



An
Bord
Pleanála

Inspector's Report

PL 01.248866

Development	Replace fire damaged dry sow house, extension to dry sow house, retention of 2 no. farrowing rooms.
Location	Moanmore, Bagnalstown, Co. Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	16/365
Applicant(s)	Patrick Roche
Type of Application	Permission and Retention Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Thomas Meaney
Observer(s)	No observers
Date of Site Inspection	27/09/2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Moanmore, approximately 4 km from Bagnelstown County Carlow. The site is accessed by the L7117 and is located to the west of the M9. The site currently accommodates a large agricultural piggery complex which has been insitu since the 1980's.
- 1.2. The general character of the area in the vicinity is agricultural. There are residential dwellings located to the north.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
 - Demolition of the fire damaged dry sow house.
 - The construction of a new dry sow house on the same footprint with ancillary staff facilities, store and increased roof pitch.
 - A gilt rearing house extension to the dry sow house.
 - Retention of 2 no. farrowing units.
- 2.2. There was a catastrophic fire on the subject farm. As a result, the existing dry sow house was extensively damaged and it is now necessary to re-construct the facility. The proposed gilt rearing area (c. 420 sq. metres) forms an extension to the dry sow house and is to provide dedicated accommodation for rearing high genetic gilts. The farrowing accommodation (c. 335 sq. metres) is necessary to allow for longer break times between occupations of pig accommodation. This is beneficial to the welfare of the animals in terms of reduction of disease transfer.
- 2.3. The existing farm operates under an Industrial Emission Licence (reference no. P0825 -01). The licenced stock maintained on the farm is 880 sows, 200 gilts and their progeny.
- 2.4. The proposed development will involve removal of the remnants of the roof sheeting and stack and dismantling of pre cast dividing pens, walls and slats in the dry sow house. It was clarified in the applicant's response to the appeal that it is proposed to retain the existing pre-cast walls of the dry sow house and construct a new roof with a revised pitch as per the application drawings. The development will involve the retention of the existing manure tanks beneath the dry sow house. New slats,

internal pens and a feeding system will be constructed. The gilt accommodation will comprise the excavation of a new tank extension and the construction of a new tank and superstructure similar to the dry sow house. The proposed development, including retained elements will have an overall floor area of c. 3,304 sq. metres. The site area is 2.3ha.

2.5 Additional information was submitted at Further Information and Clarification of Further Information including a screening statement and Construction Management Plan. Revised details regarding loading of end production sows from the farm for off-site transfer was also provided.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. The following conditions are of note:

Condition 2: The transferring of livestock from the farm's trailer to livestock transporter's vehicle is not permitted on the public road. Loading of livestock shall take place inside the farm's licenced boundary.

Condition 18: Construction works to comply with CIRIA and NRA Guidance document.

Condition 19: Applicant to adhere to construction control measures outlined in the Stage 1 Appropriate Assessment Screening Report.

Condition 20: Applicant to adhere to the requirements of the Industrial Emissions Licence pertaining to the facility.

Condition 21: Site to be landscaped in accordance with a comprehensive scheme to be submitted to and agreed with the Planning Authority prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports (16/02/2017, 05/04/2017 and 14/06/2017)

- Notes that significant watercourses are in the surrounding area that are hydrologically linked to the River Barrow and River Nore cSAC.
- No objection to the principle of the development. Visual impact considered negligible.

- The development will have no effect on stock numbers and will not result in the expansion of breeding animal numbers on the site.
- EIA screening assessment concludes that the development does not fall within a category of a development which would require an EIA under Schedule 5 of the Planning and Development Regulations 2001.
- In terms of the possible need for an EIA for a sub threshold development, it notes that an EIS was previously submitted with application PL07/451 and that the facility operates under an EPA Industrial Emission Licence – ref. no. P0825-0. As the current application relates primarily to the re-instatement of the damaged dry sow house and there is no increase in livestock numbers, it considers that there is no intensification of use. In this context, the EIS previously submitted sufficiently addresses the environmental issues associated with the development.

3.2.2. Other Technical Reports

Roads (04/01/2017): No objection.

Carlow Fire Authority (09/01/2017): No objection subject to conditions.

Director of Environment and Water Services (10/01/2017, 08/03/2017 and 21/03/2017): No objection subject to conditions.

Environment (17/01/2017 and 24/04/2017): Grant permission subject to conditions.

