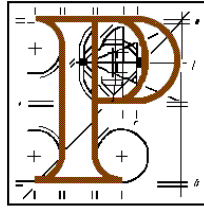

An Bord Pleanála



Inspector's Report

Ref.: PL04. 244440

Development: Agricultural development consisting of 4 No. broiler houses to house 50,000 broilers per house, waste storage shed incorporating biomass burner, office & changing facilities, service yard & storage shed, staff accommodation with wastewater treatment system and all associated site works. An Environmental Impact Statement accompanies this application. This application relates to development which comprises or is for the purpose of an activity requiring an Integrated Pollution Prevention and Control Licence.

Knockbrown, Bandon, Co. Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Ref.: 14/04342

Applicant: Kieran O'Regan

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

APPEAL

Type of Appeal: Third Party v. Decision

Appellant(s): Kevin and Avril Warner
Adrian and Rose O'Donovan

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 23rd April, 2015

1.0 SITE LOCATION AND DESCRIPTION

1.1 The proposed development site is located in the rural townland of Knockbrown, Co. Cork, approximately 5.6km south-southeast of Bandon and 6.0km north of Timoleague, where it occupies a low-lying position to the immediate east of the R602 Regional Road. The surrounding landscape is typically rural in character and is dominated by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing and associated outbuildings. The site itself has a stated site area of 4.74 hectares, is irregularly shaped and forms part of a wider landholding which extends to c. 12.68 hectares. It presently comprises a series of fields set in pasture / tillage which are bounded by a combination of drainage ditches, mature hedgerows and tree lines, although it is notable that the easternmost part of the site would seem to have been set as a small forestry plantation.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 The proposed development consists of the construction of 4 No. poultry (broiler) houses each measuring 111m x 22.65m with an overall ridge height of 5.032m. Each of the proposed units will have a gross floor area of 2,435m² with the capacity to house a maximum of 50,000 No. birds (broilers) and, therefore, the proposed development will have a combined capacity of 200,000 No. places.

2.2 The proposed housing will be located on a 'greenfield' site and arranged perpendicularly to the public road with access via a new entrance arrangement onto the adjacent R602 Regional Road. The structures will be sited parallel to one another whilst a continuous area of concrete hardstanding will be provided along the north-eastern frontage of the units in order to assist in the stocking / emptying etc. of the houses. In addition, it is proposed to construct a soiled waste storage shed to the northeast of the proposed housing which is also intended to accommodate the future installation of a biomass burner in order to convert the soiled waste to heat energy for use in the housing. This structure would appear to have a total floor area of approximately 1,483m² and a ridge height of 7.343m with an available waste storage capacity of 2,685m³ (although it has been also been stated that a maximum of 2,160m³ of waste will be stored within same). Furthermore, a single storey 3 No. bedroom dwelling house, the design of which is based on a simple rectangular plan utilising vertically emphasised fenestration, with an external floor area of 108.98m² and a ridge height of 4.778m, is to be constructed to serve as accommodation for staff members on site. The proposed development also includes for the construction of a single storey office structure

with changing facilities, an enclosed storage yard, and another smaller storage shed. Associated site development works include the provision of individual washwater holding / settlement tanks for each of the proposed poultry houses adjacent to the concrete yard / apron, the installation of a wastewater treatment system to serve the proposed dwelling house, and the sinking of private wells on site.

2.3 Litter / manure from the proposed poultry houses will be collected and transported off site for subsequent recovery / composting elsewhere, however, it also is envisaged that the proposed biomass burner (when installed) will ultimately recover the residual energy present in the waste poultry litter. Washwater arising from the cleaning out of the poultry houses after each batch will be directed to the proposed storage tanks before being landspread on available lands.

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 intensive poultry rearing operation as proposed will necessitate the receipt of an Integrated Pollution Prevention Control / Industrial Emissions 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 it is my understanding that no such licence application has been received by the Environmental Protection Agency to date.

4.0 RELEVANT PLANNING HISTORY

4.1 On Site:

None.

4.2 On Adjacent Sites:

None.

4.3 On Sites in the Immediate Vicinity:

PA Ref. No. 034152. Was granted on 18th November, 2003 permitting Barry & Patricia O'Sullivan permission for a granny flat extension to dwelling house at Knockbrown, Cork.

PA Ref. No. 064910. Was granted on 26th July, 2006 permitting Denis O'Mahony permission for a dwelling house and garage at Baurleigh, Timoleague, Co. Cork.

PA Ref. No. 0613503. Was granted on 28th March, 2007 permitting David O'Sullivan permission for the construction of a shed to include cubicle and straw bedded livestock housing, easy feed passage and slatted slurry tank, milking parlour with waiting yard and associated drafting facilities and slurry flow channel, overground slurry tank and associated site works at Knockbrown, Bandon, Co. Cork.

PA Ref. No. 096260. Was granted on 1st October, 2009 permitting Frank & Veronica O'Shea permission for the retention of dwelling house and garage (change of layout and alterations to elevations), relocation of septic tank, alterations to site boundaries from that permitted under planning Reg. No. 01/2491 and permission for demolition of conservatory and construction of two storey extension to south eastern side of dwelling, installation of patio door to north western side of dwelling and associated site works, at Knockbrown, Bandon, Co. Cork.

PA Ref. No. 115015. Was granted on 10th August, 2011 permitting Adrian O'Donovan permission for the construction of a dwelling house, garage and all associated site works at Baurleigh, Bandon, Co. Cork.

5.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION

5.1 Decision:

Following the receipt of a response to a request for further information, and the subsequent submission of unsolicited additional information, on 19th January, 2015 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 10 No. conditions which can be summarised as follows:

- Condition No. 1 – Refers to the submitted plans and particulars.
- Condition No. 2 – Refers to the management and disposal of poultry litter, carcass removal, pest control etc.
- Condition No. 3 – Requires the construction of an acoustic berm at least 4m in height along the northern, southern and western site boundaries with an overall landscaping plan of the site to be agreed with the Planning Authority prior to the commencement of development.
- Condition No. 4 – Refers to the installation of a surface water pipe drain at the site entrance.
- Condition No. 5 – Refers to the erection of appropriate signage in the interests of road safety.
- Condition No. 6 – Prohibits any vegetation or structure within the sight distance sightlines from exceeding 1m in height.
- Condition No. 7 – Prohibits the discharge of surface water from the site onto the public road.
- Condition No. 8 – Requires the construction works to be carried out in such a manner that polluting material, rubble, contaminated surface water etc. is not permitted to enter any watercourse and is not deposited on the public road. The burning of water material on site is also prohibited.
- Condition No. 9 – Refers to the payment of a special development contribution in the amount of €40,000 towards the resurfacing of the public road in the vicinity of the development.
- Condition No. 10 – Refers to the payment of a development contribution in the amount of €105,024.01.

5.2 Objections / Observations:

A total of 8 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

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- Increased / unacceptable noise levels during the construction and / or operational phases.
 - Detrimental visual impact / the development will be out of character with the surrounding landscape.
 - Detrimental impact on local tourism / tourist routes.
 - The generation of smells & malodorous emissions.
 - Increased vermin / pest activity and the potential for increased crop damage.
 - The potential for the development to contribute to the spread of bacteria / disease (including Avian Influenza) such as through increased wildlife / vermin activity in the surrounding area.
 - Traffic implications / increased traffic volumes (with particular to Heavy Goods Vehicles).
 - The lack of public transport services in the area.
 - The potential for contamination / water pollution of the Baurleigh River.
 - Groundwater pollution / contamination.
 - Devaluation of property.
 - Detrimental impact on residential amenity.
 - Further clarification as regards the spreadlands.
 - Concerns with regard to any future expansion of the facility.

5.3 Internal Reports:

Area Engineer: Recommends that further information be sought in respect of a number of issues including sight distance, road signage, sweep-path analysis, the location of the proposed private well and storm water management.

Veterinary Inspector: An initial report recommended that further information be sought in respect of storm water drainage, the management of poultry litter, the storage and removal of bird carcasses, and the preparation of an emergency control plan in the event of a major disease outbreak and the need for depopulation of the unit.

Following the receipt of a response to a request for further information, a further report was prepared which recommended a grant of permission subject to conditions.

Environment: An initial report recommended that further information be sought in respect of a variety of issues including the protection of ground and surface waters, the locations of the proposed wells, storm water drainage, clarification as

regards the capacity of the poultry manure storage facilities, and the need for site specific noise and odour impact assessments.

Following the receipt of a response to a request for further information, a further report was prepared which recommended that clarification be sought in respect of various aspects of the submitted noise impact assessment in addition to the volumes of poultry litter expected to be generated and the storage of same.

Subsequently, upon the receipt of additional unsolicited further information, a final report was prepared which stated that there was no objection to the proposed development on environmental grounds. This report then stated that as the proposed activity would necessitate an Integrated Pollution Control licence to be issued by the EPA, conditions would not be imposed in the grant of permission in relation to the control of emissions, although it was recommended that a condition be included so as to protect the environment during the construction phase of the development.

