considered, the proposed development would seriously injure the residential amenities and depreciate the value of residential property in the vicinity.

PA Ref. No. 11603. Application by Pat Kenny for permission for the construction of two poultry houses, two soiled water tanks and associated site works (this application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence. An environmental impact statement (EIS) has been submitted as part of the planning application). This application was withdrawn.

4.2 On Adjacent Sites:

None.

4.3 On Sites in the Immediate Vicinity:

PA Ref. No. 92893. Was granted on 16<sup>th</sup> October, 1992 permitting Thomas Conway permission for the erection of a broiler fattening house at Coolanoran, Newcastle West, Co. Limerick.

PA Ref. No. 941070. Was granted on 21<sup>st</sup> November, 1994 permitting Thomas Conway permission for the construction of a broiler fattening house at Coolanoran, Newcastle West, Co. Limerick.

## **5.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION**

### **5.1 Decision:**

Following the receipt of a response to a request for further information, on 9<sup>th</sup> July, 2012 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 7 No. conditions which can be summarised as follows:

- Condition No. 1 – Requires all farming activities to be carried out in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. 610 of 2010) also known as the ‘Nitrates Regulations’ or any replacement or further amendment thereof including S.I. No. 125/2011 – European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2011.
- Condition No. 2 – Refers to archaeological monitoring.
- Condition No. 3 – Requires all roof coverings / sidings to be of dark coloured PVC coated steel or to be painted in a dark colour e.g. dark green, grey, dark brown or dark red.

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| Condition No. 4 – | Requires details for the disposal of poultry litter to be agreed with the Planning Authority.  |
| Condition No. 5 – | Refers to the transport of poultry litter / manure.  |
| Condition No. 6 – | Prohibits the cleaning of the poultry units and the removal of spent litter between the hours of 19:00 and 08:00 Monday to Friday and at any time on Saturdays, Sundays or Public Holidays.  |
| Condition No. 7 – | Requires the developer to maintain a register on site to include a record of the times and dates of the transportation of chicken litter, the volumes of litter transported, the names of the authorised litter disposal contractors and the final destinations of the litter. |

## **5.2 Objections / Observations**

A total of 4 No. submissions were received from two interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Previous proposals for similar development on site have been refused permission.
- The proposal will have a detrimental impact on the amenities of surrounding properties by reason of noise, nuisance, general disturbance and increased traffic etc.
- The applicant has failed to erect a site notice.
- Concerns with regard to archaeological considerations.
- The Environmental Impact Statement is substandard and fails to adhere to legislative requirements.

## **5.3 Internal Reports:**

*Executive Archaeologist:* States that the submitted archaeological assessment has addressed the deficiencies contained in the EIS which accompanied a previous planning application. It also clarifies that contrary to Section 14.5.2 of the assessment, which states that *‘There are no recorded archaeological located within or in close proximity to the proposed development area’*, an enclosure (RMP LI028-143) is located approximately 60m from the proposed development and that whilst there are no above ground elements of this structure visible, it is nevertheless evident from aerial photography that the enclosing ditch may be extant. This report subsequently concludes by recommending that a condition requiring archaeological monitoring of all ground disturbance associated with the proposed development should be included in any grant of permission.

*Environment:* Notes that whilst the Planning Authority previously unequivocally rejected an earlier planning application lodged under PA Ref. No. 11/43, the subject proposal has been assessed using the Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs, July 2003 which relies on the use of Best Available Techniques and does not prescribe any minimum exclusion distance in relation to Intensive Agricultural Enterprises. The report subsequently recommends the inclusion of a series of conditions pertaining to odour management and the disposal of poultry litter. It also notes that the noise levels set out in the submitted noise survey would appear to be within acceptable limits and that most collections and deliveries will occur between the hours of 08:00 and 17:00 in order to confine any unwelcome noise to business hours.

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Finally, it states that the location of the proposed poultry houses relative to the existing structures would be unlikely to result in any significant increase in noise intensity.

#### **5.4 Prescribed Bodies / Other Consultees:**

*Health Service Executive:* States that whilst there is no objection in principle on public health grounds to the proposed development, further clarification is required in respect of a number of issues including the source of the water supply, the proposals for ‘compost application’, the arrangements for the proposed collection and disposal of litter, the specifications of the proposed underground washwater storage tanks and the disposal of uncontaminated surface waters.

### **6.0 GROUNDS OF APPEAL**

The grounds of appeal are summarised as follows:

- By way of background to the subject appeal, the Board is advised that the Planning Authority previously refused permission for a similar development on site under PA Ref. No. 11/43 on the basis that it would *‘seriously injure the residential amenities and depreciate the value of residential property in the vicinity’*. In addition, it is of relevance to note that a further application for similar development lodged under PA Ref. No. 11/603 was also subsequently withdrawn by the applicant. Having regard to the foregoing, it is submitted that the decision of the Planning Authority to grant permission for the subject application is in direct contrast to its determination of the aforementioned applications.
- The proposed development site is located in a *‘closely settled’* rural area characterised by an intimate neighbourhood of residential properties in close proximity to the existing poultry houses. The subject proposal seeks to *‘more than double’* the capacity of the existing facility which will result in increased noise, odours and general disturbance to the surrounding area. Accordingly, it is submitted that the proposed development is incompatible with the basis of *‘right living’* in the Irish countryside.
- Rather than positing the idea of *‘established use’*, the status of the 2 No. existing poultry houses (1993-2012) has proven to be a contested use of space by the appellants neighbourhood group which is made up of three households which were in place prior to 1993 and a further three households who contest the status quo. Any further increase in poultry house production will become intolerable. In this respect it is reiterated that in its determination of PA Ref. No. 11/43 the Planning Authority stated that *‘the proposed development would seriously injure the residential amenities and depreciate the value of residential property in the vicinity’*.
- It is considered that the proposed doubling of production rates / capacity on the existing site cannot be construed as constituting ‘proper planning’. Already the tenets of ‘proper planning’ have been stretched to their limit by the prevalence of noise, odours, rodents and out-of-hours activity, which is inimical to the tenet of ‘right living’. In this respect it is submitted that the existing and proposed