Muinebheag Municipal District (26/01/2017 and 14/03/2017): Recommends further information in relation surface water disposal. In the event of a grant, recommends condition to be attached.

Water Services (05/01/2017): No objection.

3.3. Prescribed Bodies

Irish Water (15/12/2017): No objection.

EPA (11/01/2017): Notes that facility was issued an IPPC/IEL Licence (Register No. P0825-01) on the 20th September 2011 for a pig rearing activity. This was amended on the 17th December 2013 to incorporate the requirements of an Industrial Emissions Licence. The licence application was accompanied by an EIS. Licence

may need to be reviewed to accommodate the changes proposed in the planning application.

3.4 Other

Teagasc (14/12/2016): Supports additional farrowing accommodation as it allows weaning of all piglets at a minimum of 28 days which is important in reducing healthcare problems. It also facilitates an improvement of the overall productivity of sows.

3.5 Third Party Observations

Mr. Thomas Meaney, Shankill, Paulstown, Co. Kilkenny (21/01/2017, 23/03/2017 and 09/05/2017).

- Concerned regarding environmental impacts of the proposed development, particularly odour.
- Notes that loading and unloading of livestock takes place on the public road and in this context, the site is not fit for purpose.

4.0 Planning History

CW 6828: Permission granted in May 1983 for the erection of a piggery with slurry storage.

CW 7757: Application granted in March 1986 for an extension to an existing piggery (existing dry house, farrowing house, weaner house and provision of slurry tanks).

CW 9247: Permission granted in March 1990 for the construction of 2 no. fattening houses for pigs.

PL06/873: Permission granted in November 2006 for the construction of new loose dry sow house and associated site works.

PL07/451: Permission granted in June 2007 for the construction of 1 no. new store, 1 no. new workshop, replacement of 4 no. existing pig houses with new building and construction of 4 no. new fattening houses, 1 no. new weaner house and a feed kitchen.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Carlow County Plan 2015-2021. Relevant policies include:

E.D.- Policy 14

It is the policy of Carlow County Council to:

- Take a positive approach to applications for agricultural developments generally, subject to the protection of groundwaters, residential amenities, designated habitats and the landscape, rural amenities, conservation areas and scenic views.

11.10.6 Piggery Developments

5.1.2 It is stated that all piggery developments must comply with all relevant regulations in relation to farmyard pollution and waste, with particular reference to the Environmental Protection Agency Act 1992 as amended and the Local Government (Water Pollution) Acts (1977 and 1990) to ensure that agricultural developments such as piggeries will not cause pollution to watercourses taking into account the requirements of the South Eastern River Basin Management Plan. Issues such as noise, traffic, road access, odour and spreading of slurry will also be required to be addressed in a planning application.

5.2. Natural Heritage Designations

5.2.1 The River Barrow and River Nore SAC is located approximately 4 km to the north and east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

Mr. Thomas Meansey, Shankill, Paulstown, Co. Kilkenny.

- The development excludes any detail of measures taken to reduce the sources of unpleasant odours from pathogens and greenhouse gas emissions.

- Appellants dwelling located 500 metres from the pig farm and thus the proposed expansion will have a direct and detrimental impact on the residential amenities of his property due to pervasive odours emitting from the site.

6.2. Applicant Response

- Response submitted by Teagasc who has worked with the applicant as his Pig Enterprise Advisor.
- Pig farm has been established on the site since 1983. No previous objections have ever been received in respect of any of the previous planning applications pertaining to the site. Nor have there ever been complaints relating to odour.
- The main reason for the planning application is due to the fact that the existing facility on the site was partially destroyed in a catastrophic fire. The new development will enable the establishment of a minimal disease farm.
- The extension to the dry sow house is necessary to allow separate accommodation for the rearing of gilts that will enter the breeding herd to replace the older sows. This is critical to the set up of a new minimal disease herd. The farrowing houses have been insitu since 2010 and allow piglets suckle the sows to an older age.
- At no point has the applicant sought to increase stock numbers. The pig farm has an Industrial Emissions Licence which limits the stock numbers on the site. The development operates in compliance with this licence which also contains conditions in relation to local complaints, noise, odour, management of manure and monitoring of surface and ground water at the installation.
- There have been no complaints made over 34 years with the exception of the appellant in relation to noise or odour. A complaint record is submitted annually by the applicant to the EPA as part of the Annual Environmental Report. If it is determined that there is an odour nuisance, this can be addressed if there is an engagement between both parties.
- The main source of odour emissions from the pig farm is from the slurry/manure storage and the land spreading of pig slurry. The land spreading of slurry from this development is regulated by the EU Good

Agricultural Practice of Waters Regulations (SI31 of 2014). Use of manure by farmers near the site is a rational and environmentally friendly use of a locally available resource.

