



An  
Bord  
Pleanála

**Board Direction**  
**BD-001568-18**  
**ABP-300782-18**

The submissions on this file and the Inspector's report were further considered at a Board meeting held on November 5<sup>th</sup> 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, including the reduction in livestock as a result of the development as compared to the situation prior to the development, and the provisions for storage of effluent and contaminated run-off from the development, the Appropriate Assessment Screening Report submitted with the appeal, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report that the subject development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Slaney River Valley Special Area of Conservation (site code 000781), or any other European site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Reasons and Considerations**

Having regard to the planning history of the site, including the long established and permitted use of the subject site for intensive animal husbandry, and to the nature and extent of the development for which retention is sought and of the proposed works, which it is considered do not significantly alter the scale or intensity of the existing piggery, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health or to the natural environment. The development for which retention is sought and the proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained, and carried out and completed (as applicable) in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted to an Bord Pleanála on the 26<sup>th</sup> day of January 2018 and the 30<sup>th</sup> day of May 2018, except as may otherwise be required in order to comply with the following conditions.

**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.

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

3. The overall piggery enterprise shall run in strict accordance with the

requirements of the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2018 and shall provide at least for the following:-

- (a) details of the number of livestock to be housed at the development at any one time,
- (b) the arrangements for the collection, storage and disposal of all effluent generated from the facility, and
- (c) the arrangements for the cleansing and disinfecting of buildings and structures including the public road where relevant.

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

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

**Reason:** In the interest of public health.

- 5. Slurry generated by the proposed development shall be disposed of by spreading on land or other acceptable means to be agreed in writing with 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 Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2018.

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

- 6. Construction and demolition waste shall be managed in accordance with a

construction waste and demolition management plan. This plan shall be prepared in accordance with “Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects” published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the region of which the site is situated.

**Reason:** In the interest of sustainable waste management.

7. Any asbestos sheeting that is removed from any structures within the site shall not be reused and shall be disposed of appropriately using an authorised waste contractor, to the written satisfaction of the planning authority.

**Reason:** In the interest of public health and the proper planning and sustainable development of the area.

8. 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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

Note: In coming to its decision, the Board noted that the EPA IE Licence ref P0622-01 had been surrendered, and concluded that the application and appeal is valid. The Board also noted that the result of the subject development would be that there would not be any significant increase in the scale, intensity or impact of the existing pig farm. The Board therefore concurred with the view of the Inspector that mandatory Environmental Impact Assessment was not required in this instance, and that a determination as to whether or not Environmental Impact Assessment is necessary, in relation to the retention element of the development, is not required. In relation to the proposed development, the Board concurred with the view of the Inspector that a “sub-threshold” Environmental Impact Assessment is not required. The Board therefore adopted the Inspector’s report in relation to these matters.

*[Please issue a copy of this Direction, with the Board Order, to the parties.]*

**Board Member**

**Date:** 8<sup>th</sup> November 2018

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Philip Jones