

**PLANNING APPLICATION CONTROL FORM**

Application Reference No.: 20/158

Decision due by 07/07/2020

Previous Ref. Nos.:

Date of Receipt of Application: 13/05/2020

Applicant: Liam McGuirk

Address: Cornacreeve ED Tullycorbet Ballybay Co. Monaghan

Location of Development: Cornacreeve ED Tullycorbet Ballybay

**Description** : permission to construct a single broiler poultry unit together with underground washing tanks, vertical meal bin, develop new agricultural entrance together with all ancillary site works. Significant further information relates to the submission of and Appropriate Assessment Screening Report.

**VALIDATION**

Validated by:

Date of Validation:

**SITE NOTICE**

Was Notice published on site

Yes

☒

No

☐

Inspected by: KW

Date of Inspection:

5-06-2020

**Refer file for reports to:**

Municipal District

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E.H.O.

☐

S.E.E. Water Services

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Irish Water

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NRA/TII

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DoECLG

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An Taisce

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Roisin Moore

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Heritage Officer

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S.E.E. Roads

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S.E.E. Environment

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S.E. Planner

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Housing

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Fire Officer

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I.F.I.

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Flooding Section

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AA required

**MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT**

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**File Ref:** 20/158

**Applicant:** Liam McGuirk

**Development Description:** permission to construct a single broiler poultry unit together with underground washing tanks, vertical meal bin, develop new agricultural entrance together with all ancillary site works

**Location:** Cornacreeve, Tullycorbet, Ballybay, Co Monaghan

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**Characteristics of Site**

The application site measures 0.41 hectares and is located along a private laneway and to the rear of the applicants dwelling house. There is an existing farm shed located within the boundaries of the application site and bales of hay were packed to the site of the shed at the time of site visit. The existing access into the shed and the wider field exists at the bend in the laneway. There are two natural boundaries for the application site to the south and north east.



*Application site with existing agricultural shed located within it.*

The site is taken from a larger field and is located within an elevated landscape with the site located at one of the highest points of the area. The ground levels of the site are relatively flat with the road level but ground levels fall to the north west outside of the site boundaries.

**Characteristics of Area**

The site is located within the townland of Cornacreeve, 2km from Ballybay town. The site is located off a narrow private laneway which serves two dwellings and agricultural lands. The applicants dwelling is adjacent to the site with its entrance adjoining the proposed site entrance.



*View of existing agricultural shed and site from L34032 road*

### Relevant Site History

No planning history for this site.

18/437 & 14/250 – planning permission granted for applicants dwelling constructed on adjacent site.

### Consultee Responses

- Internal

Environment Section: No objections as per report received 29/06/2020

### Objections/Representations Received

No objections/representations received.

### Planning Assessment

- Planning Policy

Section 15.15 and Policy AGP1 of the Monaghan County Development Plan 2019-2025

The development plan notes the importance of agriculture in County Monaghan but also notes that due to modern farming practices the traditional form of agricultural buildings is disappearing from the landscape and modern farm buildings which have the appearance of industrial buildings can have significant visual impacts as a result of their scale and mass.

The proposed development comprises a poultry unit of 1910sqm to house a maximum of 39,000 broilers with vertical meal bin and associated tanks and site works.

Policy for Agricultural Development	
<b>AGP 1</b>	<p>To permit development on new and established agricultural or forestry holdings where it is demonstrated that;</p> <p>a) It is necessary for the efficient use of the agricultural holding or enterprise No information has been provided to demonstrate the development is necessary for the efficient use of the agricultural holding and the extent of the landholding has not been provided.</p> <p>b) The appearance, character and scale are appropriate to its location, One house, a vertical meal bins and underground tanks are proposed. The appearance, character and scale of same are typical with respect to poultry units. Poultry unit Height = 5.8m Floorspace = 1901sqm Meal Bins Height = 8m</p> <p>c) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary It is stated in the application that minimal landscaping is required however this is considered inaccurate given that the laneway boundary is the only natural boundary which currently exists on site. The site is located in an elevated landscape and the proposed meal bin extends for 8m. It is considered that the visual impact of this from the surrounding landscape cannot be easily integrated in the landscape.</p>

d) The proposal will not have an adverse impact on the natural or built heritage,  
No impact predicted.

e) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise, smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided,

One dwelling is located within 100m of the proposed unit. A letter of consent witnessed by a solicitor has been submitted from the applicants mother but there is no evidence to show that her dwelling is that which is located within 100m of the proposed development. Clarity on this issue is required.

f) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.

It is stated that measures including interceptors and silt traps are proposed. A report has been received Environment report stating no objection.

g) Proper provision for disposal of liquid and solid waste is provided.

Letters have been submitted from contractors.

h) The proposal will not result in a traffic hazard.