- The appellants dwelling is more than 700 metres from the boundary of the pig farm and is located at a lower elevation. There is a mature grove of trees between the pig unit and the appellant's residence. Meteorological data indicates that wind blowing in the direction of the appellant's dwelling occurs for a relatively short duration of time – approximately 8-12% between 2015 to 2017.
- It is submitted that the odour issues referred to by the appellant are more likely to arise from slurry spreading in the vicinity.
- The subject site was chosen as a location for a pig farm due to the fact that it is located upwind of the prevailing winds and of most houses in the area. The layout and design of the pig unit incorporates the most up to date concepts in modern pig husbandry in relation to human and animal welfare including automatic computer controlled feeding and environmental control. Animal manure is stored in underground reinforced concrete leak proof tanks. Interior surfaces are designed to facilitate rapid washing and the layout facilitates the orderly and rapid movement of pigs within the site. It is considered that there will be no significant impairment of amenity outside the boundary of the site.
- Strict management standards will be maintained to achieve a high health status in the unit. Such measures will further reduce potential odour emissions. All houses are fully slatted with slurry stored underground. The majority of the development will have pressurised fan ventilation which will ensure greater dilution of potential odours.
- The development is located in an agricultural area where typical farm odours are to be expected. The unit will operate in accordance with best available practices. Correspondence appended to response from neighbouring residential properties confirming that the pig unit is not a source of significant odour and has no impact on their residential amenities.
- Research indicates that a pig diet with a reduced crude protein content will lessen ammonia emissions and hence odour emissions. The applicant is

working with a nutritionist to reduce protein level consumption in the herd to optimum levels. This coupled with more efficient feed conversion practices will lead to less slurry being produced and a reduction in the odorous compounds in the manure store.

- Good practice techniques will be employed to reduce exposed odorous surfaces and reduce odour from the re-established farm.
- Clarifies that it is proposed to retain the existing pre cast walls of the dry sow house and construct a new roof with revised pitch and that it is not necessary to demolish the dry sow house in its entirety.

6.3. **Planning Authority Response**

- No response received.

6.4. **Observations**

- No observations received.

6.5. **Further Responses**

Carlow County Council (13/09/2017):

- The Planning Authority having considered the detail on file, the history of the site, the existence of an Industrial Emissions Licence from the Environmental Protection Agency (EPA), considers the proposed development acceptable subject to conditions as contained in the Planning Authority's Notification of Grant of Permission.

Appellant (17.09.2017):

- Has experienced odours emitting from the site on a regular basis, increasing in intensity in recent years. Notes that he is of the view that this is not from slurry spreading.
- The application presents an opportunity for odour emissions to be improved. Centralised systems that eliminate and filter out odours could be used in the rebuilding. Requests a condition requiring the installation of such a system.
- Has review AER reports submitted to EPA but it is difficult to determine the actual emissions coming from the site.

- Feels that measures outlined in appeal response to reduce odour emissions are not robust enough.

Inland Fisheries Ireland: No further response.

Development Applications Unit Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs: No further response.

An Taisce: No further response.

EPA (20.10.2017):

- Applicant issued an IPPC Licence (Register No. P0825-01) in September 2011 for a pig rearing activity. This was amended in December 2013 to incorporate the requirements of an Industrial Emissions Licence. The licence application was accompanied by an EIS.
- Considering the activity in its entirety, the Agency notes that the activity to which the planning application and licence relates may be of a type listed in Schedule 5 of the Planning and Development Regulations 2001 as amended under Part 2, Project 1 (e) (ii) *Installations for the intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for the production of pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated units*. If this is the case, EIA may be required (if the development is likely to have significant effects on the environment).
- Should An Bord Pleanála determine that an EIA is required for the above referenced development, and should a licence review application be received which addresses the changes proposed, the Agency will require the associated EIS/EIAR is submitted in support of the licence application.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment and Environmental Impact Assessment Screening also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.

- Odour.
- Traffic and Access.
- Appropriate Assessment.
- Environmental Impact Assessment Screening.