Fire Officer: An initial report stated that the proposed construction would have to comply with the requirements of the Building Regulations and that a decision on the application should be deferred pending the submission of satisfactory details confirming the provision of a water supply for fire-fighting purposes.

Following the receipt of a response to a request for further information, a further report was prepared which stated that there was no objection to the proposed development.

Engineering: No objection subject to conditions.

5.4 Prescribed Bodies / Other Consultees:

Inland Fisheries Ireland: Notes that the EIS had indicated that the poultry litter was to be exported for composting before recommending that clarification should be sought as to whether or not an on-site biomass burner was proposed and if it was proposed to burn poultry litter or otherwise.

Environmental Protection Agency: States that the proposed development will require an Industrial Emissions licence under the EPA Acts, 1992, as amended, although the Agency had not received a licence application relating to the development. It was also noted that the EIS appeared to address the key points in relation to the environmental aspects of the proposed activity which related to matters that came within the functions of the Agency in addition to the direct and

indirect effects of the development on the aspects of the environment listed in Section 83(2A)(a) of the EPA Acts (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations, 2012). The report further states that in considering any licence application, the Agency would ensure that before the licence is granted, the licence application would be subjected to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Acts whilst consultations on the planning application, licence application and EIS would be carried out in accordance with Sections 87(1B) – (1H) of the EPA Acts. In addition, upon receipt of a licence application, it is stated that all matters to do with emissions to the environment from the activities proposed, the licence application documentation and the EIS, will be considered and assessed by the Agency. The report subsequently details that where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence, then it cannot grant a licence for such a facility. It is also confirmed that in the event the Agency decides to grant a licence in respect of the activity, as proposed, it will incorporate conditions which will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying out of the activities. The report subsequently concludes by stating that the Agency cannot issue a Proposed Determination on a licence application relating to the development until a planning decision has been made whilst advising the Board of the following documents:

- BREF on Intensive Rearing of Poultry & Pigs
- BREF on Emission from Storage
- BREF on Energy Efficiency
- National legislation regarding emissions.

Health Service Executive: This report makes a series of recommendations with regard to items including human beings, hydrology, pest control, air pollution, wastewater and waste material.

6.0 GROUNDS OF APPEAL

The grounds of appeal are summarised as follows:

6.1 Kevin and Avril Warner:

- The site location is unsuitable for the development proposed.

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- Neither the Environmental Impact Statement nor the Environmental Impact Assessment have adequately identified or addressed the concerns of the public as regards the potential impact of the proposed development.
 - There are a number of inconsistencies, errors and omissions contained in the Environmental Impact Statement and the other documentation submitted in support of the subject application.
 - Given the proximity of surrounding housing, the proposed development poses a threat to the health and quality of life of local residents living downwind of the facility.
 - There was a lack of public consultation during the preparation of the Environmental Impact Statement and at no time were the appellants approached by the applicant or his agents to inform them of the proposal to develop an industrially scaled poultry farm in close proximity to their home or to ascertain their concerns as regards same.
 - Sections 5.1: 'Human Beings' of the EIS fails to identify or consider the impacts in terms of health and quality of life etc. on those residents living in close proximity to the proposed development and instead focuses on the benefits arising from the generation of 15 No. temporary construction jobs.
 - It is noted that the Non-Technical Summary of the EIS states the following:

'The proposed development and that as existing will in part promote Innishannon as a key economic and employment centre within the region and thereby making a contribution to balanced regional development in accordance with principles as set out in the Regional Planning Guidelines for the CASP area'.

However, the relevance of the foregoing is questioned given that the subject proposal involves the development of a poultry farm 14km away at Knockbrown, Bandon, which may result in the creation of 2 No. jobs.

- The contradictory figures provided in the EIS as regards job creation are worrying and misleading.
- Although the application site is located approximately 22km from the developer's factory via the N71 National Road, the reference in the submitted documentation to a distance of 15km between the two locations would seem to imply that it is proposed to route heavy goods traffic between the two sites along the regional road network.

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- The receipt number detailed in the application documentation refers to a payment made in respect of PA Ref. No. 14/4127 and thus does not relate to the subject application.
 - The covering letter with the initial application states that the nearest dwelling house is located 250m away from the proposed development, however, Item No.1 of the response to the request for further information contradicts the foregoing by referring to the nearest dwelling as being 160m from the development.
 - Contrary to the Site Characterisation Form which refers to '*Rushes and marshy area to west*', the accompanying site location map shows rushes and a marshy area in the northern and eastern parts of the application site.
 - Whilst the Site Suitability Study states that the ground on site is suitable for a percolation area, the response to the request for further information states that '*The drainage pattern as shown on the enclosed site layout plan would indicate poor percolation rates in the adjoining ground*'. Accordingly, the resulting uncontrolled runoff of excessive nutrients and pollutants is likely to have a detrimental effect on the Baurleigh and Kilbrittain Rivers that ultimately drain into the Coolmain Estuary, an area that is already suffering the consequences of excess nitrates and organic pollutants.
 - Whilst the applicant has indicated that all the poultry houses will be de-stocked at the same time, it is questioned if this is industry practice or if the de-stocking of houses would typically be staggered thereby leading to more frequent cleaning-out activities with the associated generation of odours and airborne pollution.
 - There have been a number of recorded outbreaks of Avian Influenza in recent months in the Netherlands and the UK. In this respect it is noted that the Department of Agriculture requires the establishment of a 3km protection zone around an infected farm, however, given the location of the appellants' family home approximately 600m from the proposed development there are concerns that any influenza virus associated with an outbreak at the subject site could be airborne due to the high volume of air extraction from the proposed poultry sheds and thus would be carried by the prevailing winds over the appellants' dwelling house.
 - Given the population levels within any 3km protection zone established around the proposed facility, the possibility of airborne disease and other pollutants from unfiltered air gives cause for concern and strengthens the case that the subject site is an unsuitable location for the proposed development given the risk posed to respiratory health.

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- There are numerous instances throughout the response to the request for further information where the units of measurement pertaining to the storage of litter have been mixed up and applied incorrectly.
 - The installation of the biomass unit within the proposed litter storage shed will reduce the available storage volume to below the 26 week requirement set out in Article 11 of S.I. 31 of 2014. This must be considered in the event of the possible unavailability of the biomass unit due to breakdown or IEL licence violations.
 - Whilst the report of the Senior Executive Planner states that '*A worst case odour emission scenario was considered*', the report compiled by Odour Monitoring Ireland makes no reference to any such 'worst-case scenario' nor does it acknowledge that activities such as clean-outs will produce significantly more offensive odours than at other times. The 'worst-case' referred to in the document relates to meteorological data and not site operations.
 - Section 1.2 of the odour impact assessment states that it '*will take account of the likely and potential impacts associated with the proposed operation of the poultry laying farm*', however, the subject application concerns the development of an intensive broiler production facility (not a poultry laying farm) which is a significantly different operation necessitating batch clean-outs with a higher rate of bird mortality. Therefore, the submitted odour report should be disregarded in its entirety as it has failed to address the actual scope of the operations to be carried out on site.
 - The odour impact assessment has failed to consider certain fundamental odour criteria such as intensity and character which must be taken into consideration when assessing the likely impact on the surrounding area.
 - Whilst the odour associated with aerobic poultry manure is largely generated by ammonia, the anaerobic decomposition of the manure (as may rise during the high stacking of litter) gives rise to other gaseous emissions which can be very offensive.
 - Table 3.3 of the odour report indicates that each of the ridge mounted extraction fans will be sited 11m over ground, however, it is apparent from the sectional drawings of the proposed housing that the ridge height of same only extends to between 6.293m and 7.343. Accordingly, the fans are either approximately 4m in height (which has not been shown in the photomontage of the development) or the data used in the odour study is incorrect.
 - The '*closest worst case residential receptor*' referenced in the odour report is not downwind for the prevailing conditions.

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- Contrary to the findings of the Noise Impact Assessment, it is asserted that the surrounding area is quiet and that this was one of the factors that resulting in local residents choosing to live here. In this respect whilst it is accepted that increased noise levels during working hours is to be expected from adjacent farms and roads, the proposed development includes for the installation of 30 No. fans which will operate continuously in addition to a biomass burner with its associated plant. These items will result in a persistent background noise at all times to the detriment of the area.
 - The response to the request to provide a drawing showing the separation distances between nearby private wells and the spreadlands was asserted to be incomplete due to the fact that there is no mains water in the area. Details on the location of wells are in the public domain and if the specifics of same were not identified by the developer then an appropriate impact assessment on same cannot have been completed.
 - The type and technology of the proposed biomass burner as indicated in the initial application documentation is different to that shown in the response to the request for further information. This is potentially of particular significance in that permission is being sought for a piece of equipment that is yet to be fully investigated and scoped.