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- developments have / will have a detrimental impact on the residential amenity of surrounding properties by reason of noise, odours and HGV traffic.
- The existing poultry houses should not be considered representative of sustainable development given that production activity at the subject facility has been somewhat intermittent since its inception. This includes a period of shut-down over an elapse of years. It is also of relevance to note that the configuration of poultry production in West Limerick has been transformed in the last decade with the collapse and closure of large processing plants at Castlemahon and Kantoher. Accordingly, it is submitted that the foregoing production did not represent sustainable development. Instead small, dispersed units of production have proliferated. The operation of these units (including the delivery of chicks, feedstuffs, and the collection of product over a 42-day cycle and the disposal of litter) necessitates long distance travel by HGVs and other heavy vehicles resulting in a considerable carbon footprint at significant cost. Furthermore, profit margins are reputedly tight. A doubling of capacity at the existing facility would lead to the production of 640,000 No. birds (on the basis of 8 No. cycles of 80,000 No. birds) per annum, however, such a scenario is predicated on a vastly expanded and sustained market and there is no evidence that such a market exists.
  - The proposed development would set an unsustainable / undesirable precedent at a local and regional level. In this respect it is submitted that if two other nearby poultry production facilities were to be permitted to expand in a similar manner to the proposed development then this would result in approximately 1.5-2 million birds being produced locally each year. Accordingly, it is questioned whether this would be representative of sustainable development.
  - There are concerns with regard to the sustainability of poultry operations such as that proposed on small constricted sites and in this regard the Board is referred to an attached appendix which sets out a summary of the problems associated with intensive chicken rearing.

## **7.0 RESPONSE TO GROUNDS OF APPEAL**

### **7.1 Response of the Planning Authority:**

No further observations.

### **7.2 Response of the Applicant:**

None.

## **8.0 RESPONSE TO SECTION 131 NOTIFICATION**

### **8.1 Response of the Environmental Protection Agency:**

- An IPPC licence application (Register No. P0929-01) was made by Mr. Pat Kenny, Coolanoran, Newcastle West, Co. Limerick, on 18<sup>th</sup> January, 2011 to carry out the rearing of poultry in an installation where the capacity exceeds 40,000 places. This licence application was accompanied by an EIS, however, it differs from the EIS which was submitted with the planning application. The applicant has been requested to provide an updated EIS.

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- The EIS submitted with the planning application appears to address the key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the Agency. It also appears to address the direct and indirect effects of the development on the aspects of the environment listed in Section 83(2A)(a) of the EPA Acts, 1992-2012 (refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations, 2012, S.I. 282 of 2012).
  - In its consideration of the licence application the EPA will ensure that before the licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) of the EPA Acts, 1992-2012. In addition, consultation on the licence application and EIS is being carried out in accordance with Section 87(11)(g) of the EPA Acts, 1992-2012 (refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) (No. 2) Regulations, 2012, S.I. 457 of 2012). All observations received from the Planning Authority will be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application.
  - All matters to do with emissions to the environment from the activities proposed, the licence application documentation and EIS will be considered and assessed by the Agency.
  - Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under an IPPC licence, then the Agency cannot grant an IPPC licence for such a facility. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.
  - The Board is advised to refer to the following as part of its assessment of the EIS:
    - BREF on Intensive Rearing of Poultry and Pigs
    - BATNEEC Guidance Note – Poultry Production Sector – Feb. 1998
    - National legislation regarding emissions.

## **9.0 NATIONAL AND REGIONAL POLICY**

### **9.1 Environmental Protection Agency, 'IPPC BATNEEC Guidance Note for the Poultry Production Sector' (drafted in 1992 and updated in 1998):**

This document provides detailed guidance in respect of the rearing of poultry in installations, whether within the same complex or within 100 metres of that complex, where the capacity exceeds 100,000 units and where units have the following equivalents:

- 1 broiler = 1 unit,
- 1 layer, turkey or other fowl = 2 units.



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BATNEEC for the siting of poultry units is based on the following hierarchy:

- A mass balance of nutrients within a control area.
- Protection of both surface and groundwater resources in the vicinity of the site and landspreading areas.
- Avoidance of nuisance due to malodours for dwellings in the vicinity of the site.
- Protection of the environment in the event of the de-stocking of the unit due to an emergency, e.g. an outbreak of a Class A disease as identified in accordance with the current list of scheduled and notifiable diseases compiled by the Department of Agriculture, Food and Forestry under the provisions of the 'Diseases of Animals Act', 1966.

The management of poultry manure should be based on a mass balance of nutrients within a control area, whether the area be a farm, group of farms or a region. Thus, poultry units should preferably be sited in close proximity to either mushroom compost production areas or suitable landspreading areas such as land used for tillage crop production in which they can operate as 'back to back' enterprises in order to:

- Facilitate the utilisation of manure for mushroom compost or crop production.
- Avoid a surplus of manure prevailing within a region.
- Reduce manure transportation costs.