7.2 Principle of Development

- 7.2.1 The proposed development provides for the partial replacement of a dry sow house that was destroyed in a catastrophic fire in Summer 2016. The replacement building will have the same footprint as the existing building. It has been clarified by the applicant that it is proposed to retain the existing pre cast walls of the dry sow house. The application also proposes an extension to the facility to provide additional accommodation for the rearing of gilts that will enter the breeding herd to replace older sows. Retention permission is sought for two demountable farrowing houses that have been insitu since 2010. This facility is necessary to allow piglets to suckle sows to an older age.
- 7.2.2 A detailed rationale for the development has been submitted by the applicant in their response to the appeal. It is clear that the intent is to re-establish a minimal disease farm which will overall provide better animal welfare and enhance overall productivity.
- 7.2.3 The piggery has been operational since 1983. It was extended in 2006 and 2007 and is licenced under an EPA IPPC/IEL licence PO825-01. It is considered having regard to the long established nature of the pig farm which operates in an agricultural area in the open countryside, that the principle of the development is acceptable.
- 7.2.4 The dry sow house will replace an existing facility and the extent of the proposed gilt house extension and retained farrowing houses is modest in nature. The IPPC/IEL licence strictly controls the number of livestock on the farm and there is no proposal to increase or intensify existing numbers. The proposed works will enhance the operations of the farm and have other beneficial impacts in terms of improved facilities for the pigs and in ensuring that the farm operates in accordance with best environmental practices. In this context, it is considered that the development is in accordance with the proper planning and sustainable development of the area.

7.3 Odour

7.3.1 The principle concern raised by the appellant is that of odour. As detailed, the subject farm is controlled under EPA Licence PO825-01. This includes a number of conditions and environmental criteria that the development must comply with, including that relating to odour. It is considered that this issue is most appropriately addressed under the terms and conditions of the licence and through the Annual Environmental Report which the applicant is obliged to submit to the EPA. As the development comprises an activity for which a licence is required, the Board is precluded from attaching conditions which are for the purposes of controlling emissions from the operation of the activity including the prevention, limitation, elimination or abatement or reduction of those emissions.

7.3.2 It is acknowledged that permission could be refused for environmental reasons including those relating to excessive odour. It is clear, however, from the documentation contained on file, including the applicant's response to the grounds of appeal, that odour management measures are in place which mitigate potential impacts. These are set out in detail in the appeal response and include measures such as:

- No manure heaps stored on the farm.
- No open/uncovered slurry tanks.
- Pig slurry never agitated on site.
- Covering of dead pig containers at all times.
- Regular cleaning of passageways within the development where pigs travel.
- Maintenance of strict hygiene and cleanliness standards.
- Reduction of crude protein in pig's diet.

7.3.3 Furthermore, the new dry sow house will be designed with the most up to date concepts in modern pig husbandry and incorporate a number of environmental controls which will help minimise odour including:

- Underfloor storage of animal manure in reinforced concrete leak proof tanks;
- Smooth interior surface to facilitate thorough and rapid washing and

- Optimal layout and design to ensure orderly movement of pigs within the facility.

7.3.4 The appellants dwelling is located over 700 metres from the subject farm. During my site visit the piggery was not giving off strong odours. The farm yard, hard surfaced areas and overall complex was clean and well maintained. It is noted that the proposed development proposes no increase to the number of pigs that will be accommodated on the site. Therefore, there will be no additional effluent generated by the development. I would, therefore, consider it unlikely, barring a failure in the management systems, that the odour impacts would be significantly worse than those which existed previously or which are currently detectable on the site.

7.3.5 Whilst it is acknowledged that odour generation from intensive agricultural units such as piggeries can be significant, such impacts can be minimised through good management.

7.3.6 In this context, having regard to the established nature of the pig farm, the requirements for managing odour that are set out under the EPA licence requirements, the additional mitigation and management measures proposed by the applicant and the distance of the appellants dwelling from the subject farm, I consider that the proposed development is acceptable and planning permission should not be refused for reasons relating to odour generation.

7.4 Traffic and Access

7.4.1 It is noted that at Further Information stage the applicant provided details of the area where fattened pigs are loaded for transport to the slaughterhouse. At Clarification of Further Information stage, it was further proposed that sow outloading would be carried out inside the farms licenced boundary and not on the L7117.

7.4.2 The Roads Department of Carlow County Council have no objection to the proposal. The applicant has provided details that sightlines of 90 metres can be achieved on the L7117.

7.4.3 Having regard to the low traffic levels on the road and additional information submitted by the applicant at Clarification of Further Information stage indicating that all animal loading would take place within the site boundary and not on the public

road, it is not considered that the proposed development would give rise to an unacceptable traffic hazard.