6.2 Adrian & Rose O'Donovan:

- There are serious concerns as regards road safety at the proposed access to the development site on the basis that it is an objective of the Cork County Development Plan, 2014 to *'limit access to Regional Roads where appropriate so as to protect [the] carrying capacity of the road network and having regard to safety considerations'* and as the proposed development will be accessed directly from the heavily trafficked R602 Regional Road which also serves to connect the N71 National Road at Bandon with the West Cork section of the *'Wild Atlantic Way'* tourist route.
- The Engineering Report compiled by Cork County Council and dated 21st March, 2014 states the following :

'The application accesses onto Regional Route R602. Generally the construction of a new development onto a Regional Route is not considered favourable. Consideration should be given to an alternative location for that reason'.

This report also confirms that *'there will be significant HGV movements at the access during both development and operation'*.

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- The speed limit in the vicinity of the proposed site access is 100kph and therefore slow-moving HGVs entering / exiting the site during both the construction and operational phases will pose a serious traffic hazard to other road users.
 - Objective EE9-1: *'Business Development in Rural Areas'* of the County Development Plan states the following:

'The development of appropriate new businesses in rural areas will be encouraged where:

- *The scale and nature of the proposed new business is appropriate to the rural area'.*

Accordingly, it is submitted that the subject site is not suitable for the development of a poultry farm of the scale proposed. In this respect it is further submitted that although the application site is located in a rural area it cannot be considered to be remote given its proximity to Bandon town and the level of housing within a 1km radius of the site.

- The scale of development proposed is not appropriate to this rural area and in this respect consideration should be given to Section 6.9.1 of the County Development Plan which states the following:

'As a general guide, development proposals for farm diversification involving the development of other sustainable business initiatives will normally be limited to a floor area in the order of 200sq.m.'

- Given the proximity of nearby housing, the proposed development is contrary to Section 4.3 of the *'IPPC BATNEEC Guidance Note for the Poultry Production Sector'* published by the Environmental Protection Agency which states that *'poultry units should be sited a distance of preferably not less than 400m from the nearest neighbouring dwelling'*.
- The proposed development will have an adverse visual impact on the character and appearance of the surrounding landscape.
- The development will be clearly visible in its entirety from the appellants' dwelling house at a distance of 700m to the east. Furthermore, the notification of the decision to grant permission as issued by Cork County Council does not provide for any screening of the site to the east.

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- There are documented health risks associated with poultry farms and in this regard there are particular concerns in relation to the potential for the spread of disease by vermin and other scavengers attracted to the site.
 - There are concerns with regard to the health risks posed by Avian Influenza which is associated with poultry farms.
 - The combustion of chicken litter in the proposed biomass burner will give rise to emissions that will have to be monitored by the EPA. Accordingly, in order to avoid the health problems associated with the environmental pollution caused by incineration, the proposed development should not be located in close proximity to the appellants' dwelling house and should instead be sited in a remote area.
 - The proposed development site is located in close proximity to Baurleigh River which flows into the Kilbrittain River and ultimately into Courtmacsherry Estuary which has been designated as a Special Area of Conservation. In this respect it should be noted that it is an objective of the County Development Plan to *'protect the County's water from agricultural pollution'* and that the EIS has stated that the potential for the contamination of the Baurleigh River is of primary concern:

'... potential for contamination of Baurleigh River with waste material from the processes taking place on site – primarily waste management and poultry house washdown. The proximity of the Baurleigh River would result in the river becoming the ultimate destination of any discharges from the plant.'

This would have serious consequences for the spread of disease and is a further reason why the application site is not suitable for the development proposed.

- The subject application has not been accompanied by a full ecological study of both the application site and the surrounding area and, therefore, the assumption in the EIS that *'it is unlikely that the proposed development will lead to any loss of any protected and / or rare species of flora'* is unacceptable.
- Given that the submitted proposal will not necessitate use of the entire landholding, there are concerns as regards the potential for further development in the future.
- The proposed development will result in the devaluation of property in the surrounding area.

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- The proposal will have a negative impact on the quality of life of local residents due to its visual impact and as a result of concerns pertaining to odours, road safety, noise and environmental pollution / public health.

7.0 RESPONSE TO GROUNDS OF APPEAL

7.1 Response of the Planning Authority:

No further comments:

7.2 Response of the Applicant:

- The proposed development comprises an agricultural use on agriculturally zoned land, which is consistent with local, regional and national policy, and will assist in diversifying and underpinning the local rural economy through the provision of jobs and support for the agri-food sector.
- In strategic terms, it should be noted that this particular rural area is under strong urban influence from 'one-off' housing which places increased pressures on 'bona fide' agricultural businesses. In this respect it is submitted that the policy of the Planning Authority for the area is predisposed towards the support of agricultural uses and the presence of homes with no links to agricultural activities does not in itself diminish this policy position.
- The issue of site selection is addressed in detail in Section 4.0 of the Environmental Impact Statement.
- The poultry industry is a very competitive sector governed by production efficiencies and large economies of scale. It is capital intensive and demands a high level of management. At present, the applicant sources produce from a number of smaller scale farms within the West Cork region as well as a number of larger suppliers from around the country. The practice of transporting produce long distances is unsustainable and thus there is a pronounced need to enhance local supply to support the viability of the existing production facility in Clonakilty. Within this, the co-location of production and processing facilities is not an accepted standard in the industry.
- Four alternative sites were examined by the applicant, as well as a wider network of 'greenfield' sites, and these were discounted on the basis of unsuitable scale, zoning, drive distances, ESB supply, and landscape / screening considerations.
- The subject site strikes an appropriate balance between the applicant's requirements and key planning considerations. It comprises low-lying agricultural lands which are located away from environmental sites and is

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- of a suitable scale for the development proposed. It is also located close to Shannon Vale's processing plant and benefits from suitable separation distances from surrounding residential properties.
- With regard to the appellants reference to the EPA's '*BATNEEC Guidance Notes for the Poultry Sector (1998)*' which suggests that poultry units should preferably be located not less than 400m from the nearest neighbouring dwelling house it is notable in the first instance that although there are 2 No. residential properties within this distance, none of the occupants of same have objected to the decision to grant permission by way of an appeal. Furthermore, the merits of the BATNEEC standard should be framed in the context of the wider BATNEEC assessment and the publication of new guidance since 1998. In this respect it is submitted that the use of the term 'preferably' acknowledges that the 400m standard is not applicable in all cases whilst the guidance recognises that the range of suggested standards should not be treated prescriptively and that the licensing approach takes account of individual site specific circumstances with the demonstration of overall compliance considered to be the critical factor. In the case of BATNEEC this is achieved by ensuring that '*all operations on-site . . . [are] carried out in a manner such that air emission and / or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary*'. Accordingly, adherence to the foregoing would render a facility compliant and in this respect the EIS details how the subject proposal has been designed in accordance with the latest technologies and techniques to achieve same.
 - In most categories of activities, the concept of BATNEEC (Best Available Technology Not Exceeding Excessive Costs) has been replaced with BAT (Best Available Techniques) and BREF (Best Available Techniques Reference) documents, both of which are adopted under the relevant Integrated Pollution Prevention and Control (IPPC) and Industrial Emissions (IE) Directives. The first BREF document for the sector was issued in 2003 with an amended draft BREF issued in 2013. Neither of these documents specifies separation distances which is considered to be reflective of a step change in the sector with a move towards the proactive spatial planning of facilities in the first instance and the facilitation of good on-site farming management.
 - The formal submission of the EPA acknowledges that the proposal addresses key points in relation to environmental aspects of the proposed activity as well as direct and indirect effects. It further references the

aforementioned BREF document. Accordingly, as the competent authority on such matters, the EPA will formally adjudicate on all licensing matters.

- There is a localised concentration of intensive farming operations within the wider area which is tied to the well-established food production industry.
- The design of the proposed development has been informed by the relevant industry standards for the layout and management of such facilities, as well as a detailed site analysis, which identified key constraints and opportunities that have served to shape the final response to the local environment.
- The BREF guidance outlines that environmental impacts arising from licensed farm facilities are often due to an unfavourable spatial arrangement of activities on site and in this respect it is submitted that both the concentration and configuration of the proposed development has been designed to achieve optimum environmental conditions. This has included the grouping of potential emission sources such as the soiled water holding tanks and surface water tanks close to the eastern site boundary, and the incorporation of targeted measures to negate ambient air pollution in these areas.
- The proposed layout utilises the natural site contours whilst the ridge height of the proposed housing sheds is also modest which has the effect of significantly reducing the overall visual impact of the development.
- The existing tree coverage on site will be supplemented by a programme of additional landscaping / planting measures.
- The housing units will be finished in green aluminium cladding which will serve to further assimilate the development into its agricultural surroundings.
- The proposed development site is not located within a high value landscape nor is it adjacent to any designated scenic routes.
- Having regard to the receiving lands and the height of the proposed buildings, the subject proposal will not be overtly dominant and will not result in any adverse impact on the character of the surrounding landscape.
- All matters pertaining to traffic and road safety were comprehensively addressed during the assessment of the planning application which was informed by a Stage 1/2 Road Safety Audit.
- All of the requirements of the Engineering Department of the Local Authority have been complied with whilst other measures including geometric layout and the integration of appropriate signage have been agreed through engagement with the Council.