The site will be accessed via a laneway off the L34032 public road. The site entrance accesses onto the laneway at bend the sight distances of 50m are detailed on the layout plan submitted. However, the sightline to the north is not shown to the near side of the road edge and can only be achieved by removing a corner from the field across the road. It is stated in the application that the sightline agreements in place for PI Ref 18.437 (applicants dwelling) can be applicable for this application. However, this is not acceptable given this is a separate application one an entirely independent site. A site visit indicates that no works to improve junction visibility at the public road have been carried out and inadequate sightlines exist at this point.

Where a new building is proposed applicants must also provide the following information:

i) Outline why there is no suitable existing building on the holding that cannot be used.

There is no other building suitable for broiler rearing.

j) Design, scale and materials which are sympathetic to the locality and adjacent buildings.

The appearance, character and scale of same are typical with respect to poultry farm buildings.

k) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.

It is stated that the footprint of the building requires a greenfield location is required. No information has been submitted to detail where the existing farm complex is.



	<p>l) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings.</p> <p>It is submitted that all colours are in keeping with best practice and are sympathetic. There is a concern in relation to the elevated landscape the development is located in and the impact this has, particularly the 8m wheel bin, will have on the surround landscape.</p> <p>m) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity.</p> <p>It is submitted that the size and scale requires a greenfield location however this is not considered appropriate justification is there is a location available at the applicant farm complex or on lands which are less elevated within the applicants ownership which is stated to be 19hectares.</p>

#### Policy for Intensive Agriculture /Poultry and Pig Farming

##### AGP 2

In addition to the information required under AGP 1 the following additional information will be required for assessing applications for intensive poultry units or similar specialised agri-developments the Council:

- a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment.  
The proposed development is below threshold for an E.I.A.R. (39,000 birds).
- b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site.  
There is an existing agricultural shed within the site of the proposed development. There are no other poultry units within the immediate vicinity of the site.
- c) Methods for waste management including frequency and location of disposal relative to the proposed unit.  
Waste will be removed directly to the waste store on a weekly basis and will be removed from the store as required by an appointed contractor. Environment Report states no objection
- d) Details of air pollution arising from the units and effluent storage, transportation and spreading.  
No details have been provided other than a statement that modern fans and the nature of the litter and size of proposed development that the air pollution is minimal.
- e) Proximity of development to aquifers and water courses and its impact on them.  
A water protection plan checklist has been submitted and the Environment report states no objection
- f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner.

	<p>There is one third party residential dwellings located within 100 metres of the site area. Clarity is required on this point to ensure the letter of consent submitted pertains to that dwelling which is located within 100m of the proposed development.</p> <p>g) Details of associated activities such as cleaning, ventilation and heating. No details have been submitted.</p> <p>h) A comprehensive landscaping plan. It is stated that a landscaping plan has been provided however the new boundary of the site does not include acceptable details of planting.</p> <p>i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration. It is stated that the size and scale of the proposed development requires a greenfield site.</p> <p>j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals. None required.</p>

### Appropriate Assessment

*Section 15.30 and policy APP1 of the Monaghan 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 upon the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). In respect of the Monaghan County Development Plan 2019-2025, policy AAP1 states that "all projects and plans will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive".

The site lies within 23km from Kilroosky Lough Cluster. The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA.
- The relevant policies within the County Monaghan Development Plan 2019-2025 in respect of the protection of Natura 2000 sites.
- The in-combination effects of the proposed development with other plans or projects.

There are no significant watercourses in close proximity to the application site and no pathway connectors with the Natura 2000 network. However having regard to the nature and scale of the development proposed it is considered that a Stage 1 AA Screening Report should be submitted with particular assessment given to the ammonia emissions from the proposed

development and the in-combination effects of the proposed development with other plans or projects.

### **Conclusion**

Additional information is required in relation to a number of issues in order to complete the assessment of the proposed development.

**Additional information was requested by the Planning Authority on 08/07/2020 and a response was received on 20/10/2020. The information submitted was significant additional information and the application was re-advertised accordingly. The AI response received is as follows:**

1. The applicant has failed to provide acceptable level of detail pertaining to a number of points as required by Policy AGP1 & 2 of the Monaghan County Development Plan 2019-2025. In this regard the following details are requested:
  - (a) It is necessary for the efficient use of the agricultural holding or enterprise – applicant is required to demonstrate the development is necessary for the efficient use of the agricultural holding and details pertaining to the extent of the landholding or existing activities operated on the holding have not been provided.

#### **Response:**

The applicant is a longstanding farmer of the landholding and an extension of existing livestock based operation is not viable. Given that the applicant is already involved in poultry at the farm holding the natural progression is to establish a poultry operation in close proximity to the existing agricultural building and his own dwelling.

- (b) It is considered that the visual impact of the proposed development and in particular the vertical meal bin, when viewed from the surrounding landscape would be prominent. Applicant requested to submit details to demonstrate how the proposed development can be visually integrated into the landscape given its location within an elevated and exposed site.