7.5 Appropriate Assessment

7.5.1 A stage 1 screening statement for Appropriate Assessment has been submitted with the application. There are two European sites within 3km of the site, namely the River Barrow and River Nore SAC (site code: 002162) and the River Nore SPA (site code 004233). Given this separation distance, and the nature of the proposed development, it is not considered that there is potential for any direct impacts to either of these European sites.

7.5.2 It is noted however, that the Moanmore River is located approximately 100 metres from the dry sow building. The existing fattening houses are separated from this watercourse by a 40 metre strip of grassland. The Moanmore River is a direct tributary of the River Barrow. Two existing discharge points along the Moanmore Stream are used for the discharge of surface water from the roofs within the development via a pipe network.

7.5.3 The proposed development may therefore have an indirect impact on the River Barrow and River Nore SAC under the source-pathway-receptor model, as there is a hydrological connection between the subject site and this European site. There is potential for polluted or contaminated water to discharge from the Moanmore Stream to the SAC. This may negatively impact on the conservation objectives for this site and in particular aquatic and fish species including crayfish, otter, Atlantic Salmon, Brook Lamprey and River Lamprey.

7.5.4 There is also potential for pollution to occur during the construction phase with contaminated water emitting to the field drain located to the south of the site. The conveyance downstream of pollutants such as silt, fuel and hydrocarbons has the potential to negatively affect the water quality of the SAC.

7.5.5 It is noted however, that a number of best practice construction measures are proposed in the application to prevent such pollution arising. It is set out that during the construction phase, all construction activity will be undertaken in line with CIRIA – Construction of Water Pollution from Construction Sites – Technical Guidance C648. This sets out measures including the use of settling ponds, silt traps and

construction bunds; on site training; designated re-fuelling areas and other measures to minimise risk of spilling fuel etc.

- 7.5.6 Additional information was also provided by the applicant at Further Information Stage detailing further measures to minimise impacts during the construction phase including those recommended under the IFI publication *Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters*. A detailed Construction Environmental Management Plan was also submitted detailing environmental management systems, waste management, noise and air pollution control measures.
- 7.5.7 In terms of the operational phase, all roof water will be discharged via a sealed piped drainage system to the drainage ditch and the Moanmore Stream. This system ensures that only clean roof water will discharge from the site and there is no potential for it to mix with other surface water generated within the farm yard. It is noted that surface water from the farmyard and other outdoor areas trafficked by livestock, is discharged to bunded underground storage tanks, via surface swales and disposed of off site. It is considered that the mitigation measures outlined in the application are an intrinsic part of the works to be carried out and thus can be taken account of in this screening process.
- 7.5.8 It is reasonable to conclude that on the basis of the information on the file, which I consider 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 European Site No. 002162, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.6 Environmental Impact Assessment Screening

- 7.6.1 Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001-2017 sets out the types of development which require the submission of an Environmental Impact Statement (EIS). In addition, developments that are sub-threshold may require the submission of an EIS subject to the criteria set out in Schedule 7.
- 7.6.2 The subject pig farm has been insitu since the 1980's. Between 2006 and 2007, the farm was expanded. In 2006, permission was granted for the dry sow house –

application reference 06/873. Under planning application reference 07/451, permission was granted for a significant increase in accommodation including 4 new fattening houses and 1 new weaner house. This application was accompanied by an Environmental Impact Statement on the basis that the development was an installation that was within a class listed in Schedule 5, Part 2 of the Planning Regulations. Class 1 (e) (ii) states:

“Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.”

As the development was an integrated unit catering for a maximum herd of 880 sows, an EIS was required. I consider that the current proposal requires screening to assess whether it requires Environmental Impact Assessment.

7.6.3 The proposed development seeks permission for the partial reconstruction of the dry sow house that was extensively damaged by fire. The applicant has set out in their appeal response that it is proposed to retain the existing pre cast concrete walls of the structure. In addition, the existing underground manure tanks will be retained. The nature of the proposed works, therefore, primarily relates to the construction of a new roof and internal works to the sow house including new slatted floors, internal pens and a feeding system. The new dry house will have exactly the same footprint as the previous facility. The application also proposes a modest extension to the dry sow house to facilitate gilt accommodation. This will have a floor area of c. 420 sq. metres. It is noted that retention permission for 2 farrowing rooms is also sought. This is addressed separately below.