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- Suggestions that the proposed development will have a negative impact on tourist traffic in the area are unfounded. Notwithstanding the existing concentration of similar businesses in the area and the related use of the R602 Regional Road by HGVs, the increase in trips consequent on the proposed development will be negligible.
 - The Local Authority has satisfied itself that the subject proposal will not result in any adverse traffic or road safety impacts.
 - The methodological approach adopted in the submitted Noise Impact Assessment accords with EPA guidance.
 - With regard to the appellants' assertion that the proposed development site is located in a 'quiet' area, it is submitted that baseline conditions in the Noise Impact Assessment were determined using the EPA's *'Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4)'* which confirmed that the site is not within a 'quiet area' on the basis that:
 - The site is located less than 10km from the town of Bandon, an urban area with a population greater than 5,000 people; and
 - The site is located less than 5km from the N71 National Primary Route.

Furthermore, the appellants' suggestion that the site is in a 'quiet' area has not been substantiated in any way.

- The presence of 20 No. dwelling houses within a 1km radius of the site and the acknowledged 'heavy use' of the R602 Regional Road by local traffic and HGVs serves to reinforce the position of the baseline findings.
- The Noise Impact Assessment was conducted at 35 No. noise sensitive receptors, including all residential dwellings within 1,345m of the application site. It confirms that road traffic is a significant contributing factor to ambient noise levels in the area and that the predicted level of traffic increase would have a negligible impact on said ambient levels.
- A predictive noise assessment relevant to the operational activities was undertaken (which included an appraisal of potential impacts from fans, feed deliveries, and general run-time operations on site) and this confirms that the resulting emissions at the nearest NSR will be below 40dBA with no adverse impacts. All predicted noise emissions will be within the recommended limit.
- The maximum noise levels are predicted to occur during the construction phase with calculated noise levels of 60dBA at the nearest NSR.

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- However, all impacts arising during the construction phase will be temporary.
- The Noise Impact Assessment outlines a suite of mitigation measures as part of a proactive strategy to address the potential issues which include the construction of an acoustic berm on the boundary of the site that will provide additional noise attenuation of c. 8dBA, and the restriction of 'noisy' activities such as feed deliveries to day-time hours. Accordingly, it can be concluded that there will be no adverse noise impacts consequent on the proposed development.
 - The submitted Odour Air Quality Impact Assessment has been prepared in accordance with EPA's requirements as set out in '*Odour impacts and odour emissions controls for Intensive Agricultural Facilities*' as well as best practice international standards, including the Environment Agency Horizontal Guidance Notes for Odour, Part 1 & 2. The modelled outputs confirm that the plume from the facility will be small and contained within the site boundary. The predicted ground level concentration of odour at the closest residential receptor is less than 1.81 Ou_E/m^3 at the 98th percentile of hourly averages. This is significantly below the EPA guideline value for new facilities of 3.0 Ou_E/m^3 of the 98th percentile of hourly averages.
 - With regard to the appellants' assertion that the ridge heights specified in Table 3.3 of the Odour Report are incorrect, it can be confirmed that this is a typological error. Following consultation with the odour consultants, it can be confirmed that the modelling was undertaken at a height of 6m on the basis of a ridge height (5m) plus 1m scenario. Accordingly the modelled outputs reflect such an approach and are a robust assessment of the likely odour impacts.
 - The design of the proposed facility incorporates best practice measures which include modern ventilation systems to militate against odour emissions. An odour management plan will inform day-to-day operations on the site including monitoring and reporting in accordance with EPA requirements.
 - The submitted proposal includes for extensive water and wastewater treatment measures to safeguard local ground and surface water quality. The design process was informed by a detailed review of existing site conditions and the identification of potential impacts across the construction and operational phases.
 - The proposal includes large areas of impervious concrete hardstanding for the loading and collection of soiled water in order to eradicate seepage into local ground water and the installation of a detailed surface water

collection system to divert all surface water to designated discharge points.

- All tanks within the facility will be bunded, alarmed and managed in accordance with EPA operational procedures to protect surface waters proximate to the site.
- It is acknowledged that wastewaters generated on site must be appropriately managed in order to avoid any potential contamination of the Baurleigh River. In this respect it is submitted that all the identified wastewater issues have been addressed to the satisfaction of the Planning Authority.
- It is accepted that the Baurleigh River provides a hydrological link between the application site and Natura 2000 sites within a 10km radius, however, following a review of the submitted Appropriate Assessment screening statement, the Planning Authority concluded that there was no potential for the proposal to impact on any designated sites.
- A number of the wider health and safety concerns raised in the grounds of appeal are within the regulatory remit of the EPA.
- The procedures for poultry manure management and the disposal of waste birds have been examined in detail whilst the storage capacity and disposal provisions are compliant with European regulatory requirements and will be governed by IPPC licensing.
- The County Veterinary Inspector is satisfied with all aspects of the proposed development subject to standard conditions.
- With regard to the proposed biomass burner, national policy espouses the adaption of new technologies and practices aimed at improving efficiency and environmental protection, and the integration of such technology will assist in the achievement of both key facility and wider industry sustainability aims.
- The proposed facility will require an Industrial Emissions licence which will provide for an integrated and stringent framework for the protection of the local environment. The environmental performance of the plant will be regulated including emissions to air, water and land, the generation of waste, the use of raw materials, energy efficiency, noise and the prevention of accidents. It also follows that mitigation measures put forward as part of the application will be subject to systematic testing and on-going review.
- The EIS was prepared in accordance with the requirements of the Planning and Development Act, 2000, as amended, and additional information was submitted during the course of the application which provided for further clarity and certainty.

8.0 RESPONSE TO CIRCULATION OF SUBMISSION RECEIVED FROM THE APPLICANT

8.1 Response of the Planning Authority:

None.

8.2 Response of Third Party Appellant(s) (Kevin and Avril Warner):

- The applicant's submission has in no way addressed the appellants concerns with regard to the proposed development other than to state that what appears to be a fundamental mistake in the noise survey is a typographical error.
- The response has failed to address the unsuitability of the subject site for such a large scale development.
- From a review of all the intensive agricultural facilities licensed by the EPA, it is clear that the subject proposal will comprise the largest functioning broiler production unit in the State.
- The suggestion by the applicant that the absence of any further appeals can be construed as indicative that all other parties are content with the proposal is unfounded and the Board is referred to the accompanying correspondence in this regard.
- It has become clear that due to a lack of public consultation, many of the families residing in the surrounding area are unaware of the proposed development or its scale.
- Notwithstanding the applicant's submission, concerns remain with regard to the following items:
 - The lack of public consultation as recommended by the EPA in the preparation of Environmental Impact Statements.
 - The inaccuracies in the EIS which appear to refer to a completely different development.
 - The contradictions in the level of job creation.
 - Contradictions in the site suitability survey as regards the ground percolation qualities and the site description.
 - The misuse of engineering units throughout the submitted information.
 - Concerns as regards air-borne contaminants and disease. Whilst the submission has referenced the '*incorporation of targeted measures to negate ambient air pollution*' and '*innovative industry technologies*', no details of these measures have been provided in the submitted documentation.

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- There are continuing concerns as regards the potential for odours from the proposed facility. The submission has not addressed the fact that the odour impact study relates to an irrelevant activity and thus cannot be held to be representative. Similarly, the report has not referenced some of the most significant attributes of odour such as intensity or character.
 - There is nothing in the submitted information to suggest that the '*modern ventilation systems to mitigate against odour emissions*' are anything other than unfiltered extraction fans.
 - Whilst it is acknowledged that there is an EPA definition of a 'quiet area' and that the subject location does not satisfy said criteria (which are not based on measured sound values but on the proximity to roads and towns), it is nevertheless contended that the area is 'quiet' on the basis of local experience and measured sound recordings. The objection to the proposal is based on the increase in noise levels and the resulting negative impact on the appellants quality of life.
 - Concerns with regard to the identification of wells in the surrounding area have not been addressed. In this respect it is submitted that the closest domestic well will be 39m from where the contaminated wastewater will be spread.
 - There continue to be concerns as regards the overall scale of the development proposed.

8.3 Response of Third Party Appellant(s) (Adrian and Rose O'Donovan):

None.

9.0 CONSULTATIONS WITH THE ENVIRONMENTAL PROTECTION AGENCY

9.1 Response of the Environmental Protection Agency:

- The proposed development will require an Industrial Emissions licence under the Environmental Protection Agency Acts, 1991, as amended, however, the Agency has not received a licence application relating to said development.
- The EIS would appear to address the key points in relation to the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency. It would also appear 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 (please refer to the EU (Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations, 2012).