#### **Response:**

The long range views of the site are not considered excessive and existing dwelling and mature trees will offer substantial screening as well as additional landscaping. The applicant will also provide a mound on the northern elevation and the smallest suitable meal bin of a plastisol green external finish will be used to mitigate the visual impact.

- (c) Where a development is proposed within 100m of any residential property not located on the holding within the rural area written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided. A letter has been submitted from the applicant's mother however there is no evidence submitted to show that this is the dwelling located within 100m of the proposed development. Applicant requested to clarify this issue and if a separate letter of consent is required from the occupier of the dwelling located to the south east of the application site, applicant is required to submit same witnessed by a solicitor or a peace commissioner.

#### **Response:**

A letter of consent signed by all the applicants of the dwelling within 100m of the proposed development witnessed by a solicitor has been submitted.

- (d) It is stated that the footprint of the building requires a greenfield location and whilst this is accepted no information has been submitted to detail where the existing farm complex is or why the proposed development cannot be located adjacent to the existing farm complex if one exists.

**Response:**

The existing farm complex comprises the agricultural building on site and the surrounding landholding.

- (e) Applicant is requested to submit details of air pollution arising from the units and effluent storage, transportation and spreading. (A statement that modern fans and that the air pollution is minimal is not acceptable detail for the proposed development).

**Response:**

An assessment of the ammonia and nitrogen emissions has been included in the AA Screening report submitted which has determined that the proposed development will have an adverse effect on the natura 2000 network. It is anticipated that a series of roof mounted ventilation fans will be installed on the poultry unit. Fan flowrates have been accounted for in the SCAL model.

- (f) Details of associated activities such as cleaning, ventilation and heating.

**Response:**

Ventilation will be as per point (e) and heating will be provided via a modern LPG fuelled gas condensing boiler which is the industry standard at present. Cleaning operations are at the end of the batch cycle and the litter is removed by licensed contractor and when done the house is washed down and all waters stored in the holding tanks indicated.

2. The Planning Authority notes that the submitted site layout plan fails to clearly demonstrate how it is proposed to provide a clear and unobstructed visibility (forward, rear and site visibility) of 50 metres at the point where the private laneway serving the proposed development meets with the public road L34032. In the interests of road safety, the applicant shall submit the following;
  - a. a revised site layout plan to scale 1:500 illustrating visibility splays of 50 metres along the adjoining public road measured to the nearside road edge in each direction, provided from a point in the centre of the entrance 2.4 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 1.05 metre and 2.0 metres above ground level in both directions.
  - b. An updated site layout should include a detailed topographical survey indicating the location of all fences, road edge, hedgerows, etc over the extents of the visibility splay and the full extents of works required, to provide the necessary visibility requirements.
  - c. Where sight distances are not achievable within the site area and where the hedgerows/embankments do not belong to the applicant, legal agreements with adjoining landowners giving their consent to allow removal of their embankment and or hedges and maintain the hedges/grass verge by trimming/cutting regularly to provide the required sight distance shall be submitted to the Planning Authority (as per Appendix 14 of the Monaghan County Development Plan 2019-2025).
- Please note that this application is an independent application and relying on sightline agreements which are in place for an entirely separate development cannot be accepted.

**Response:**

Details of the entrance where the private lane meets the public road L34032 have been submitted. These agreements have already been obtained under PI Ref 18/437 for the applicants private dwelling. A revised drawing and legal agreements have been submitted.

3. The EU (Natural Habitats) Regulations 1997 Regulation 27(1) states that a local authority should require an appropriate assessment where an application is likely to have a significant effect on a European site. In light of the above and the necessity to ensure protection of the habitats and species present, you are requested to submit an **Appropriate Assessment Screening Report** from a **suitably qualified and indemnified ecologist** addressing the impact of the development for the site in view of the sites' qualifying interests and conservation objectives including the impact of ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

**Response:**

A screening for appropriate assessment report has been submitted.

**Assessment of Additional Information**

The additional details submitted by the applicant are considered appropriate in terms of the suitable workings of a poultry unit at this location. A letter of consent from the adjoining occupier within 100m of the proposed unit which is witnessed by a solicitor has been submitted as required.

There remains a concern with respect to the visual impact of the unit and in this regard a condition is recommended that details pertaining to the additional landscaping and mounding proposed in the AI submitted are agreed with in writing with the Planning Authority prior to the commencement of any works on site.

New legal agreements with associated maps stamped, witnessed and dated have been submitted to demonstrate that the sightlines as required can be achieved at the point where the private laneway meets the public roads. Whilst it is accepted that the works can and are authorised to be carried out in order to ensure there is no adverse impact to the road safety of the area, it remains a concern that the sightlines as required, are not yet in place despite it being a requirement of the applicants permission to construct his dwelling. It is therefore considered that this non compliance should be referred to the enforcement section.

A statement of screening for AA as per the requirements of Article 6(3) of the EU Habitats Directive has been submitted. There are no Natura 2000 sites within 15km of the application site and no source-pathway-receptor linkage. This report concludes that the proposed development, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites.