In order to protect both surface and groundwater resources in the vicinity of the site and landspreading areas a site investigation is considered essential. This investigation should include information on the depth to the water table, bedrock permeability, locations of karst features, aquifer classifications, proximity to wells etc.

Poultry units should be sited a distance of preferably not less than 400 metres from the nearest neighbouring dwelling and that all operations on site should be carried out in a manner such that air emissions and/or odours do not result in any significant impairment of or significant interference with amenities or the environment beyond the site boundary.

The guidance note also refers to the containment of emissions (including odours), the spreading of poultry manure, technologies for recovery and recycling, and the treatment of manures.

9.2 Environmental Protection Agency, European Commission, BREF: 'Integrated Pollution Prevention Control (IPPC): Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs', July 2003:

The scope of this document as regards intensive livestock is based on Section 6.6 of Annex I of the IPPC Directive 96/61/EC and includes for installations for the intensive rearing of poultry with more than 40,000 places. It provides detailed guidance in respect of the construction and operation of such installations and Section 4.4.1 of same details site selection and spatial considerations and states that the evaluation and selection of a location for a new livestock farming facility, or the planning of a new installation on an existing site, can be considered as part of good agricultural practice, if:

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- Unnecessary transport and additional activities are minimised or eliminated,
  - Adequate distances are maintained in respect of sensitive sites requiring protection e.g. maintaining adequate distances from neighbours to avoid conflicts arising from odour nuisance,
  - The potential future development capability of the farm is taken into consideration,
  - Any requirements of outline construction planning or village development planning are satisfied.

Furthermore, it states that apart from technical appraisal, any locational evaluation should also consider local meteorological conditions as well as any specific topographic features, such as hills, ridges and rivers.

9.3 Environmental Protection Agency, Draft BAT Guidance Note on Best Available Techniques for the Intensive Agriculture Sector, January, 2008:

This document covers the rearing of poultry in installations, whether within the same complex or within 100 metres of the same complex, where the capacity exceeds 40,000 places. It provides further guidance in respect of Best Available Techniques for the intensive poultry sector, including BAT-associated emission levels, and refers to the provisions of the IPPC Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs (July 2003) published by the European Commission with regard to issues such as site selection, nutritional management, water minimisation, efficient use of energy and the minimisation of emissions to air.

## **10.0 DEVELOPMENT PLAN**

**Limerick County Development Plan, 2010-2016:-**

**Chapter 5: Economic Development:**

**Section 5.6: Primary Sector Land Uses and Rural Development:**

**Section 5.6.1: Agriculture:**

**Agricultural Development Policy**

The Planning Authority will support and facilitate agricultural developments and improvements where the developments are considered in relation to their likely impact on the character and amenity of the surrounding area.

**Objective ED O19: Agricultural Developments:**

The Council will normally permit development proposals for agricultural development where:

- a) they are appropriate in nature and scale to the area in which they are located;
- b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;

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- c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;
  - d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and
  - e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

Chapter 7: Environment and Heritage:

Section 7.3.3: *Landscape Assessment and Landscape Character Areas*

Section 7.3.4: *Landscape Character Areas*

Section 7.4: *Environmental Quality:*

Section 7.4.1: *Water Resources*

Section 7.4.1.1: *Protection of Surface and Ground Waters*

Section 7.4.1.2: *River Basin Management*

Section 7.4.1.3: *Ground Water Protection*

Section 7.4.2: *Air Quality*

Section 7.4.3: *Noise and Light Emissions*

Section 7.4.4: *Climate Change*

Section 7.5: *Limerick's Archaeological Heritage*

Section 7.5.2: *Archaeological Heritage Objectives*

Chapter 8: Transport and Infrastructure:

Section 8.4: *Waste Management:*

Section 8.4.1: *Waste Management Objectives*

Chapter 10: Development Management Standards:

Section 10.8: *Agricultural Development:*

Section 10.8.1: *Intensive Pig and Poultry Units:*

In assessing an application for intensive pig or poultry units, the Planning Authority will consider and require information on the following:

- Depending on the size of the unit, an E.I.S. may be required. In addition an Integrated Pollution Control licence may be required from the Environmental Protection Agency.
- Scale and intensity of operations including the cumulative impact of similar type developments.
- Waste management including frequency and location of disposal relative to pig and poultry units. In addition, the applicant will be required to demonstrate that there is a stable, secure, sustainable outlet for all slurries and manures from the proposed development. All slurry and effluent shall be stored in concrete tanks constructed in accordance with S123 'Minimum Specification: Slatted livestock

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- units; Reinforced Concrete tanks' (DAFF 1994) or other types of structures approved by the Planning Authority.
- Air pollution arising from housing units and effluent storage, transportation and spreading. The control of odour is another important consideration.
  - Proximity of development to aquifers and watercourses.
  - Units should be located a minimum of 400 metres from the nearest dwelling other than the applicants dwelling. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlement because of the impacts on residential amenities.
  - Animal housing units in terms of design, and associated activities such as cleaning, ventilation and heating.
  - Landscaping of site - a comprehensive landscaping plan should be submitted as part of the planning application.

## **11.0 ASSESSMENT**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Environmental impact assessment
- Appropriate assessment

These are assessed as follows:

### **11.1 The Principle of the Proposed Development:**

11.1.1 The proposed development consists of the expansion of an existing intensive poultry rearing operation through the construction of 2 No. additional poultry (broiler) houses each with the capacity to house up to 20,000 No. birds. Accordingly, when taken in conjunction with the existing operation on site, the proposed development will effectively double the capacity of the existing facility by providing sufficient space for a cumulative total of 80,000 No. birds. In this respect it is apparent that the proposed development represents an extension of an existing established use, and whilst I would acknowledge the appellants concerns with regard to the wider impact of such development on the amenities of the surrounding area, I am of the opinion that agriculturally-related developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas. Therefore, in view of the foregoing, and noting the site location within an existing farmyard in a rural area where the predominant land use is as agriculture, in my opinion, the proposed development would be acceptable in principle at this location.