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- In its consideration of any licence application that may be received, the Agency will ensure that before the licence is granted, the licence application will be subjected to an Environmental Impact Assessment as respects the matters that come within the functions of the Agency in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Acts.
 - Consultations on the planning application, licence application and EIS will be carried out in accordance with Sections 87(1B) – (1H) of the EPA Acts.
 - If and when a licence application is received by the EPA, all matters to do with emissions to the environment from the activities proposed, the licence application documentation, and the 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 a licence then the Agency cannot grant a licence for such a facility. Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions which will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying out of the activities.
 - The Board is advised of the following documents:
 - BREF on Intensive Rearing of Poultry & Pigs
 - BREF on Emission from Storage
 - BREF on Energy Efficiency
 - National legislation regarding emissions.
 - In accordance with Section 87(1D)(d) of the EPA Acts, the Agency cannot issue a Proposed Determination on a licence application relating to the development until a planning decision has been made.

10.0 NATIONAL AND REGIONAL POLICY

10.1 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.

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.

10.2 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:

- 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.

10.3 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.

10.4 Working Draft Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs, August, 2015:

This document concerns those activities specified in Section 6.6 of Annex I to Directive 2010/75/EU, namely:

- Intensive rearing of poultry or pigs:
 - a) with more than 40 000 places for poultry;
 - b) with more than 2 000 places for production of pigs (over 30 kg), or
 - c) with more than 750 places for sows.

In particular, it addresses the following on-farm processes and activities:

- Nutritional management of poultry and pigs
- Feed preparation (milling, mixing and storage)
- Rearing (housing) of poultry and pigs
- Collection and storage of manure
- Processing of manure
- Landspreading of manure
- Storage of dead animals.

11.0 DEVELOPMENT PLAN

Cork County Development Plan, 2014-2020:-

Chapter 6: Economy and Employment:

Section 6.3: Employment Strategy

Table 6.1: Employment Hierarchy: Rural Areas:

- Support agriculture, fishing & food processing sectors.
- Encourage rural diversification (especially tourism but also on and off farm employment activities such as processing of agricultural produce, manufacturing of crafts and specialist farming) and support innovation in indigenous enterprise.

Section 6.7: Rural Economy

Section 6.8: Agriculture and Farm Diversification:

EE 8-1: Agriculture and Farm Diversification:

Encourage the development of a dynamic and innovative, sustainable agricultural and food production sector by:

- Encouraging the development of sustainable agricultural and infrastructure including farming buildings;
- Prioritising the development of sustainable rural housing to support working farmers and their employees.
- Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area; and
- Supporting appropriate proposals for sustainable tourism development.

Section 6.9: Business Development in Rural Areas:

EE 9-1: Business Development in Rural Areas:

The development of appropriate new businesses in rural areas will normally be encouraged where:

- The scale and nature of the proposed new business are appropriate to the rural area, and are in areas of low environmental sensitivity.
- The development will enhance the strength and diversity of the local rural economy,
- The proposal will not adversely affect the character and appearance of the landscape,
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal,
- The proposal has a mobility plan for employees home to work transportation,
- Where possible the proposal involves the reuse of redundant or underused buildings that are of value to the rural scene;
- The provision of adequate water services infrastructure; and
- Provision of a safe access to the public road network (See Objective TM 31: National Road Network (c) and (d)).

Chapter 10: Transport and Mobility:

Section 10.3: Road Network:

TM 3-2: *Regional & Local Roads:*

- a) Recognise the strategic role played by Regional Roads within the County and, together with Local Roads, to enhance their carrying capacity and safety profile in line with demand.
- b) Promote the improvement of strategic Regional and Local Roads throughout the County in accordance with the strategies identified for the main settlements in this Plan.
- c) Seek funding for the following Regional and Local Roads Projects in the County:

Projects Critical to the Delivery of Planned Development

- Carrigaline Inner Relief Route;
- Douglas East – West Link Bridge;
- Mallow-Park Road extension to N20;
- Middleton (Waterrock) access roads and rail bridge;
- Upgrade of access routes serving Monard;
- Improved Road Access between N25 and Cobh subject to full ecological assessment;
- Middleton Northern Relief Route;
- R 586 (Bandon to Bantry);
- R 572 (Glengarriff to Castletownbere);
- R 630 (Middleton – Whitegate);
- R600 (Fivemile Bridge to Kinsale);
- R613 (Ringaskiddy to N71);
- R618 Leemount Cross.

See Chapter 12 Heritage Objective HE 21 and Paragraph 12.2.5.

- d) Limit access to Regional Roads where appropriate so as to protect carrying capacity of the road network and have regard to safety considerations particularly where access to a lower category road is available.

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- e) Ensure that in the design of new development adjoining or near Regional & Local Roads, account is taken of the need to include measures that will serve to protect the development from the adverse effects of traffic noise for the design life of the development.
 - f) Ensure all upgrades to listed routes are planned, designed and constructed to avoid and prevent significant negative impacts on sites designated for nature conservation, other environmental or heritage resources.

TM 3-3: Road Safety and Traffic Management:

- a) Where traffic movements associated with a development proposal will have a material impact on the safety and free flow of traffic on a National, Regional or other Local Routes, to require the submission of a Traffic and Transport Assessment (TTA) and Road Safety Audit as part of the proposal.
- b) Support demand management measures to reduce car travel and promote best practice mobility management and travel planning via sustainable transport modes.
- c) For developments of 50 employees or more, developers will be required to prepare mobility management plans (travel plans), to promote alternative sustainable modes or practices of transport as part of the proposal.
- d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.
- e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.
- f) Promote road safety measures throughout the County, including traffic calming, road signage and parking.
- g) Coordinate proposed zoning designations and/or access strategies in settlement plans with speed limits on national roads.

Bandon Electoral Area Local Area Plan, 2011:-

Section 1: *Introduction*

Section 2: *Local Area Strategy*

12.0 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
- Other issues

These are assessed as follows:

12.1 The Principle of the Proposed Development:

12.1.1 The proposed development consists of the construction of an intensive poultry rearing operation which will include 4 No. poultry (broiler) houses each with the capacity to house up to 50,000 No. birds. In this respect whilst I would acknowledge the appellants' concerns with regard to the wider impact of such a 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 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.

12.2 Environmental Impact Assessment:

12.2.1 Outline of Process:

12.2.1.1 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 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

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- d) the interaction between the factors mentioned in paragraphs (a), (b) and (c).

12.2.1.2 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.

12.2.1.3 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.

12.2.1.4 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.

12.2.2 Consideration of Alternatives:

12.2.2.1 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 4 of the EIS which states that the applicant considered a variety of alternative sites, in addition to the possible expansion of existing poultry-rearing operations, with a view to complying with the foregoing requirement. More specifically, Section 4.3 of the EIS states that whilst

consideration was given to the expansion of an existing production facility at Maulatanvally, Glanbrack, Reenascreena, Co. Cork, this was dismissed due to the lack of suitable space on site. Similarly, reference is made to a 'greenfield' site at Castlebernard, Bandon, Co. Cork, having been deemed unsuitable as a result of unresolved planning issues and its inability to sustain a development of the scale proposed whilst an industrial site in Dunmanway was also rejected on the basis of land use zoning considerations and its proximity to the town. It is further stated that numerous other 'greenfield' sites in the West Cork area were investigated but that these were ruled out having regard to certain site selection criteria and the necessary locational requirements including the adequacy of the surrounding road network, the distance from the processing facility in Clonakilty, the availability of suitable lands for the spreading of waste, and visual impact / landscape considerations.

12.2.2.2 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.

12.2.2.3 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, it complies with the requirements of the regulations insofar as the applicant has provided a satisfactory examination of the main alternatives studied with regard to the project in addition to a reasoned explanation for the selection of the submitted proposal.

12.2.3 Human Beings:

12.2.3.1 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. Therefore, 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 and traffic.

12.2.3.2 Noise:

12.2.3.2.1 In assessing the impact of noise levels arising as a result of the proposed development I would refer the Board in the first instance to Section 5.7 of the EIS which effectively states that given the nature of the development proposed, the site location within a rural area, the separation distances between the proposed facility and nearby noise sensitive receptors, and the existing background noise levels attributable to the public road, the submitted proposal will not give rise to any significant impact in terms of noise generation. In support of the foregoing, it has been submitted that during the operational phase of the proposed development the implementation of a *'proactive maintenance regime'* will ensure that all mechanical noise sources, with specific reference to the fans and motors serving the poultry housing, are kept in a satisfactory working condition thereby avoiding any instances of unacceptable noise levels at or beyond the site boundary. Furthermore, during feed deliveries to the site, it has been suggested that the use of low noise delivery pumps should be specified and that these activities should be subjected to noise monitoring during the initial operation of the facility with suitable measures to be put in place in order to mitigate any possible negative impacts which may arise.

12.2.3.2.2 With regard to the 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, however, it has also been submitted that any such impact will be of limited significance and of a short duration whilst the site topography will also serve to militate against excessive noise levels at nearby housing. Section 5.7.6 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 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.