**Conclusion**

Having regard to the AA screening report and the full documentation submitted with the planning application as well as that information submitted as additional information, it is considered that the proposed development accords with Section 15.15 and Section 6.7 of Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

**Recommendation:**

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

- 1.a. The developer shall pay to Monaghan County Council a sum of **€3784.00** in accordance with the General Development Contribution Scheme 2013-2019 (as

revised), made by the Council under Section 48 of the Planning and Development Act 2000 (as amended), towards expenditure incurred or proposed to be incurred by the Council in the provision of community, recreation and amenity public infrastructure and facilities in the area

- b. The sum attached to this condition shall be revised from the date of the grant of planning permission to the value pertaining at the time of payment in accordance with the Wholesale Price Index for Building and Construction (Materials and Wages)
- c. No works shall commence until payment of the development contribution is made in full, or until Monaghan County Council has agreed in writing to a schedule of phased payments of the sum.

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

- 2.a. Only that portion of the roadside hedgerow, which must be lowered or uprooted to provide adequate sight distances shall be removed.
- b. The existing trees and hedgerows bounding the southern site boundary shall be permanently retained in this development, shall be reinforced with additional planting and shall be protected from damage at all times, particularly during building operation.
- c. The line of the recessed entrance shall be planted with a double staggered row of trees (at maximum 3 metre centres) and a hedgerow of species native to the area to form a naturalised hedgerow similar to existing hedgerows in the vicinity. Species shall include thorn, beech, ash, oak, hazel, sycamore and holly
- d. A 1.5-metre-high graded soil mound shall be constructed along the northern and western site boundaries and shall be planted with a double row of native hedgerow species to form naturalised hedgerows similar to existing hedgerows in the vicinity. Predominant species shall be whitethorn, with blackthorn, hazel and holly also included. Planting shall be in a double staggered row with 8 (eight) 2-3 year old plants per metre; 250mm apart, with 300mm between rows.
- e. The hedgerow planting proposed under 3e above shall be supplemented with a double row of native tree species at irregular intervals. Species shall include ash, oak, sycamore and beech and shall be, at a minimum, 4.5m tall at time of planting.
- f. The planting details and associated site works required to comply with conditions 3e and f above, shall be fully implemented prior to the use of the development hereby approved or in the first available planting season following commencement of building operations, whichever is the sooner.
- g. In the event that additional landscaping is deemed necessary by the Planning Authority, specific details including the heights, species, location and an implementation timescale for completion of this additional planting shall be submitted to and agreed in writing with the Planning Authority.
- h. Any additional landscaping required in accordance with point 3i above, shall be carried out in the first available planting season following the agreement of the additional landscaping scheme with the Planning Authority.
- i. Landscaping works within the site area shall be permanently retained thereafter being planted. Any plant which fails in the first planting season shall be replaced.
- j. Trees shall be allowed to mature and shall not be topped when trimming hedgerows.

**Reason: In the interest of visual amenity and orderly development.**

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



- b. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

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

4.a) The development/facility hereby approved shall be operated in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

b) Prior to the commencement of development, drainage arrangements for the site, including the disposal of surface and soiled water, shall be submitted to and agreed in writing with the Planning Authority. In this regard;

- (i) contaminated surface water run-off shall be disposed of directly in a sealed system
- (ii) all soiled waters shall be directed to a storage tank
- (iii) no effluent or slurry shall discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or to the public road.
- (iv) all surface water arising on the concrete aprons shall discharge to a silt trap followed by an appropriately size sub-soil polishing filter.
- (v) The silt trap shall be inspected regularly and adequately maintained.
- (vi) 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 sub-soil polishing filter.
- (vii) All drainage works shall be carried out in accordance with these agreed details.
- (viii) All uncontaminated roof water from buildings 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.

c) All organic fertiliser generated by the development hereby approved shall be conveyed through properly constructed channels to the proposed storage facilities and shall not discharge or be allowed to discharge to any stream, river, watercourse, groundwater body or public road.

d) All organic fertiliser generated by the proposed development shall be disposed of in accordance with the details submitted to the Planning Authority on 13/05/2020 and in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

e) 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.

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

(ii) 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, and records of such shall be kept on site.

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

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

(v) 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.

(vi) 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.

- g) The applicant shall immediately inform the Planning Authority & Inland Fisheries Board 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.
- h) During the construction phase of development, the applicant shall immediately inform the Planning Authority & Inland Fisheries Board of an accidental spillage of polluting mater or any other substance which may threaten the quality of any watercourse or groundwater body.
- i) Organic fertiliser shall be taken offsite 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 utilized in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2018. Any changes in contractor shall be agreed in writing with the Planning Authority.
- j) Within six months from date of grant of planning permission, an ammonia management programme outlining ammonia reduction measures, including timeframes for implementation, appropriate for the site, shall be submitted to the planning authority. The ammonia management programme shall be reviewed annually and a copy of the reviewed ammonia management programme shall be submitted annually to Monaghan County Council by December 31<sup>st</sup>. The reduction in ammonia emissions from the site using Best Available Techniques (BAT) shall be detailed in the annual ammonia management programme.

