

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Laois County

Planning Register Reference Number: 14/384

An Bord Pleanála Reference Number: PL 11. 245607

APPEAL by Rosderra Farms care of C.L.W. Environmental Planners Limited, The Mews, 23 Farnham Street, Cavan, County Cavan against the decision made on the 16th day of September, 2015 by Laois County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of one number pig house together with all ancillary structures (to include two number meal storage bins) and associated site works arising from the above proposed development at an existing pig farming enterprise located at Graigueafulla, Clonaslee, County Laois as amended by the revised public notice received by the planning authority on the 24th day of February, 2015 and the 24th day of August, 2015.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature of the proposed development, facilitating improvements to an established Environmental Protection Agency-licensed activity together with the provisions of the Laois County Development Plan 2011-2017, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the immediate vicinity, would be acceptable in terms of traffic safety and convenience, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board did not consider the proposed development to be a material contravention of the Laois County Development Plan in the light of the reasons and considerations set out above.

Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the further information on the 22nd day of July 2015 including the mitigation measures contained therein, the submissions on file and the Inspector's Report and assessment which the Board adopted, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites and specifically the River Barrow and River Nore Special Area of Conservation (Site Code 002162). Subject to the implementation of the identified mitigation measures, including the reduction in the overall quantity of organic slurry to be produced at the facility, the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, including landspreading of organic slurry, would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

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 on the 22nd day of July 2015 and the 30th day of July, 2015, 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.

Reason: In the interest of clarity.

2. All of the mitigation measures set out in the submitted documentation (Environment Impact Statement, Natura Impact Statement and Addendum No.1 to the Environmental Impact Statement), including those relating to land spreading, shall be complied with in full.

Reason: In the interest of environmental protection.

3. 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.

4. The slatted sheds 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:
 - (1) Details of the number and types of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of slurry.
 - (3) 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.

5. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry 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.

6. 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 slurry 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.

7. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014.

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

8. The external blockwork on the pig houses shall be properly rendered and painted in good quality of suitable paint and details of the colour of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall be prepared in accordance with "Best Practice Guidelines on the Preparation of Waste Management Plans for 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.

10. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.