12.2.3.2.3 Having reviewed the aforementioned details, I would have serious reservations as regards the veracity of the conclusions reached in the EIS in

relation to the potential noise impacts associated with the operation of the proposed development given the complete absence of any baseline monitoring or predictive noise modelling in order to support same. Indeed, it would appear that the Planning Authority held similar concerns and in this respect I would refer the Board to the site specific noise impact assessment submitted by the applicant on 14th November, 2014 in response to a request for further information. This report identifies a total of 35 No. noise sensitive receptors / dwelling houses within a 1,345m radius of the proposed development site and includes the results of a noise monitoring survey undertaken at a representative location proximate to NSR1 in order to establish baseline noise conditions at the nearest noise sensitive receptor to the proposed development (*N.B.* Please be advised that although Section 4.2.2 of the Noise Impact Assessment states that the background noise monitoring was carried out at NSR3, the unsolicited additional information submitted to the Planning Authority on 22nd December, 2014 confirms that it was actually undertaken at NSR1 as originally referenced in Section 4.2 of the NIA). On the basis of these results, and following consideration of the relevant criteria set out in the Environmental Protection Agency's '*Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)*', it has been asserted that as the proposed development site is not located within either a 'quiet area' or an 'area of low background noise', it is appropriate to apply the less stringent noise limit values detailed in Section 4.3 of that document. In this regard, whilst I would acknowledge the appellants concerns, I am inclined to concur with the findings of the applicant and thus the relevant noise limit values applicable at noise sensitive receptors in the vicinity of the proposed development are as follows:

- Daytime (07:00 to 19:00hrs) – 55dB L_{Ar,T}
- Evening (19:00 to 23:00hrs) – 50dB L_{Ar,T}
- Night-time (23:00 to 07:00hrs) – 45dB L_{Aeq,T}

12.2.3.2.4 Having established the baseline noise conditions for the receiving environment in the vicinity of the site, 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 of the Noise Impact Assessment. 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, traffic movements on site during collection / delivery times and the associated disturbance of poultry / birds, and the use of operational equipment and services plant such as heating, feeding and watering systems.

12.2.3.2.5 In relation to the predicted noise impact arising during the construction of the proposed development, it must be 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 6.1 of the NIA details the typical noise levels associated with the construction plant expected to be employed on site and subsequently calculates that the predicted noise level at the nearest noise sensitive receptor during the construction programme would likely equate to 60dB(A) which in turn would seemingly accord with the recommendations of the National Roads Authority's *'Guidelines for the Treatment of Noise and Vibration in National Roads Schemes'*. In addition, it is of relevance to note that Section 8: *'Mitigation Measures'* of the NIA states that all construction works will be carried out in accordance with the guidance set out in *BS5228: 'Noise and Vibration Control on Construction and Open Sites: Part 1: 2009'* which refers to good working practices and the control of noise on construction sites. More specifically, reference is made to the use of machinery fitted with effective and well-maintained silencers, the avoidance of unnecessary revving of machinery, and the limiting of the hours of those site activities that are likely to give rise to high noise level emissions.

12.2.3.2.6 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-day operations at the facility. In this respect the NIA has acknowledged that the proposed 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 on the basis that the predicted noise emissions when measured at the nearest Noise Sensitive Receptor will be within the relevant noise limit values as set out in Section 4.3 of the NIA. Notwithstanding the foregoing, in order to further mitigate

any potential noise impact it is proposed to construct an earthen berm along the northern and southern site boundaries in order to act as an acoustic barrier between the proposed facility and nearby noise sensitive receptors. This berm will extend to a minimum height of 4m before being planted with native shrubbery and it is anticipated that it provide for additional noise attenuation of approximately 8 dB(A). It has also been indicated in the NIA that all 'noisy' activities at the site, including feed deliveries, will be restricted to daytime hours thereby serving to minimise the likelihood of noise complaints.

12.2.3.2.7 Having considered the foregoing, 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 the Noise Impact Assessment, and as the proposed facility 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.

12.2.3.3 Traffic:

12.2.3.3.1 The proposed development will be accessed via a new entrance arrangement onto the R602 Regional Road bounding the site to the southwest which in turn provides direct access to the N71 National Road (and onwards to the applicant's processing plant in Clonakilty), and in this respect concerns have been raised with regard to the additional volumes of traffic consequent on the proposed development, with particular reference to Heavy Goods Vehicles, and the likely impact of same on the residential amenity of nearby properties. Accordingly, I would refer the Board in the first instance to Section 5.10 of the EIS in which the applicant has provided an analysis of the likely traffic impacts arising as a result of the proposed development.

12.2.3.3.2 Having reviewed the available information, in my opinion, whilst there will inevitably be an increase in traffic movements along the surrounding 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.

12.2.3.3.3 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 intake of materials such as feed, bedding and new stock to the site in addition to the collection of birds for slaughter and the subsequent removal of soiled litter and washwater etc. following emptying of the poultry housing. In this respect the applicant has provided the following estimation of the anticipated levels of traffic per annum at the application site:

- 52 No. feed deliveries
- 26 No. gas deliveries
- 7 No. bedding deliveries
- 52 No. truckloads arising from waste removal
- 78 No. loads of soiled washwater
- 26 No. bird deliveries
- 26 No. bird collections.

12.2.3.3.4 Accordingly, it has been submitted that as the proposed development will only give rise to approximately 267 No. additional trips to or from the site per annum, which equates to 0.73 trips per day, the proposal will not result in any significant increase in traffic movements and thus will not impact on the existing road network.

12.2.3.3.5 From an analysis of the submitted information, I am inclined to suggest that the applicant has probably underestimated the likely traffic volumes associated with the operation of the proposed development in a number of respects. For example, it would appear that no account has been taken of the fact that vehicles visiting the site will give rise to 2 No. traffic movements per trip (i.e. two-way traffic entering and exiting the site) whilst it is also clear that the submitted figures make no allowance for the likely traffic generation associated with staff movements, the collection of bird carcasses etc. and other miscellaneous activities conducted on site. In addition, it would have been preferable if a more detailed breakdown had been provided of the likely traffic volumes associated with certain aspects of the operation of the proposed facility in that it is unclear if the delivery and / or collection of birds, bedding etc. during each cycle will necessitate more than a single delivery or if multiple loads (and the associated vehicle movements) will be required.

12.2.3.3.6 Nevertheless, whilst the aforementioned lack of detail is regrettable and serves to somewhat undermine the applicants assertions with regard to the

traffic impact of the proposed development, in my opinion, given the site location along a stretch of regional roadway which ultimately accesses onto a key strategic transportation route a short distance away (i.e. the N71 National Road), and noting the overall condition of the surrounding road network, the likely increase in traffic consequent on the proposed development can be readily accommodated in this area without detriment to the amenity of surrounding properties.

12.2.3.3.7 In relation to the specifics of the proposed access arrangements, whilst I would acknowledge that *Objective TM 3-2: 'Regional & Local Roads'* of the County Development Plan seeks to limit the provision of accesses onto regional roads so as to protect the carrying capacity of the road network having regard to safety considerations, particularly where access to a lower category road is available, it is my opinion that this provision is not intended to be interpreted as a definitive prohibition on the creation new access points onto the road network, but rather that it places a clear emphasis on the need to critically assess any such access proposals with a view to preserving both the carrying capacity and safety of the road network in question. In this respect, it is of particular relevance in the subject case to consider the overall acceptability of siting a development of the nature proposed in a rural location where suitable access is available onto the wider strategic road network in addition to the fact that the lands in question cannot avail of an alternative access arrangement onto a minor roadway. Therefore, in this instance, I am satisfied that the proposed entrance onto the R602 Regional Road is acceptable in principle.

12.2.3.3.8 In terms of traffic safety, it should be noted that the subject application has been accompanied by a Road Safety Audit Stage 1/2 which has made a series of recommendations to address the following potential difficulties:

- *Problem:*

Sightlines at the proposed access may be restricted by the proposed entrance walls and existing roadside boundary which may lead to side impact collisions at the access.

Recommendation:

Set-back the proposed entrance walls and roadside boundary to the rear of the visibility splays and ensure that any remaining vegetation within the visibility splays is reduced to a level below 0.26m above the existing road level.

-
- *Problem:*
The horizontal curvature and junction radii on the access road are tight and HGVs may find it difficult to stay in lane when entering and exiting the development access.

Recommendation:

Carry out a swept path analysis to ensure that HGVs can stay in lane when entering and exiting the access and modify the junction layout if necessary.

- *Problem:*
Road edge definition may be reduced by the removal of the existing roadside boundary on the inside of the curve which may result in drivers running over the road edge particularly at night time leading to loss of control collisions.

Recommendation:

Provide roadside delineators along the road edge.

- *Problem:*
The development is proposed in a rural area where drivers may not expect vehicles, particularly, HGVs, to be turning to and from a factory entrance.

Recommendation:

Provide a 'Factory Entrance Ahead' sign on both approaches to the development access.

12.2.3.3.9 Notably, the Safety Audit Feedback Form appended to the Road Safety Audit would seem to confirm that the designer of the proposed entrance arrangement has accepted the foregoing problems and the associated recommendations, although these would not appear to have been incorporated into the entrance design as detailed on the site layout plan supplied with the initial application documentation and thus I would refer the Board to the amended drawings submitted by the applicant on 14th November, 2014 in response to the request for further information issued by the Planning Authority. These revised drawings include the recommendations set out in the Road Safety Audit and thus would seem to confirm that the specifics of the proposed entrance design are acceptable in terms of traffic safety.