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


- 5.
  - a) Sight distance of 50 metres in each direction where the private laneway meets the public road shall be provided from a point in the entrance 2.4 metres from the road edge at a height of between 1.05m and 2m above ground level to an object height of between 1.05m and 2m above ground level in both directions. Sight distances shall be measured to the nearside road edge in both directions. Where it is necessary to remove hedges in order to achieve this sight distance, the new boundary should be located clear of sightlines.
  - b) Any pole or column materially affecting visibility shall be removed. **No work shall commence on site until the visibility splays have been provided.** Any public utility poles which may be exposed by the removal of the front boundary fence shall be re-sited in a position alongside the new front fence line concurrently with overall site development works.
  - c) Where it is necessary to remove hedges, fences, embankments or other obstructions in order to achieve the required visibility splays, they shall be reinstated behind the visibility splays. Any new trees or shrubs shall be planted back from the visibility splays to allow for future growth and some species will require additional set back. All existing planting shall be kept trimmed behind visibility splays.

- d) The new entrance shall form a bellmouth of 4.0 metres radius with edge of new boundary. Recessed entrance shall be of sufficient dimensions to contain a stationary vehicle off the public road. Entrance gates shall open inwards only.
- e) Entrance/Access road to be surfaced with concrete or bitmac from edge of public road for a minimum of 5 metres.
- f) The existing open drain adjacent to the road edge to be piped with 900mm diameter concrete pipes backfilled to ground level with suitable granular filter material shall be placed along full site frontage. Drain shall discharge to the nearest appropriate watercourse or drainage pipeline. Suitable gullies shall be placed at start, end and intersection of other drains and at not greater than 40m intervals. A separate application shall be made to Monaghan County Council if this requires a road opening licence.
- g) Applicant to install Cattlegrid/ACO Drain/Gullies at proposed entrance constructed in such a manner as to prevent water from the entrance flowing onto the public road. Similarly measures must be taken to prevent road surface water from flowing onto the entrance. The discharge from the above to be piped to drainage pipeline.
- h) The discharge of surface water from the public road onto the site through road surface drainage and road subsoil drainage to remain unimpeded.
- i) Before any work is commenced on this development a security, by way of a cash deposit, in the sum of **€2,250** shall be paid to the Planning Authority by the developer. To ensure the satisfactory completion of all surface water drainage/boundary work within and abutting the site area, to prevent runoff of surface water onto the public roadway and to ensure that no damage is caused to public roadway and any such damage is repaired satisfactory.
- j) All site works required in relation to sight distance and drainage works shall be carried out prior to the commencement of any building operations. Failure to do this will result in forfeiture of part or all of cash security.

**Reason: In the interest of road safety.**

6. The development shall be carried out in accordance with plans and documentation submitted on the 13/05/2020 as amended by plans and documentation submitted on the 20/10/2020 except as may otherwise be required in order to comply with the above conditions.

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

  
Laura Nulty  
Executive Planner  
Date: 10/11/2020

Development Contributions Calculations - Non Residential Development					
Category	Dev Type	Rate	Floor Area / Number	Calculation	Contributions Due (€)
3 Comm, Rec, Amenity	(g) The provision of buildings or other structures for the purposes of agriculture (including canopies/overhanging roofs but excluding any open yards or concrete areas/aprons)	<u>Up to 300 m<sup>2</sup> (3229 sq ft) footprint</u> Exempt <u>Over 300 m<sup>2</sup> footprint</u> €540 plus €2 per m <sup>2</sup> over 300 m <sup>2</sup> <u>Extensions</u> €2 per m <sup>2</sup> of footprint	Poultry units 1910sqm  Meal Bins 12sqm  Total Area = 1922sqm	1922-300= 1622sqm  €540 + (1622x 2) = €3784	€3784.00
Contributions Due (€)					€3784.00
Exemptions / Reductions under Part 18 of Development Contribution Scheme (if applicable)					
Category (a) – (m)	Dev Type	% Reduction	Calculations	Exemption / Reduction (€)	
				n/a	
Total Amount Due					
Contributions Due – Discount					Total Due (€)
					€3784.00
Checked / Date					
AP / EP	A / AO		SEP		
	 10/11/2020				