### **11.2 Environmental Impact Assessment:**

#### **11.2.1 Outline of Process:**

11.2.1.1 In accordance with the requirements of Article 3 of the European Directive 85/337/EEC, as amended by Council Directives 97/11/EC and 2003/35/EC and Section 171A of the Planning & Development Act 2000-2010, this process requires the Board, as

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the competent authority, to identify, describe and assess in an appropriate manner, in light of each individual case and in accordance with Articles 4 to 11 of the Environmental Impact Assessment Directive, the direct and indirect effects of the proposed development on the four indents listed in Article 3 of that Directive as set out below:

- a) human beings, flora and fauna,
- b) soil, water, air, climate and the landscape,
- c) material assets and the cultural heritage, and
- d) the interaction between the factors mentioned in paragraphs (a), (b) and (c).

11.2.1.2 This assessment also requires consideration to be given to, where relevant, the indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the proposal, including those which arise during the construction phase, which are essentially short-term and temporary, as distinct from the likely long-term effects arising from the operational phase.

11.2.1.3 The Environmental Impact Statement which has accompanied the subject application generally follows a grouped format structure with each environmental topic presented in a separate chapter. It includes a generally satisfactory description of the receiving environment, the proposed development, its impacts and proposed mitigation measures, and has been accompanied by a non-technical summary. In my opinion, this document can be described as ‘fair’ in that it accords with the requirements of Schedule 6 of the Planning and Development Regulations, 2001, as amended, and is sufficient to comply with Section 172 of the Planning and Development Act, 2000, as amended, and Article 94 of the Regulations.

11.2.1.4 In general, this part of my assessment of the subject application is informed by the contents and conclusions of the EIS, and also by information provided during the various stages of the application / appeal process in relation to the likely effects of the development on the environment and its likely consequences for the proper planning and sustainable development of the area in which it is proposed to be situated. My assessment also has regard to potential mitigation measures, including those indicated in the EIS, and any others which might reasonably be incorporated into any decision to approve the development through the attachment of conditions.

#### 11.2.2 Consideration of Alternatives:

11.2.2.1 Schedule 6 of the Planning and Development Regulations, 2001, as amended, requires an EIS to include ‘*An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment*’. In this respect I would refer the Board to Chapter 3 of the EIS which states that the applicant considered both alternative sites and alternative layouts with a view to complying with the foregoing requirement. In the first instance, Section 3.2 of the EIS states that following a review of the applicant’s landholding the subject site was deemed to be the only suitable site available for the construction of the proposed poultry house. In addition, it was stated that the option of developing an

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alternative site away from the existing operation was rejected on the basis of the additional acquisition and development costs involved.

11.2.2.2 With regard to alternative layouts, Section 3.3 of the EIS refers to the need to minimise the operational cost of the development and to consider animal welfare requirements and in this respect it states that the submitted layout represents the most viable option given the need to avoid the undue disturbance of birds during delivery and collection times. In further support of the selected siting of the proposed poultry houses reference has been made to the potential screening of the new construction offered by the existing structures on site in addition to the proposal to retain the mature hedgerows bounding the site where possible.

11.2.2.3 At this point it is of relevance to note that the '*Guidelines on the information to be contained in Environmental Impact Statements*' published by the Environmental Protection Agency in March, 2002 acknowledge the existence of difficulties and limitations when considering alternatives in the context of Environmental Impact Assessment. In this respect it should be noted that whilst EIA is confined to the assessment of the environmental effects which influence the consideration of alternatives, it is important to acknowledge that other non-environmental factors may have equal or overriding importance to the developer such as project economics, land availability, engineering feasibility and planning considerations. Similarly, the consideration of alternatives also needs to be set within the parameters of the availability of land or the need for the project to accommodate demands or opportunities which are site specific.

11.2.2.4 Having regard to the foregoing, and following a review of the available information, including the consideration of alternatives as set out in the submitted EIS, whilst the applicants investigation of alternatives is somewhat limited, in my opinion, he has complied with the requirements of the regulations insofar as he has provided a satisfactory examination of the main alternatives studied with regard to the project in addition to a reasonable explanation for the selection of the submitted proposal.

### 11.2.3 Human Beings:

In terms of assessing the potential impact of the proposed development on human beings I would, in the first instance, advise the Board that there are various inter-relationships between effects on the human environment and effects on other aspects of the environment such as air and water quality. Accordingly, in order to avoid unnecessary repetition, I would refer the Board to my assessment of the specific implications of the proposal as regards soil, water and air quality etc. as set out elsewhere in this report. Accordingly, I propose to focus this aspect of my assessment of the impact of the proposed development on human beings on the key issues of noise, vibration and traffic.