12.2.3.3.10 With regard to the adequacy of the available sight distance, whilst the amended site layout plan details the availability of sightlines of 160m in both directions from the proposed entrance onto the public road when measured from a point set back 4.5m from the near edge of the carriageway (subject to the recessing of a stretch of the roadside site boundary), it should be noted that in order to achieve sightlines to the north on exiting the site it will be necessary to carry out certain works to the roadside boundary ditch outside of the confines of the application site although it can be confirmed from the site location map that the affected lands are within the applicants ownership. Accordingly, I am satisfied that the available sightlines onto the regional roadway are within acceptable limits.

12.2.3.3.11 Therefore, on the basis of the foregoing, I am satisfied that the surrounding road network has sufficient capacity to accommodate the increase in traffic consequent on the proposed development and that, subject to conditions, the subject proposal will not endanger public safety by reason of traffic hazard.

12.2.4 Fauna and Flora (Ecology):

12.2.4.1 The proposed development site is not subject to any National or European designation and presently comprises a series of fields which include improved agricultural grasslands in addition to an area of tree planting / forestry and some other more marginal lands. It is bounded by a combination of earthen embankments, drainage ditches, tree lines and mature hedgerows, and is typical of the surrounding rural environment.

12.2.4.2 From a review of the available information, including Section 5.2: '*Flora and Fauna*' of the EIS, it is evident that whilst 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 and forestry, 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, although the proposed development will result in the loss of a certain extent of boundary hedgerow and tree lines which presently act as both a shelter and corridor for local wildlife, given the proliferation of such habitat within the wider area, it is my opinion that any impact on fauna arising from the loss of same as part of the proposed construction will be negligible.

12.2.4.3 In terms of the aquatic environment, with particular reference to the drainage ditches that bound the site, Section 5.2 of the EIS has chosen to focus

on the potential for water pollution within the Baurleigh River and the pathway to the Courtmacsherry Estuary via the Kilbrittain River as a result of the discharge of contaminated material such as washwaters to the surrounding surface water drainage network. In this respect it has been suggested that the potential impact of any such water pollution incidents can be satisfactorily mitigated through the implementation of a programme of random sampling of discharge drains throughout the year by an independent body in order to ensure compliance with EPA requirements, although it has also been indicated that this is a matter to be addressed in any subsequent licensing of the facility by the Environmental Protection Agency. Whilst I would accept that matters pertaining to the control of discharges / emissions from the proposed development and any future monitoring of water quality in the vicinity of the facility are ultimately issues for consideration under separate legislative provisions, including any IPPC licence issued by the EPA, I am inclined to suggest that the likelihood of any such impacts arising in the first instance will be mitigated to some extent by the specifics of the development design in addition to the adoption of suitable site management practices. For example, soiled waters from the wash-down of the poultry housing between cycles will be drained to a series of holding tanks for storage prior to transportation off-site by vacuum tanker for landspreading at an appropriate location. Similarly, I would advise the Board that the likelihood of water pollution and any associated impacts on aquatic flora / fauna will be addressed further by those mitigation measures set out in Section 5.4: *'Groundwater and Surface Water'* of the EIS.

12.2.4.4 At this point it should be noted that Section 5.2 of the EIS makes no reference to the potential impact on the receiving environment arising from the increase in surface water runoff consequent on the proposed development and the potential for increased overland flow into the surrounding drainage network. This would seem to stem from fact that the proposal as detailed in the original application documentation sought to dispose of surface water runoff to 2 No. soakaways which were to be located on adjacent lands outside the confines of the application site (although within the applicants wider landholding). However, in response to a request for further information wherein the Planning Authority raised concerns as regards the adequacy of the proposed soakaways to cater for the volumes of surface water runoff anticipated, the applicant has confirmed that the ground conditions / infiltration characteristics of the adjoining lands are not conducive to the development of soakaways and thus revised proposals have been submitted whereby runoff is to be directed to 2 No. swales which will provide for surface water attenuation with the controlled release of same by means of a hydro-brake into the open drains bounding the application site at pre-

development ('greenfield') rates. Accordingly, these revised proposals should ensure that the increase in surface water runoff consequent on the proposed development does not significantly impact on receiving waters in the vicinity of the site.

12.2.4.5 Other potential impacts include the pollution of surface waters through the accidental release or discharge of hydrocarbons or such 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 and site management practice.

12.2.4.6 With regard to the remaining residual impacts, 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.

12.2.5 Soils, Geology and Hydrogeology:

12.2.5.1 Section 5.3 of the EIS describes the soil and bedrock conditions underlying the subject site and I would advise the Board that these details are based on a desk study of the information available from the Geological Survey of Ireland.

12.2.5.2 With regard to the bedrock geology underlying the subject site, reference to the GSI mapping for the area indicates that it consists of Dinantian Mudstones and Sandstones of the Kinsale Formation. In addition, reference to the National Draft Bedrock Aquifer Map indicates that the site is underlain by a 'Locally Important Aquifer Bedrock which is Moderately Productive only in Local Zones' which is considered to have a high vulnerability.

12.2.5.3 In relation to the soil classifications overlying the site, the soil covering for the area is described as primarily comprising a deep well-drained mineral soil derived from mainly acidic parent materials with the subsoils predominantly composed of sandstone and shale tills from the Devonian and carboniferous periods.

12.2.5.4 Whilst Section 5.3.4 of the EIS has asserted that no significant impacts on soil, sediments or the underlying geology of the site will arise during the construction of the proposed development, in my opinion, it is clear that 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

12.2.5.5 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.

12.2.5.6 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 contamination / pollution arising as a result of emergency scenarios such as accidental spillages and firewater retention etc. In my opinion, any such impacts can be satisfactorily mitigated through adherence to best practice site management protocols whilst the specifics of the design of the proposed development, including the installation of an appropriately designed drainage system, should also serve to alleviate the potential risk of groundwater contamination etc. due to accidental leakage etc.

12.2.5.7 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.

12.2.6 Water:

12.2.6.1 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 12.2.4 & 12.2.5 of this assessment.

12.2.7 Air Quality:

12.2.7.1 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 5.5.4.1 of the EIS which simply states that in the event construction works were to occur during the summer months dust mitigation will be achieved through the dampening down of the works area thereby eliminating the potential for dust to impact on local air quality

12.2.7.2 Having reviewed the foregoing, given the inherent temporary duration and impact of the proposed construction works, and subject to the implementation of an agreed Construction Management Plan which should include a series of detailed 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.

12.2.7.3 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 Air Quality Impact Assessment*' submitted by the applicant on 14th November, 2014 in response to a request for further information which serves to supplement Section 5: '*Odour*' of the EIS by providing a systematic analysis of the potential for the generation of odorous emissions from the proposed development through the use of dispersion modelling. This report has purportedly been compiled in accordance with the requirements of '*Odour Impacts and Odour Emissions Controls for Intensive Agricultural Facilities*' as published by the EPA in addition to best practice international standards, including the Environment Agency's Horizontal Guidance Notes for Odour, Part 1 & 2, and states that the modelled outputs confirm that the plume from the facility will be small and contained within the site boundary whilst the predicted ground level concentration of odours at the closest residential receptor (which has been calculated as less than 1.81 Ou_E/m³ at the 98th percentile of hourly averages for

5 years of screened hourly sequential meteorological data) will be significantly below the recognised guideline emission limit value.

12.2.7.4 At this point I would advise the Board that whilst the appellants have legitimately questioned the veracity of the odour dispersion modelling on the basis that the input data which informs same has incorrectly referred to the height of the ridge ventilation fans serving the poultry housing as 11m above ground level, in response to the grounds of appeal the applicant has submitted that the stack height referenced in Table 3.3 of the Odour Impact Assessment is a typographical error and that following consultation with the odour consultants it can be confirmed that the modelling was undertaken at a height of 6m (on the basis of a ridge height (5m) plus 1m scenario) and thus the modelled outputs reflect such an approach and serve to provide a robust assessment of the likely odour impacts.

12.2.7.5 Having considered the submitted information, including the recommendation of the Odour Impact Assessment to prepare an Odour Management Plan for the facility, in addition to the wider odour minimisation / mitigation measures outlined in the EIS such as odour monitoring at the site boundary, the distance of the proposal from nearby residences, 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 developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas.

12.2.8 Climatic Factors:

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

12.2.8.2 With regard to the operational impact of the proposed development, whilst I would acknowledge that the proposed poultry-rearing facility will result in an increase in the number of traffic movements to and from the site whilst the operation also involves the installation of services, including heating systems (and a proposed biomass burner), 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 and thus it is my opinion that the operation of the proposed development will not have a significant impact on climatic considerations.