Laura Nulty  
 Executive Planner  
 Date: 10/11/2020

**MONAGHAN COUNTY COUNCIL  
PLANNING AND DEVELOPMENT**

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**File Ref:** 20/158

**Applicant:** Liam McGuirk

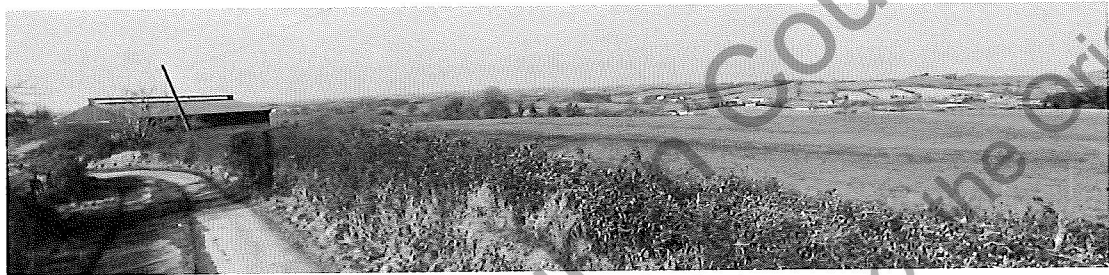
**Development Description:** permission to construct a single broiler poultry unit together with underground washing tanks, vertical meal bin, develop new agricultural entrance together with all ancillary site works

**Location:** Cornacreeve, Tullycorbet, Ballybay, Co Monaghan

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**Characteristics of Site**

The application site measures 0.41 hectares and is located along a private laneway and to the rear of the applicants dwelling house. There is an existing farm shed located within the boundaries of the application site and bales of hay were packed to the site of the shed at the time of site visit. The existing access into the shed and the wider field exists at the bend in the laneway. There are two natural boundaries for the application site to the south and north east.



*Application site with existing agricultural shed located within it.*

The site is taken from a larger field and is located within an elevated landscape with the site located at one of the highest points of the area. The ground levels of the site are relatively flat with the road level but ground levels fall to the north west outside of the site boundaries.

**Characteristics of Area**

The site is located within the townland of Cornacreeve, 2km from Ballybay town. The site is located off a narrow private laneway which serves two dwellings and agricultural lands. The applicants dwelling is adjacent to the site with its entrance adjoining the proposed site entrance.



*View of existing agricultural shed and site from L34032 road*



### Relevant Site History

No planning history for this site.

18/437 & 14/250 – planning permission granted for applicants dwelling constructed on adjacent site.

### Consultee Responses

- Internal

**Environment Section:** No objections as per report received 29/06/2020

### Objections/Representations Received

No objections/representations received.

### Planning Assessment

- Planning Policy

*Section 15.15 and Policy AGP1 of the Monaghan County Development Plan 2019-2025*

The development plan notes the importance of agriculture in County Monaghan but also notes that due to modern farming practices the traditional form of agricultural buildings is disappearing from the landscape and modern farm buildings which have the appearance of industrial buildings can have significant visual impacts as a result of their scale and mass.

The proposed development comprises a poultry unit of 1910sqm to house a maximum of 39,000 broilers with vertical meal bin and associated tanks and site works.

Policy for Agricultural Development	
<b>AGP 1</b>	<p>To permit development on new and established agricultural or forestry holdings where it is demonstrated that;</p> <p>a) It is necessary for the efficient use of the agricultural holding or enterprise No information has been provided to demonstrate the development is necessary for the efficient use of the agricultural holding and the extent of the landholding has not been provided.</p> <p>b) The appearance, character and scale are appropriate to its location, One house, a vertical meal bins and underground tanks are proposed. The appearance, character and scale of same are typical with respect to poultry units. Poultry unit Height = 5.8m Floorspace = 1901sqm Meal Bins Height = 8m</p> <p>c) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary It is stated in the application that minimal landscaping is required however this is considered inaccurate given that the laneway boundary is the only natural boundary which currently exists on site. The site is located in an elevated landscape and the proposed meal bin extends for 8m. It is considered that the visual impact of this from the surrounding landscape cannot be easily integrated in the landscape.</p>



d) The proposal will not have an adverse impact on the natural or built heritage,  
No impact predicted.

e) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding including potential for issues arising from noise, smell and pollution. Where a development is proposed within 100m of any residential property not located on the holding within the rural area (i.e. outside of a designated settlement) written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided,

One dwelling is located within 100m of the proposed unit. A letter of consent witnessed by a solicitor has been submitted from the applicants mother but there is no evidence to show that her dwelling is that which is located within 100m of the proposed development. Clarity on this issue is required.

f) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.

It is stated that measures including interceptors and silt traps are proposed. A report has been received Environment report stating no objection.

g) Proper provision for disposal of liquid and solid waste is provided.

Letters have been submitted from contractors.

h) The proposal will not result in a traffic hazard.

The site will be accessed via a laneway off the L34032 public road. The site entrance accesses onto the laneway at bend the sight distances of 50m are detailed on the layout plan submitted. However, the sightline to the north is not shown to the near side of the road edge and can only be achieved by removing a corner from the field across the road. It is stated in the application that the sightline agreements in place for PI Ref 18.437 (applicants dwelling) can be applicable for this application. However, this is not acceptable given this is a separate application one an entirely independent site. A site visit indicates that no works to improve junction visibility at the public road have been carried out and inadequate sightlines exist at this point.