#### 11.2.3.1 Noise:

11.2.3.1.1 In assessing the impact of noise levels arising as a result of the proposed development I would refer the Board to Chapter 6 of the EIS which reportedly summarises the results of a noise monitoring survey carried out in order to establish baseline noise conditions in the immediate vicinity of the application site. In this respect I

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note that whilst Section 6.2.1 of the EIS states that the baseline noise survey was completed in December, 2011 and involved the recording of noise measurements at 4 No. noise monitoring locations as referenced in Table 6.1 of the EIS, I would have a number of reservations as regards the accuracy of the information supplied. In the first instance I would advise the Board that whilst Table 6.1 refers to the measurements having been taken at 4 No. noise monitoring locations, only three such locations are identified in *'Figure 13: Noise Monitoring Locations'* as appended to the EIS. Furthermore, the description of some of the noise monitoring locations set out in Table 6.1, with particular reference to Map Reference No. 3, do not seem to correspond with the actual locations shown in Figure 13. Similarly, Table 6.2, which sets out the existing noise levels measured during the baseline survey, only refers to 3 No. locations unlike Table 6.1, whilst Tables 6.3 & 6.4 would appear to refer to an additional set of noise monitoring results recorded during the period January – April, 2011.

11.2.3.1.2 At this point I would refer the Board to the *'Noise Monitoring Report'* prepared by Montgomery E.H.S. dated March, 2012, which accompanied the subject application as a document separate from the EIS, as this would seem to provide greater clarity as regards the nature and extent of the noise monitoring undertaken on behalf of the applicant in order to establish the baseline noise conditions in the vicinity of the application site. For example, this report confirms the position of a total of 5 No. noise monitoring locations and clarifies that whilst noise measurements were recorded at Location Nos. 1, 2 & 3 on 21<sup>st</sup> October 2010, further monitoring was conducted at Location No. 4 from 18<sup>th</sup> January, 2011 to 9<sup>th</sup> February, 2011 with Location No. 5 being surveyed from 29<sup>th</sup> March, 2011 to 20<sup>th</sup> April, 2011. However, whilst the report states that these noise monitoring locations are also shown on a corresponding plan (i.e. Figure 1.1), no such drawing has been provided to the Board and I note that a further copy of *'Figure 13: Noise Monitoring Locations'* (as appended to the main EIS document) would seem to have been included instead. I would also have reservations that the descriptions of Location Nos. ML3 & ML5 are incorrect as it is my understanding that the property of Mr. John Holland is actually located to the east / southeast of the application site and not to the west.

11.2.3.1.3 Having reviewed the available information, it is clear that there are a number of discrepancies / omissions in the information provided with regards to the measurement of baseline noise conditions at the subject site. Whilst there is a degree of confusion as regards the exact location of the monitoring stations I would also note that the applicant has failed to provide complete details of the results of the noise monitoring in the form of a listing of the individual noise measurements recorded on a cyclical basis over sample periods of 15 minutes. In this respect I would advise the Board that noise surveys would typically be accompanied by details of both the noise level recorded and the time of the measurement with sampling conducted at regular (e.g. 15-minute) intervals during both daytime and night-time hours. In the absence of these details it is difficult to verify the conclusions of the applicant with regard to baseline noise conditions at the site.

11.2.3.1.4 At this point I would advise the Board that during the course of my site inspection the existing poultry houses were empty and awaiting restocking and, therefore,

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given the general dearth of activity on site, the prevailing noise environment at the time was dominated by traffic noise arising from the intermittent traffic movements on the surrounding road network. Accordingly, I would reiterate that it is difficult to verify the applicants findings with regard to baseline noise conditions during the typical operation of the existing poultry units.

11.2.3.1.5 Notwithstanding the foregoing, the applicant has asserted that noise levels arising from the existing facility are within acceptable limits. Therefore, it is necessary to identify the various noise sources associated with the proposed development in an effort to predict whether or not the construction and / or operation of the proposed facility would result in any increase in ambient noise levels and thus I would refer the Board to Section 6.4 of the EIS and Section 5.4 of the accompanying Noise Monitoring Report. In this respect I am inclined to suggest that during the construction phase of the proposed development typical noise sources would include increased traffic movements, loading / unloading operations and the use of various items of plant and machinery. During the operational phase of the development increased noise levels could be primarily attributed to increased vehicular traffic on the surrounding road network, additional traffic movements on site during collection / delivery times and the associated disturbance of poultry / birds, and the use of additional operational equipment and services plant such as heating, feeding and watering systems.

11.2.3.1.6 In relation to the predicted noise impact arising during the construction of the proposed development, the applicant has acknowledged that due to the nature of the construction activity to be conducted on site there is an inherent potential for the generation of increased levels of noise. Similarly, the flow of traffic transporting material to and from the site is also likely to be a potential source of increased noise. In this respect Section 6.6.1 of the EIS refers to the guidance set out in *BS5228: Part 1: 1997: 'Noise and Vibration Control on Construction and Open Sites'* with regard to good working practice and the control of noise and states that these guidelines should form the basis of mitigating any impact at noise sensitive locations. In addition, it notes that the construction works will be temporary in nature and that, subject to the implementation of suitable mitigation measures, neighbouring dwelling houses should be sited far enough away so as to avoid being unduly impacted on by noise arising during the construction phase of the proposed development. Section 6.6.2 of the EIS subsequently outlines a series of mitigation measures to be employed on site during construction works including the use of machinery with an inherently low potential for noise / vibration generation, the siting of equipment as far away as possible from noise sensitive receptors as permitted by on site constraints, and the restriction of construction hours in order to minimise any noise impact arising during unsociable hours.

