



An  
Bord  
Pleanála

**Board Order**  
**PL 01.248866**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 16/365**

**Appeal** by Thomas Meaney of Shankill, Paulstown, County Kilkenny against the decision made on the 14<sup>th</sup> day of June, 2017 by Carlow County Council to grant subject to conditions a permission to Patrick Roche care of NRG Limited of Mooresfort, Lallin, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Replacement of the fire damaged dry sow house, including (i) demolition of the remaining structure, (ii) construction of dry sow house on the same footprint with ancillary staff facilities, store and increase roof pitch, (iii) an addition of gilt rearing house extension to the dry sow house, and (iv) retention of two number farrowing rooms, all at Moanmore, Bagenalstown, County Carlow. The proposed development was revised by further public notices received by the planning authority on the 14<sup>th</sup> day of March, 2017, the 28<sup>th</sup> day of April, 2017 and the 19<sup>th</sup> day of May, 2017.

## **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**

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

## Reasons and Considerations

Having regard to the nature of the proposed licensed development in a rural location on an established agricultural farm, along with the provisions of the Carlow County Development Plan 2015, it is considered that the proposal, subject to compliance with the conditions set out hereunder, would not be prejudicial to the rural environment or injurious to the existing residential amenities of the area or property in the vicinity, would not give rise to a traffic hazard, and 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 on the 1<sup>st</sup> day of March, 2017, the 28<sup>th</sup> day of April, 2017, and the 19<sup>th</sup> day of May, 2017, 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. (a) A landscape scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall provide details of appropriate screen planting consisting predominantly of trees, shrubs and hedging of native species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and in the interest of visual amenity.

- 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, only uncontaminated surface water run-off shall be discharged into the adjoining Moanmore River and all contaminated and soiled waters shall be directed to the manure storage tanks located on site. 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 proposed piggery enterprise shall run in strict accordance with a management schedule which shall 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 requirements of the European Communities (Good Agricultural Practice for the Protection of Water) Regulations 2014 (S.I. 31 of 2014) 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.

- (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.

5. All foul effluent and slurry generated by the proposed development 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. 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and amenity.

7. 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.

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

**Dated this      day of                      2018**