Where a new building is proposed applicants must also provide the following information:

i) Outline why there is no suitable existing building on the holding that cannot be used.

There is no other building suitable for broiler rearing.

j) Design, scale and materials which are sympathetic to the locality and adjacent buildings.

The appearance, character and scale of same are typical with respect to poultry farm buildings.

k) The proposal is located within or adjacent to existing farm buildings, unless it has been clearly demonstrated that the building must be located elsewhere for essential operational or other reasons.

It is stated that the footprint of the building requires a greenfield location is required. No information has been submitted to detail where the existing farm complex is.

	<p>l) Ensure that the proposal will not seriously impact on the visual amenity of the area of the natural surrounding environment and that the finishes and colours used blend into the surroundings. It is submitted that all colours are in keeping with best practice and are sympathetic. There is a concern in relation to the elevated landscape the development is located in and the impact this has, particularly the 8m wheel bin, will have on the surround landscape.</p> <p>m) Where possible, the development is grouped with existing buildings in order to reduce their overall impact in the interests of amenity. It is submitted that the size and scale requires a greenfield location however this is not considered appropriate justification is there is a location available at the applicant farm complex or on lands which are less elevated within the applicants ownership which is stated to be 19hectares.</p>

#### Policy for Intensive Agriculture /Poultry and Pig Farming

##### AGP 2

In addition to the information required under AGP 1 the following additional information will be required for assessing applications for intensive poultry units or similar specialised agri-developments the Council:

- a) An Environmental Impact Statement (EIS) and/or Appropriate Assessment depending on the size and use of the unit, and its likely impact on the environment.

The proposed development is below threshold for an E.I.A.R. (39,000 birds).

- b) Details of the scale and intensity of existing operations in the vicinity of the site, including the cumulative impact of similar type developments within proximity of the site.

There is an existing agricultural shed within the site of the proposed development. There are no other poultry units within the immediate vicinity of the site.

- c) Methods for waste management including frequency and location of disposal relative to the proposed unit.

Waste will be removed directly to the waste store on a weekly basis and will be removed from the store as required by an appointed contractor. Environment Report states no objection

- d) Details of air pollution arising from the units and effluent storage, transportation and spreading.

No details have been provided other than a statement that modern fans and the nature of the litter and size of proposed development that the air pollution is minimal.

- e) Proximity of development to aquifers and water courses and its impact on them.

A water protection plan checklist has been submitted and the Environment report states no objection

- f) The potential impact of the proposal on the residential amenity of adjoining occupiers must be considered. A unit shall not be developed at a distance of less than 100 metres from a dwelling within the rural area (i.e. outside of a designated settlement) unless the third party has given written consent, witnessed by a solicitor or a peace commissioner.

	<p>There is one third party residential dwellings located within 100 metres of the site area. Clarity is required on this point to ensure the letter of consent submitted pertains to that dwelling which is located within 100m of the proposed development.</p> <p>g) Details of associated activities such as cleaning, ventilation and heating. No details have been submitted.</p> <p>h) A comprehensive landscaping plan. It is stated that a landscaping plan has been provided however the new boundary of the site does not include acceptable details of planting.</p> <p>i) A statement outlining why a location on the landholding was deemed more appropriate to alternative options. If the Planning Authority, consider a more appropriate location is available on the landholding the application may not receive favourable consideration. It is stated that the size and scale of the proposed development requires a greenfield site.</p> <p>j) Traffic management plans and traffic assessment associated with the proposed development may be required for large proposals. None required.</p>

### Appropriate Assessment

*Section 15.30 and policy APP1 of the Monaghan 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 upon the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). In respect of the Monaghan County Development Plan 2019-2025, policy AAP1 states that *"all projects and plans will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive"*.

The site lies within 23km from Kilroosky Lough Cluster. The following issues are of relevance in the screening exercise:-

- The distance of the proposed development site from any Natura 2000 site.
- The scale and nature of the proposed development.
- The conservation objectives of Slieve Beagh SPA.
- The relevant policies within the County Monaghan Development Plan 2019-2025 in respect of the protection of Natura 2000 sites.
- The in-combination effects of the proposed development with other plans or projects.

There are no significant watercourses in close proximity to the application site and no pathway connectors with the Natura 2000 network. However having regard to the nature and scale of

the development proposed it is considered that a Stage 1 AA Screening Report should be submitted with particular assessment given to the ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

### Conclusion

Additional information is required in relation to a number of issues in order to complete the assessment of the proposed development.