11.2.3.1.7 With regard to the potential noise impacts arising during the operational phase of the proposed development, in my opinion, these will be primarily attributable to increased vehicular traffic movements associated with the collection / delivery of birds, feed and litter etc. both on site and on the surrounding road network, the disturbance of birds / poultry arising during re-stocking / emptying activities, and the use of additional plant and equipment such as heating, feeding and watering systems during typical day-to-



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day operations at the facility. In this respect the applicant has acknowledged that the proposed expansion of the poultry operation has the potential to result in increased noise levels due to the increase in traffic movements and the associated increase in operational activities on site, however, it has been submitted that any such impact will be minimal given the siting of the proposed poultry houses away from nearby noise sensitive receptors. Notwithstanding the foregoing, in order to mitigate any noise impact it is proposed to continue good working practices at all times on site through the selection of plant with a low potential for noise emissions, the on-going maintenance of equipment in a satisfactory working condition, seeking to keep doors closed when possible, and the use of an exhaust silencer where appropriate. The applicant has also indicated that he has received assurances from suppliers and poultry factories that all deliveries and collections at the site will take place between 08:00hrs and 17:00hrs which will serve to minimise the likelihood of noise complaints, although it is envisaged that the collection of birds may still take place after 22:00 hours in order to take account of bird welfare requirements and as the birds themselves will be more docile at night (*N.B. I would advise the Board that Section 4.11 of the 'European Commission: Integrated Pollution prevention and Control (IPPC): Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs, July, 2003' states that 'it is less stressful for birds to be handled in the dark and this is why bird catching and subsequent transport often take place during night time or in the early morning'*).

11.2.3.1.8 Having considered the foregoing, whilst acknowledging that there deficiencies in the submitted information, on balance, I am satisfied that the short-term noise impact arising from the construction of the proposed development can be satisfactorily mitigated by way of condition and adherence to best practice site management. Furthermore, with regard to the operational impact of the proposed development, it is my opinion that, subject to the implementation of suitable mitigation measures, including good working practices, as set out in the EIS, and as the proposed expansion will necessitate the receipt of an Integrated Pollution Prevention Control licence from the Environmental Protection Agency, the development as proposed should not give rise to any significant additional impact on the amenities of nearby Noise Sensitive Receptors.

*11.2.3.2 Vibration:*

11.2.3.2.1 The primary sources of vibration associated with the proposed development would be expected to arise during the construction phase of the project, particularly if rock breaking is required, however, these activities generally comprise single events or events of a short duration and, therefore, any impacts arising will be of a temporary and short-term nature. No significant sources of vibration are associated with the operational phase of the project.

*11.2.3.3 Traffic:*

11.2.3.3.1 The proposed development essentially amounts to a doubling of the capacity of the existing poultry rearing operation, which will continue to be accessed via the existing entrance arrangement onto the local service road bounding the site to the northeast which in turn provides direct access to the N21 National Road, and in this respect concerns have been raised with regard to the additional volumes of traffic consequent on the proposed

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development and the likely impact of same on the residential amenity of nearby properties. Accordingly, I would refer the Board in the first instance to Chapters 12 & 13 of the EIS in which the applicant has provided a brief synopsis of the likely traffic impacts arising as a result of the proposed development.

11.2.3.3.2 Having reviewed the available information, in my opinion, whilst there will inevitably be an increase in traffic movements along the local road network associated with the construction of the proposed development, any such impacts, including the disruption of existing road users, are likely to be intermittent and temporary in nature and, therefore, I do not envisage this aspect of the proposal having any significant undue negative impact on the amenities of the wider area. Indeed, the applicant has acknowledged the likelihood of traffic disruption arising from this phase of the development and has sought to alleviate the impact of same through discussions with local landowners in order to ensure that construction traffic causes a minimum of interference with the movement of stock and that it does not interfere with normal day-to-day farming operations such as silage / hay making.

11.2.3.3.3 With regard to the operational phase of the proposed development, it would seem likely that the principle increase in traffic movements associated with same would arise from the increased intake of materials such as feed and new stock to the site in addition to the collection of increased numbers of birds for slaughter and the subsequent removal of soiled litter and washwater etc. following emptying of the poultry housing. However, the applicant has provided few details of either the existing or anticipated levels of traffic at the application site and has instead effectively confined his assessment of the traffic impact of the proposal to an acknowledgment of the need to transport increased volumes of raw materials to the site via the public road network and the finding that this increase in intake will apparently not result in a significant increase in traffic movements and thus will not impact on the existing road network.

11.2.3.3.4 This lack of detail is regrettable and thus somewhat undermines the applicants assertions with regard to the traffic impact of the proposed development, however, whilst I would acknowledge that the proposed intensification of the existing poultry-rearing operation will most likely result in an increase in traffic movements to and from the site, in my opinion, given the site location in an area characterised by the presence of a number of other existing similar poultry-rearing operations, along a stretch of roadway with direct access onto a key strategic transportation route a short distance away (i.e. the N21 National Route), and noting the overall condition of the surrounding road network, the likely increase in traffic consequent the proposed development can be accommodated in this area without detriment to the amenity of surrounding properties.

#### 11.2.4 Fauna and Flora (Ecology):

11.2.4.1 The proposed development site is not subject to any National or European designation and presently comprises an open field set as improved agricultural grassland situated to the rear (southwest) of the existing complex of farm buildings. It is bounded by a combination of earthen embankments, drainage ditches and mature hedgerows, and is typical of the surrounding rural environment. Chapter 8 of the EIS details that whilst

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the proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the proposed construction, particularly with regard to the improved grassland which is cut for silage twice a year, the lands in question are of a low ecological value with poor species diversity and thus the impact of the proposed development arising from the loss of same will be insignificant in a wider context. Similarly, it is anticipated that the impact on the hedgerows and tree lines defining the site boundaries will be negligible as only a small section of same will be removed as part of the proposed construction. Furthermore, in order to minimise the impact on surrounding fauna as a result of the proposed development it is proposed to undertake site clearance works during August - November, thereby avoiding the main bird and mammal breeding seasons. It is also proposed to comply with all legislative requirements with regard to the protection of birds and bat species whilst advice will be sought from the National Parks and Wildlife Service in the event of any badger setts being encountered on site prior to or during construction works.

