



An
Bord
Pleanála

Board Order

PL 14.249090

Planning and Development Acts 2000 to 2017

Planning Authority: Longford County Council

Planning Register Reference Number: 16/303

Appeal by Mike and Cella Neary of Ballinakill, Killashee, County Longford against the decision made on the 27th day of July, 2017 by Longford County Council to grant subject to conditions a permission to Ronnie Walsh care of C.L.W. Environmental Planners Limited of The Mews, Farnham Street, Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of all existing pig/livestock houses and ancillary structures and to construct three number pig houses and two number ancillary manure storage tanks, in accordance with animal welfare and nitrates regulations, together with all ancillary structures (to include meal storage bins etc). and all associated site works, on/adjacent to existing pig farm at Ballynakill, Killashee, County Longford.

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

In making its decision, the Board had regard to: -

- (a) the agricultural nature of the proposed development at an existing piggery in a rural location, where such a use is appropriate,
- (b) the nature of the proposal which will improve the animal welfare and environmental management aspects of the facility,
- (c) the pattern of development in the area,
- (d) the fact that the proposed development will be subject to a licence by the Environmental Protection Agency,
- (e) the requirements of S.I. 31 of 2014 (European Union Good Agricultural Practice for the Protection of Waters) Regulations, 2014,
- (f) the provision of the Longford County Development Plan 2015-2021, and
- (g) the report of the Inspector,

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 vicinity, would not be prejudicial to public health, would generally be acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board generally agreed with the screening assessment and conclusion carried out in the Inspector's report that, on the basis of the information on file, which the Board considered adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lough Forbes Complex Special Area of Conservation (Site Code 001818), the Ballykenny-Fisherstown Bog Special Protection Area (Site Code 004101), the Brown Bog Special Area of Conservation (Site Code 002346), the Lough Ree Special Protection Area (Site Code 004064) or the Lough Ree Special Area of Conservation (Site Code 000440) or any other European Site in views of the sites' conservation objectives and, therefore, the submission of an Natura impact statement and a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking in account:

- (i) the nature, scale, location and extent of the proposed development at Ballynakill, Killashee, County Longford,
- (ii) the Environmental Impact Statement and supplementary information submitted in support of the application,
- (iii) the submissions from the planning authority, prescribed bodies, and observers in the course of the application, and
- (iv) the Inspector's report.

The Board considered that the Environmental Impact Statement identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board completed an Environmental Impact Assessment in relation to the subject development, by itself and in combination with other development in the vicinity, and agreed with the Inspector in his assessment of the likely significant effects of the development, and agreed with the conclusions on the acceptability of the mitigation measures proposed. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, as amended by the further plans and particulars submitted to the planning authority on the 8th day of May, 2017 and on the 6th day of July 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 the 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. Water supply and drainage arrangements for the site, including the disposal of surface water and any soil water, shall comply with the requirements of the planning authority for such works and services. Surface water run-off shall be discharged via an appropriately designed silt trap into the Ballynakill River. All contaminated and soil waters shall be directed to the manure storage tanks located on site. All drainage details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of environmental protection and public health.

3. The stocking rate at this facility for sows shall not be increased over and above 600 sows as indicted in the Environmental Impact Statement submitted with the application.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

4. The proposed piggery enterprise shall be used only 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 European Communities (Good Agricultural Practice for the Production of Water) Regulations, 2014 (S.I. 31 of 2014), as amended, 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 to protect residential amenity.

5. All liquid effluent and other contaminated run-off generated by the proposed development 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 allow to be discharged to any stream, river or watercourse on the public road.

Reason: In the interest of public health.

6. 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 Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (S.I. No. 31 of 2014).

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

7. Details of the materials, colours and textures of all the external finishes to the proposed pig houses and ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

8. 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 residential 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 commencement of development. This plan shall be prepared in accordance with the “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, including any hazardous waste encountered, 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 provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

10. The adjacent public road shall be maintained in a clean manner with all effluent retained on site and where off-site spreading of slurry effluent is undertaken, any wheel borne mud/spillages from the tank shall be cleaned by the applicant.

Reason: In the interest of residential amenity.

11. All existing fuel, oil, storage tanks located within the site shall be provided with adequate bunding, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

12. 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. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –

- (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species,
 - (ii) details of screen planting which shall not include cupressocyparis x leylandii, and
 - (iii) hard landscaping works, specifying surfacing materials and finished levels.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, or become seriously damaged or diseased, are removed within a period of five years from the completion of the development, and 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 the interests of residential and visual amenity.

13. 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 2018