### Recommendation

**It is recommended that additional information be requested as follows:**

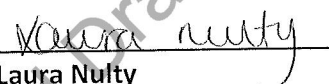
1. The applicant has failed to provide acceptable level of detail pertaining to a number of points as required by Policy AGP1 & 2 of the Monaghan County Development Plan 2019-2025. In this regard the following details are requested:
  - (a) It is necessary for the efficient use of the agricultural holding or enterprise – applicant is required to demonstrate the development is necessary for the efficient use of the agricultural holding and details pertaining to the extent of the landholding or existing activities operated on the holding have not been provided.
  - (b) It is considered that the visual impact of the proposed development and in particular the vertical meal bin, when viewed from the surrounding landscape would be prominent. Applicant requested to submit details to demonstrate how the proposed development can be visually integrated into the landscape given its location within an elevated and exposed site.
  - (c) Where a development is proposed within 100m of any residential property not located on the holding within the rural area written consent, witnessed by a solicitor or a peace commissioner, from the adjoining property owner stating there is no objection to the proposal must be provided. A letter has been submitted from the applicants mother however there is no evidence submitted to show that this is the dwelling located within 100m of the proposed development. Applicant requested to clarify this issue and if a separate letter of consent is required from the occupier of the dwelling located to the south east of the application site, applicant is required to submit same witnessed by a solicitor or a peace commissioner.
  - (d) It is stated that the footprint of the building requires a greenfield location and whilst this is accepted no information has been submitted to detail where the existing farm complex is or why the proposed development cannot be located adjacent to the existing farm complex if one exists.
  - (e) Applicant is requested to submit details of air pollution arising from the units and effluent storage, transportation and spreading. (A statement that modern fans and that the air pollution is minimal is not acceptable detail for the proposed development).
  - (f) Details of associated activities such as cleaning, ventilation and heating.
2. The Planning Authority notes that the submitted site layout plan fails to clearly demonstrate how it is proposed to provide a clear and unobstructed visibility (forward, rear and site visibility) of 50 metres at the point where the private laneway serving the proposed development meets with the public road L34032. In the interests of road safety, the applicant shall submit the following;

- a. a revised site layout plan to scale 1:500 illustrating visibility splays of 50 metres along the adjoining public road measured to the nearside road edge in each direction, provided from a point in the centre of the entrance 2.4 metres from the road edge at a height of between 1.05 metre and 2.0 metres above ground level to an object height of between 1.05 metre and 2.0 metres above ground level in both directions.
  - b. An updated site layout should include a detailed topographical survey indicating the location of all fences, road edge, hedgerows, etc over the extents of the visibility splay and the full extents of works required, to provide the necessary visibility requirements.
  - c. Where sight distances are not achievable within the site area and where the hedgerows/embankments do not belong to the applicant, legal agreements with adjoining landowners giving their consent to allow removal of their embankment and or hedges and maintain the hedges/grass verge by trimming/cutting regularly to provide the required sight distance shall be submitted to the Planning Authority (as per Appendix 14 of the Monaghan County Development Plan 2019-2025).
- Please note that this application is an independent application and relying on sightline agreements which are in place for an entirely separate development cannot be accepted.
3. The EU (Natural Habitats) Regulations 1997 Regulation 27(1) states that a local authority should require an appropriate assessment where an application is likely to have a significant effect on a European site. In light of the above and the necessity to ensure protection of the habitats and species present, you are requested to submit an **Appropriate Assessment Screening Report** from a **suitably qualified and indemnified ecologist** addressing the impact of the development for the site in view of the sites' qualifying interests and conservation objectives including the impact of ammonia emissions from the proposed development and the in-combination effects of the proposed development with other plans or projects.

The applicant is advised that in the event that the screening process identifies that significant effects are certain, or likely or uncertain, and/or that mitigation measures are required, the proposal must proceed to Natura Impact Statement (NIS) Stage 2 (Appropriate Assessment).

As part of the response and in the event a NIS (stage 2) report is necessary both a newspaper and site notice referring to the NIS is required under Article 240 of the Planning & Development Regulations 2011.

Please note that the final paragraph of the said site notice and newspaper notice must state that – *"A submission or observation in relation to the further information may be made in writing to the Planning Authority not later than 5 weeks beginning on the date of receipt of the newspaper and site notice by the Planning Authority on payment of the prescribed fee of €20.00, except in the case of a person or body who has already made a submission or observation"*.



Laura Nulty

Executive Planner

Date: 6/7/2020

# PLANNING APPLICATION DECISION FORM

Planning Application  
Reference No. 20158

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

## Reports received from:

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

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

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

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

S.E.E. Environment \_\_\_\_\_

Planning Officer \_\_\_\_\_

I recommend that planning permission be:

Granted, subject to the conditions  
outlined in the enclosed ☒

Refused, for the reasons  
outlined in the enclosed ☐

Planning Officer's Report

Planning Officer's Report

Recommended by  
Executive Planner: \_\_\_\_\_

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

Recommended by:

Ms. H. H. H.  
Senior Planner

Date: 13.11.2020

## DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions  
recommended in ☒

Planning Officer's Report ☐

Other ☐

Refused ☐

Ms. H. H. H.  
Senior Planner

13.11.2020  
Date