11.2.4.2 In terms of the aquatic environment, with particular reference to the drainage ditch defining the south-eastern site boundary, Chapter 9 of the EIS acknowledges that the increase in impermeable area consequent on the proposed development may result in increased overland flow into the drainage ditch. Other potential impacts include the pollution of surface waters through the accidental release or discharge of hydrocarbons or other contaminated site runoff, however, it is my opinion that the risk of same can be satisfactorily mitigated through the implementation of an appropriate programme of pollution control measures which are effectively tied into good construction practice.

11.2.4.3 With regard to the remaining residual impacts, such as the loss of existing habitat and species, it should be acknowledged that most forms of development will invariably impact on ecological considerations to some degree, however, in this instance, I am satisfied that on balance the residual impact of the proposed development is both localised and of such limited significance and influence as not to warrant a refusal of permission. Accordingly, having considered the available information, in my opinion, the impact of the proposed development on the aforementioned flora and fauna both on site and in the surrounding area is within tolerable limits.

11.2.5 Soils, Geology and Hydrogeology:

11.2.5.1 Chapter 10 of the EIS describes the soil and bedrock conditions underlying the subject site and I would advise the Board that this information is based on a desk study of the information available from the Geological Survey of Ireland.

11.2.5.2 With regard to the bedrock geology underlying the subject site, reference to the GSI National Draft Generalised Bedrock Geology Map for the area indicates that it consists of Dinantian Pure Unbedded Limestones which are reported to be extensively karstified and dolomitised. Notably, Section 10.3.3.1 of the EIS states that karstification in the Newcastle West area is reported to occur at depths of 800 metres whilst instances of dolomitisation have contributed to increased porosity and permeability of the host rock.

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11.2.5.3 At this point I would advise the Board that contrary to Section 10.3.3.1 of the EIS, which states that the Unbedded Limestones Formation in the Coolanoran area is classified by the GSI as a low importance karstified aquifer, reference to the National Draft Bedrock Aquifer Map would instead indicate that the site is underlain by a Regionally Important Karstified Aquifer.

11.2.5.4 With regard to soil classifications overlying the site, the soil covering for the area consists of poorly drained soils of clay loam to clay texture which have been classified as podzolic gleys.

11.2.5.5 Potential negative impacts on the underlying soil / geology / hydrogeology arising as a result of the proposed development include the direct physical impact of excavations carried out during construction works and the associated potential to increase the vulnerability of the underlying aquifer in addition to the possible contamination of soils and groundwater underlying the site due to accidental spillages and leakages.

11.2.5.6 With regard to the potential constructional impacts of the proposed development, in my opinion, the adoption of best practice measures with regard to the removal of soil and bedrock on site and the use of appropriate mitigation mechanisms in order to minimise the accidental release or discharge of hydrocarbons or other contaminated site runoff to ground should be sufficient to address these concerns.

11.2.5.7 In respect of the potential impacts arising during the operational phase of the proposed development on the soils, geology and hydrogeology underlying the site I note that the applicant has identified the possibility of groundwater becoming polluted due to the accidental leakage of leachate through the base of the proposed underground soiled water storage tanks. In my opinion, such a scenario is unlikely to develop provided the proposed storage tanks are designed to the applicable standard and are properly installed, however, I would have some concerns that without the installation of an appropriately designed wastewater drainage system there is the possibility that contaminated washwaters etc. may flow off the concrete aprons located to the front of the poultry housing onto adjoining lands. Accordingly, I propose to address this matter by way of condition.

11.2.5.8 Finally, I would suggest that any remaining concerns with regard to the landspreading of waste, the control of discharges / emissions from the proposed development, and future monitoring of water quality in the vicinity of the facility are matters for consideration under separate legislative provisions including any IPPC licence issued by the EPA.

#### 11.2.6 Water:

In order to avoid any unnecessary repetition with regard to the potential impact of the proposed development on both groundwater and surface water I would refer the Board to my earlier comments as set out in Sections 11.2.4 & 11.2.5 of this assessment.

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#### 11.2.7 Air Quality:

11.2.7.1 During construction of the proposed development the principle impact on air quality will most likely arise from fugitive dust emissions emanating from the on-site construction activity with particular reference to excavation works and to the movement of traffic and materials both within the site and along designated haul routes, although construction traffic and generators etc. will also give rise to some exhaust fumes. However, the magnitude of any such impacts will depend on the proximity of nearby sensitive receptors in addition to environmental factors including rainfall, wind speed and wind direction. Accordingly, it would be best practice to provide for dust minimisation measures in order to protect the amenities of surrounding properties during construction works on site. In this respect I would refer the Board to Section 5.6.2 of the EIS which summarises a series of mitigation measures to be implemented on site in order to minimise dust emissions.

11.2.7.2 Having reviewed the foregoing, given the inherent temporary duration and impact of the proposed construction works, coupled with the proposal to implement a variety of mitigation measures designed to ensure best practice site management and dust minimisation, I am satisfied that the construction of the proposed development will not result in any significant impact on air quality in the surrounding area.

11.2.7.3 The principle operational impact of the proposed development on air quality will be in form of malodorous emissions and in this respect I would refer the Board to the 'Odour Management Plan' that has accompanied the subject application which aims to systematically assess, reduce and prevent (where possible) odorous emissions from the proposed development. This document identifies the principle contributory factors resulting in the generation of odours from the intensive poultry-rearing operation and sets out a series of design standards, mitigation measures and good working practices aimed to minimise same.