7.6.4 The applicant has set out detailed information that the proposed development will result in no increase in livestock on the farm. Following the fire, the site is currently being depopulated and it is intended that in time, a completely new breeding herd will be introduced. The overall number of pigs permissible on the farm is, however, controlled by the IPPC/IEL licence and it is not intended to increase or intensify stock numbers. It is also outlined that effluent production and slurry management will remain the same on the site.

- 7.6.5 The primary works in the current application involve the partial reconstruction of the dry sow house facility and the construction of the new extension. It is noted that whilst this is a significant building with an area of c. 2,900 sq. metres, it is part of a much larger farm complex (c. 13,300 sq. metres) which also accommodates a number of fattening houses, weaner houses, pig parlour and other ancillary facilities. These elements of the farm complex were not affected by the fire and are not intended to be replaced. In this regard, the overall planning unit remains largely intact. It is considered that the proposed development in its own right, does not alter or intensify the operational use of the piggery.
- 7.6.6 The proposed works to the sow house, including the proposed extension, are effectively modifications to a previously permitted development. Having regard to the extent of works proposed, and noting the retention of the existing walls and underground tanks, I am satisfied that the development would not give rise to any significant or material environmental impacts. Furthermore, the applicant has submitted an Environmental Report and Construction Management Report and based on the information set out therein, I am satisfied that the construction of the development would have no significant adverse environmental impacts.
- 7.6.7 Being minor modifications and extension to a previously approved piggery it is considered that the development, due to its scale and function, would not fall under Class 13 which refers to Changes, Extensions, Development and Testing and states:
- 13(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-*
- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
- (ii) result in an increase in size greater than –*
- 25 per cent, or*
- an amount equal to 50 per cent of the appropriate threshold,*
- whichever is the greater.*
- 7.6.8 Furthermore, it is not considered that the development would require a subthreshold EIS. I have had regard to the 'Environmental Impact Assessment

(EIA) Guidance for Consent Authorities regarding sub-threshold Development' (Department of the Environment, Heritage and Local Government, August, 2003). This sets out that a development must be likely to have significant effects on the environment to warrant such an assessment.

7.6.9 Having regard to:

- The characteristics of the proposed development which primarily relate to reconstruction of an existing building and a minor extension to it;
- The location of the development within an overall larger long established farm complex which it is not considered to be within a particularly environmentally sensitive location and
- The character of potential impacts which it is considered can be addressed and mitigated by way of appropriate construction management,

I am satisfied that the proposed development would not be likely to have significant effects, direct or indirect, on the environment alone or cumulatively with other proposed plans or projects. Accordingly, having regard to all of the above matters, it is considered that sub-threshold Environmental Impact Assessment and the preparation of an Environmental Impact Statement are not required.

Farrowing Houses

7.6.10 The development also seeks retention permission for 2 demountable farrowing houses. These have been insitu since 2010 and allow piglets suckle sows to an older age, and thus are beneficial to animal welfare. They are modest facilities in the context of the overall piggery operation and have a combined floor area of c. 335 sq. metres.

7.6.11 Section 34 (12) of the Planning and Development Act 2000 (as amended) states:

“A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out—

(a) an environmental impact assessment,

(b) a determination as to whether an environmental impact assessment is required,

or

(c) an appropriate assessment.”

7.6.12 The question therefore arises if an application for the farrowing houses in their own right had been made to the Planning Authority prior to their development, would one of the above criteria apply.

7.6.13 It is considered that, having regard to their scale and function, the subject farrowing houses are an ancillary element to the overall pig complex. The farrowing houses would not give rise to any intensification or increase to the overall stock numbers. They would not constitute development which requires the submission of an Environmental Impact Statement (EIS) under either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations. Furthermore, due to their limited extent, it is not considered that they would warrant a determination as to whether an EIS is required. Nor is it considered likely, having regard to the characteristics and function of these structures, that any appropriate assessment issues would arise. I am satisfied that in this context, the Board is not precluded from granting permission to retain these buildings.

8.0 Recommendation

8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the nature of the proposed 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 would not be prejudicial to the rural environment or injurious to the existing residential amenities of the area or property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.0 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 1st March 2017, 28th April 2017 and 19th 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 to be submitted to and agreed in writing with the Planning Authority. 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:

1. Detail of the number of livestock to be housed at the development at any one time.
2. The arrangements for the collection, storage and disposal of all effluent generated from the facility.
3. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Erika Casey

Senior Planning Inspector

6th November 2017