12.2.9 Landscape:

12.2.9.1 In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the wider landscape type within which the subject site is located has been classified as *'Rolling Patchwork Farmland'* as per the landscape character mapping set out in the County Development Plan, 2014. More notably, this particular designation is not considered to comprise a *'High Value'* landscape whilst it is of further relevance to note that the subject site will not be visible from any scenic routes or views listed for preservation in the Development Plan. Accordingly, I would suggest that the surrounding 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. Furthermore, in a local context, it should be noted that the proposed development site is located in a low-lying area situated below the level of the adjacent R602 Regional Road and thus is screened from view to a considerable extent by intervening landscape features such the roadside boundary hedgerow / tree line.

12.2.9.2 In its assessment of the visual impact of the proposed development, Section 5.9 of the EIS has asserted that given the aforementioned low-lying nature of the application site, in addition to the design palette to be used for the poultry housing, the proposed facility will satisfactorily integrate with its agricultural surroundings. In support of this position, the EIS includes a series of photomontages taken from a variety of vantage points along public roads in the vicinity of the site which seemingly suggest that the overall visual impact of the proposed development will be within acceptable limits.

12.2.9.3 Having reviewed the submitted information, and following an inspection of both the application site and its wider surrounds, whilst I would concede that the proposed development will be visible to some degree from certain vantage points within the surrounding area, in my opinion, it is clear that the submitted proposal will not significantly detract from the visual amenity of the wider area and thus does not warrant a refusal of permission on such grounds. In this respect, I would suggest that particular consideration must be given to the site context as outlined above in addition to the agricultural nature of the development proposed and its rural location. More specifically, it should be noted that the proposed facility will be located on low-lying lands in an area of limited

landscape sensitivity where it can avail of the screening offered by the surrounding topography and the landscaped mound to be erected between it and the regional road whilst the actual building design is typical of wider agricultural construction.

12.2.10 Material Assets:

12.2.10.1 Having reviewed the available information, I propose to focus this aspect of my assessment on the potential wider impact of the proposed development on the amenity of the area, with particular reference to nearby housing and the alleged devaluation of property.

12.2.10.2 It has already been established that the construction of a development of the nature proposed in a rural location with suitable access to the strategic road network is acceptable in principle and in this respect I would reiterate that such agriculturally-related developments are an inherent part of rural life and should generally be accommodated within such areas.

12.2.10.3 In relation to the wider concerns expressed in the grounds of appeal as regards the proximity of the proposed development to nearby housing, whilst I would concede that the submitted proposal does not satisfy the preferred separation distance of 400m between such facilities and the nearest neighbouring dwelling house as set out in the *'IPPC BATNEEC Guidance Note for the Poultry Production Sector'* (drafted in 1992 and updated in 1998) published by the Environmental Protection Agency, having regard to the spatial and siting considerations set out in the *'Integrated Pollution Prevention Control (IPPC): Reference Document on Best Available Techniques for Intensive Rearing of Poultry and Pigs (July 2003)'* and the current *'Working Draft Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs (August, 2015)'*, it is my opinion that in light of the available information with regard to noise and air emissions associated with the proposed development, in addition to the need for the proposed facility to adhere to the licensing requirements of the EPA, the subject proposal is unlikely to give rise to any significant loss of amenity to surrounding property and thus is permissible in this instance.

12.2.11 Interactions:

12.2.11.1 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 throughout the wider application documentation.

12.3 Appropriate Assessment:

12.3.1 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 examples of any such designations (approximately 4.0km away) being the Courtmacsherry Estuary Special Area of Conservation (Site Code: 001230) and the Courtmacsherry Bay Special Protection Area (Site Code: 004219). In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. 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, the 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.

12.3.2 Having reviewed the available information, including the screening statement prepared by the applicant and appended to the EIS in respect of the subject proposal, and following consideration of the 'source-pathway-receptor' model (with particular reference to the potential for the discharge of contaminated waters etc. to the Baurleigh River via the surrounding surface water drainage network and onwards to the Killbritain River before entering the Courtmacsherry Estuary), 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, the implementation of best practice construction techniques / methodologies in terms of pollution control / avoidance as part of the inherent design of the proposed development, and the separation distances involved between the site and the Courtmacsherry Estuary Special Area of Conservation and the Courtmacsherry Bay 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 aforementioned Natura 2000 sites. 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.

12.3.3 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 Codes: 001230 & 004219, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

12.4 Other Issues:

12.4.1 Procedural Matters:

12.4.1.1 In respect of the appellants complaints as regards the receipt number detailed in the application documentation, I would suggest that any such grievances should be pursued by the appellants through the appropriate channels of the Local Authority. In any event, the Board is not empowered to correct any procedural irregularity that may have been made by a planning authority whilst the subject application has been assessed 'de novo' and thus consideration has been given to all the relevant information and submissions etc. held on file.

12.4.2 Wider Public Health Considerations:

12.4.2.1 With regard to the wider concerns expressed in the grounds of appeal pertaining to the potential for the proposed development to contribute to the spread of disease etc., in my opinion, such matters are not within the remit of the Board and are governed by other regulatory controls such as licensing by the EPA and adherence to Department of Agriculture protocols.

12.4.3 Requirement for a Special Development Contribution:

12.4.3.1 Condition No. 9 of the notification of the decision to grant permission for the proposed development as issued by the Planning Authority requires the payment of a special development contribution in the sum of €40,000 towards the cost of works proposed to be carried out with regard to the resurfacing of the public road in the vicinity of the development. From a review of the Planner's Report it would appear that this special contribution was imposed on the basis of a recommendation made in a report compiled by the Area Engineer which stated that given the significant movement of HGVs expected to frequent the site during both the construction and operation of the proposed facility and the associated need for the long-term maintenance of the roadway at this location, it would be

appropriate to require the payment of a special contribution in order to cover the cost of providing a hot-laid surface at the site entrance. The basis for the calculation of this special development contribution is subsequently set out as follows:

700m ² (Area of roadway) x €50/m ² =	€35,000
Traffic management, health & safety etc. =	€5,000
Total Cost:	€40,000

12.4.3.2 At this point I would refer the Board to Section 48(2)(c) of the Act which states that Planning Authorities may require the payment of a special development contribution in respect of a particular development where specified exceptional costs not covered by the General Contribution Scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. By way of further clarification in this respect I note that Paragraph 7.12 of the 'Development Management, Guidelines for Planning Authorities, 2007' states the following:

“special contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of Section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis of the calculation, including how it is apportioned to the particular development”.

12.4.3.3 Therefore, on the basis of the foregoing, it is necessary to consider whether or not the special development contribution as imposed complies with the requirements of Section 48(2)(c) of the Act.

12.4.3.4 From a review of the available information, and having regard to the nature of the R602 Regional Road and the likely increase in traffic volumes consequent on the proposed development (with particular reference to HGVs), in my opinion, it would seem reasonable to anticipate that some level of maintenance / road resurfacing works will be necessary in the vicinity of the site entrance and that these will involve exceptional costs not covered by the adopted

development contribution scheme in respect of public infrastructure and facilities. However, it must be emphasised that the clear identification of any such works is necessary in order to determine the expenditure involved and to provide the basis for the calculation, including how the monies would be apportioned to a particular development. In the absence of these details it would be impossible for the appellant to calculate, in the future, if a refund would be payable should the works not commence or be partially completed within the specified timeframes.

12.4.3.5 In this instance, the report of the Area Engineer has detailed that the road improvement works in question are specific to the subject development in that the resurfacing of the stretch of roadway in the vicinity of the proposed entrance is purposely intended to accommodate the additional loadings placed on the public roadway given the likely frequency of HGV turning movements at this location. With regard to the precise identification of the extent, scope and location of the said works, it has been detailed that it is proposed to resurface a 100m long and 7.0m wide stretch of roadway (extending to 700m² in area) in the vicinity of the site entrance whilst the basis for the costing for same has been set out in the foregoing paragraphs.

12.4.3.6 Accordingly, it is my opinion that the payment of a special development contribution in the sum of €40,000 towards the cost of works proposed to be carried out with regard to the resurfacing of the public road in the vicinity of the development adequately satisfies the requirements of Section 48(2)(c) of the Act.

13.0 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, the rural location of the site, the provisions of the Cork County Development Plan, 2014, and the requirement for an Integrated Pollution Prevention Control licence from the Environmental Protection Agency for the 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 to the planning authority on the 14th day of November, 2014 and the 22nd day of December, 2014, 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 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
 - 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, 2014, as amended, and shall provide at least for the following:

- a) Details of the number and types of birds to be housed.
- b) The arrangements for the collection, storage and disposal of effluent.
- c) 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 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 is 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 Protection of Waters) Regulations, 2014, as amended.

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. Prior to commencement of construction of the development, details of the acoustic berm and associated planting to be constructed along the northern and southern site boundaries as set out in Section 8 of the Noise Impact Assessment received by the Planning Authority on 14th November, 2014 shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential amenity.

8. Prior to commencement of construction of the development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

10. 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.

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

12. The developer shall pay the sum of €40,000 (forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the resurfacing of a 100m long and 7.0m wide stretch of the public road (extending to 700m² in area) in the vicinity of the site entrance. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

Signed: _____
Robert Speer
Inspectorate

Date: _____