11.2.7.4 Having considered the submitted information, including the abatement measures to be installed as part of the project in addition to the mitigation measures, monitoring proposals and complaint procedures outlined in the Odour Management Plan, the distance of the proposal from nearby residences relative to the existing operation, and the requirement for the facility to obtain an IPPC licence from the EPA, in my opinion, it would appear that, on balance, the proposed development can be adequately constructed and operated to avoid any undue impact on the residential amenity of surrounding properties. In this respect I would reiterate to the Board that the proposed development involves the expansion of an existing facility and that agriculturally-related developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas.

#### 11.2.8 Climatic Factors:

11.2.8.1 Whilst the construction of the proposed development will invariably result in the emission of some greenhouse gases, this can be mitigated by adherence to best practice site management such as the shutting off of equipment during periods of inactivity and,

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therefore, in my opinion, the impact of any such emissions on climatic considerations will be minimal.

11.2.8.2 With regard to the operational impact of the proposed development, whilst I would acknowledge that the intensification of the existing poultry-rearing operation will most likely necessitate an increase in the number of traffic movements to and from the site whilst the additional poultry housing will require the installation of further services, including heating systems, which will all contribute to the further emission of greenhouse gases given their increased energy requirements, I would suggest that these considerations should be taken in context given that the expansion of an existing facility probably represents a more sustainable option in terms of limiting GHG emissions than the development of a new ‘stand-alone’ facility as it will avail of existing services and infrastructure. Accordingly, it is my opinion that the operation of the proposed development when taken in context will not have a significant impact on climatic considerations.

#### 11.2.9 Landscape:

11.2.9.1 From a review of Map 7.4: ‘*Landscape Character Areas*’ of the County Development Plan it is apparent that the proposed development site is located within the ‘*Agricultural Lowlands*’ landscape character area which comprises almost the entire central plain of the county and is typically characterised by a generally flat farming landscape defined by a series of regular field boundaries with some locally prominent hills and ridges. In my opinion, this landscape is typically of a lower sensitivity than other landscape designations due to its topography and thus it is more tolerant to change in that it has the capacity to accommodate development.

11.2.9.2 Having reviewed the submitted information and conducted a site inspection, whilst the proposed development will be visible to some degree from vantage points within the surrounding area, in my opinion, it will be effectively screened from wider view by the existing complex of farm buildings on site in addition to the existing perimeter hedging and thus I do not consider that the visual impact of the proposal warrants a refusal of permission.

#### 11.2.10 Material Assets:

11.2.10.1 The principle concern with regard to the possible impact of the proposed development on material assets relates to the presence RMP LI028-143 (a ringfort – rath) approximately northeast 60m of the proposed development. Whilst there are no above ground elements of this structure visible, I would concur with the Planning Authority that elements of the enclosing ditch may be extant and, therefore, it would be appropriate to include a condition in any grant of permission requiring the archaeological monitoring of all ground disturbance associated with the proposed development.

#### 11.2.11 Interactions:

11.2.11.1 With regard to the inter-relationships between several of the foregoing factors / impacts, I am satisfied that these interactions have been satisfactorily addressed elsewhere in this report and in Tables 4.1 & 4.2 of the submitted EIS.

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### **11.3 Appropriate Assessment:**

11.3.1 From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest example of any such designation (approximately 4.8km away) being the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161). It is the policy of the planning authority, as set out in Section 7.2.4 of the Limerick County Development Plan, 2010, to ensure the sustainable management and conservation of areas of natural environmental and geological value within the County and in this respect I would refer the Board to Objective EH O1: *'Nature Conservation Sites'* of the Plan which states that development projects and development plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) will be subjected to an appropriate assessment and will not be permitted unless they comply with article 6 of the Habitats Directive.

11.3.2 In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, a designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

11.3.3 Having reviewed the available information, including both screening reports prepared by the applicant and the Planning Authority in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, and the separation distances involved between the site and the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the Special Area of Conservation. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

11.3.4 Accordingly, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site and, in particular, specific Site Code: 004161 in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

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## **12.0 RECOMMENDATION**

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

### **Reasons and Considerations:**

Having regard to the nature and extent of the proposed development which consists of an expansion of an established use, the rural location of the site, the planning history of the site and the surrounding area, the provisions of the Limerick County Development Plan, 2010, and need to apply to the Environmental Protection Agency for an Integrated Pollution Prevention Control licence for the expanded facility, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 13<sup>th</sup> day of June, 2012, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In particular, the mitigation measures described in the Environmental Impact Statement, the Natura Impact Statement, and other details submitted to the planning authority, shall be implemented in full during the construction and operation of the development.

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
  - a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and



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- b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of environmental protection and public health.

- 3. The poultry houses shall be used only in strict accordance with a management schedule to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010), and shall provide at least for the following:
  - i. Details of the number and types of birds to be housed.
  - ii. The arrangements for the collection, storage and disposal of effluent.
  - iii. Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and to protect residential amenity.

- 4. All liquid effluent and any other contaminated run-off generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or other contaminated run-off shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

*Reason:* In the interest of public health.

- 5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and storage tanks or to the public road.

**Reason:** In order to ensure that the capacity of effluent and storage tanks are reserved for their specific purposes.

- 6. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010).

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

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7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development

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Contribution Scheme made under section 48 of the Act be applied to the permission.

Signed: \_\_\_\_\_  
Robert Speer  
Inspectorate

Date: \_\_\_\_\_