

Report on	Referral from Planning Committee of a Planning Application for 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building at 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon for CAP Farms Ltd.
Reporting Officer	Phelim Marrion
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To seek members agreement to grant planning permission for this development.
2.0	Background
2.1	CAP Farms Ltd submitted a planning application for the above mentioned development at the above mentioned location on 10 th July 2017. The application falls under the category of a Major Planning Application. During the processing of the planning application Northern Ireland Environment Agency (NIEA) responded to a statutory consultation objecting to the proposed development in relation to ammonia levels and the impacts this will have on Areas of Special Scientific Interest. The application was then subject to notification to the Department for Infrastructure who directed the Council to hold a Pre Determination Hearing. A Pre Determination Hearing was held on 5 th June 2018 where it was resolved that the application is referred to the Full Council for Ratification of the Planning Committees recommendation to approve planning permission.

3.0	Main Report
3.1	Members are referred to the Pre- Determination Report that is appended to this report for further information on how the planning application has been considered by the Planning Committee.
3.2	Representatives from and applicants and NIEA were invited to the Pre Determination Hearing on 5 th June 2018 to allow them to provide information to the members of the Planning Committee to allow them to consider the issues of contention with the application. No one from NIEA attended the meeting and instead provided an email to advise 'it's likely we will remove our objection' and this was relayed to the members of the Planning Committee.
3.3	NIEA provided a response to the planning application on 6 th June 2018, the day after the Planning Committee Meeting, requesting additional information to allow them to consider the impacts of the proposal. NIEA advise the council should consider the impacts of unauthorised development and the impacts of 80 cattle grazing on the Areas of Special Scientific Interest (ASSI's)
3.4	The Planning Department emailed NIEA and explained they had the opportunity to attend the Pre Determination Hearing on the 5 th June 2018 and did not take this opportunity to appear before the Planning Committee. They were further advised that information presented by the applicant indicates the levels of ammonia affecting the ASSI's, even with this proposed development, will be less now than in 2010 and that no evidence has been presented by NIEA to show those higher levels had a detrimental impact on the ASSI's. NIEA were given a clear indication the Planning Committee had resolved to present this application to the full Council on 23 rd August 2018 to ratify its recommendation to approve planning permission unless they provide evidence of a demonstrable adverse impact on the ASSI's. NIEA were also asked to explain how the ASSI's would be damaged by this development given that in 2010 they were subject to significantly higher levels of ammonia.
3.5	Members are advised NIEA have not provided any response to the most recent correspondence and there is no evidence before the Council to illustrate that the proposed development will harm the integrity of the ASSI's.
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: not relevant</p> <p>Human: no information available that there would be any implications</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p><u>Not anticipated</u></p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>

5.0	Recommendation(s)
5.1	That members ratify the Planning Committees recommendation to approve planning permission.
6.0	Documents Attached & References
6.1	Pre Determination Hearing Report, extract from Planning Committee Minutes for Meeting held 5 th June 2018