

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 2460311

Appeal by Peter Sweetman against the decision made on the 19th day of November 2024, by Laois County Council to grant, subject to conditions, a permission to Tulleka Trading ULC in accordance with plans and particulars lodged with the said Council.

Proposed Development: Extension to an existing pig farm consisting of five modern animal house units, three feed silos, together with all ancillary site works and services at Graigue, Ballinakill, County Laois, as amended by the further public notices received by An Coimisiún Pleanála on the 14th day of February 2025, which included a revised Environmental Impact Assessment Report and a revised Natura Impact Statement.

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.

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

- (a) the nature and scale of the proposed development,
- (b) the policies and objectives set out in the Laois County Development Plan 2021-2027,
- (c) the planning and licensing history of the site,
- (d) the submissions received, including from the prescribed body, third party and the applicant,
- (e) the documentation submitted with the application, including the Natura Impact Statement and Environmental Impact Assessment Report,
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects on European Sites,
- (g) the planning history in the vicinity of the site, and
- (h) the report of the Planning Inspector.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that River Barrow and River Nore Special Area of Conservation (Site Code: 002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for that site and that Stage 2 Appropriate Assessment is, therefore, required.

This determination is based on:

- (a) the proximity of the site to River Barrow and River Nore Special Area of Conservation (Site Code: 002162),
- (b) the potential for dust emissions arising from the site during the construction phase of development, and
- (c) the potential for in-combination impacts in respect of dust arising during the construction phase of development.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions on file and carried out an Appropriate Assessment of the implications of the proposed development on River Barrow and River Nore Special Area of Conservation (Site Code 002162), in view of the sites Conservation Objectives.

The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Conservation Objectives of the site using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of its conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment:

Having examined and assessed the Environmental Impact Assessment Report (EIAR), and the supplemental information provided with the application and the submission received, the Commission agreed with the assessment and conclusion set out in the Inspector's Report that the main direct and indirect effects of the proposed development on the environment are as follows:

Biodiversity:

The removal of 30 metres of hedgerow at the site is predicted to have a slight to moderate long term negative impact on hedgerow habitat. Other moderate negative impacts include fauna mortality and air quality impacts on designated sites during the construction phase. Mitigation measures include compliance with legislative requirements in respect of scrub/tree removal, prior inspection of vegetation where it is to be removed during bird nesting season, supplemental planting, and implementation of best practice farm management techniques.

Water:

Significant negative impacts on water are not predicted as a result of the proposed development, either during the construction or operational phases. To avoid any potential negative impacts arising, the EIAR describes mitigation measures. Mitigation measures are largely based on the Construction Industry Research and Information Association (UK) technical guidance on water pollution control and best practice site management.

Odours:

Significant negative impacts owing to odours arising from the site are not anticipated, however, the EIAR outlines best practice design and site management practices that will continue to be implemented at the site.

Noise:

The fans ventilating the animal sheds give rise to noise. Under the 'worst case scenario', which modelled all fans operating at maximum power, operational noise exceeds recommended limits at the southwestern site boundary. This dwelling is not considered a sensitive receptor. Significant negative impacts in respect of noise are not predicted and mitigation measures for operational noise are not proposed.

Soil:

The potential of significant negative impacts on soil during the construction phase is predicted in the EIAR. Mitigation measures include best practice site management in respect of the cement works. Significant negative residual impacts are not predicted.

Archaeology:

During the construction phase there is the potential for direct, permanent negative impacts on undiscovered sub-surface archaeological materials. Mitigation measures include pre-construction phase surveys and test excavations, and archaeological monitoring of ground works.



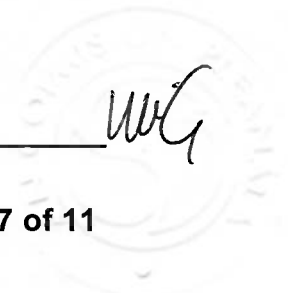
Visual Impacts:

Significant negative visual impacts are not predicted however, the EIAR includes mitigation measures comprising native planting at the southern side of the proposed sheds, and the use of dark green cladding for the buildings.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report (EIAR), and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself or in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Planning Inspector.

Conclusions on Proper Planning and Sustainable Development:

Having regard to the nature and scale of the proposed development, which is an extension to an existing pig farm that operates under an Environmental Protection Agency Industrial Emissions (IE) Licence, the rural character of the area and agricultural development in the vicinity, the policies and provisions of the Laois County Development Plan 2021-2027, the planning and licensing history of the site, and the information provided in the Environmental Impact Assessment Report and the Natura Impact Statement and supporting application documentation, it is considered that the proposed development would not have significant adverse impacts on the receiving environment, would not give rise to significant water pollution, noise or odours, would not be visually obtrusive in the landscape, would align with the provisions of the Water Framework Directive and would be consistent with the Climate Action Plan, 2025 and the Climate Action and Low Carbon Development (Amendment) Act 2021.



The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

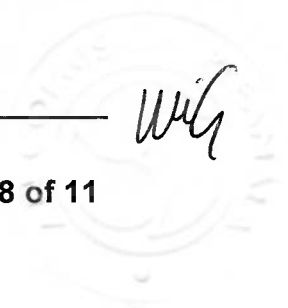
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th day of September 2024, and by An Coimisiún Pleanála on the 14th day of February 2025, 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. The proposed development shall be amended as follows:
 - (a) The proposed feed bins shall be finished in a dark green colour.
 - (b) External lighting shall be cowled and directed away from the public road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and road safety.



3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), as amended by the EIAR and supplemental information received by the planning authority on the 25th day of September 2024, shall be fully implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), as amended by the NIS received by the planning authority on the 25th day of September 2024, shall be fully implemented.

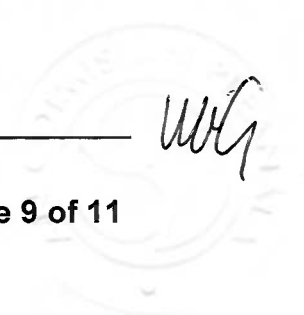
Reason: To protect the integrity of European Sites.

5. The construction of the development shall be managed in accordance with the submitted Construction Environmental Management Plan (CEMP), as amended by the CEMP received by the planning authority on the 25th day of September 2024.

Reason: In the interests of amenities, public health and safety and environmental protection

6. Waste arising during the construction phase be disposed of in accordance with the Waste Management Act 1996, or any subsequent amending legislation.

Reason: In the interest of amenities, public health and safety and environmental protection.



7. All activities at the site shall meet the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025).

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

8. During the construction and operational phases, the developer shall immediately inform the planning authority of any accidental spillage at the site.

Reason: In the interests of amenities, public health and safety and environmental protection

9. Prior to the commencement of development, the developer shall consult with the ESB in respect of the overhead power line at the site.

Reason: In the interest of health and safety.

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 Coimisiún 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.

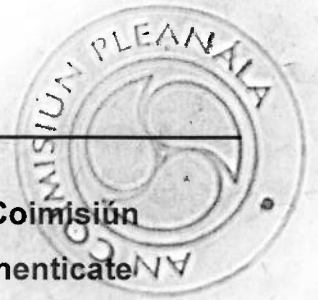


Liam McGree

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 27th day of April 2026.