



An
Bord
Pleanála

Inspector's Report PL14.249090

Development	Demolition of Pig/Livestock houses and ancillary structures and construction of 3 pig houses and 21 ancillary storage tanks.
Location	Ballynakill, Killashee, County Longford.
Planning Authority	Longford County Council.
Planning Authority Reg. Ref.	16/303.
Applicant	Ronnie Walsh.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	Mike and Cella Neary.
Observers	None.
Date of Site Inspection	January 2 nd 2018
Inspector	Paul Caprani.

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1.0 Introduction

PL14.249090 relates to a third party appeal against the decision of Longford County Council to issue notification to grant planning permission for the demolition of existing pig/livestock houses and ancillary structures and the construction of 3 new pig houses and 2 ancillary manure storage tanks. The issues raised in the single third party appeal express concerns in relation to the suitability of the road serving the development, the potential for effluent to contaminate water supply and pollute local waters in the area and the proposal could give rise to health issues in the wider population. The application was accompanied by an EIS. The proposal also constitutes an intensive agricultural activity under Schedule 1 of the Protection of the Environment Act 2003 and as such requires a licence from the EPA.

2.0 Site Location and Description

- 2.1. The subject site is located in north-west Longford approximately 5 kilometres north-east of the village of Lanesborough on the Roscommon/Longford border and approximately 9 kilometres from Longford Town. The site is located in the townland of Ballynakill. The local road serving the site runs southwards linking up with a larger road which runs east/west. Approximately 2 kilometres to the east the local road links up with the main road linking the villages of Killashee on the N63 National Secondary Route and the village of Cloondara to the north which is located just west of the N5 National Primary Route. The site accommodates an existing pig farm and is located in generally flat to gently undulating low-lying agricultural land. The site is irregularly shaped and occupies an area of 4.26 hectares (10 acres). The existing piggery is located in a cluster of buildings in the very south of the landholding in close proximity to the access. There are currently approximately 10 small buildings clustered in the southern area of the site. Currently there are 8 pig units on the subject site ranging in size from 81 square metres to 365 square metres. The total area of the pig units on site amount to just over 2,000 square metres. Also three cattle sheds are located on site near the western boundary. These range in size from 160 square metres to 329 square metres with a total area of 784 square metres. Two

storage sheds are located near the southern boundary of the site. An overground circular wastewater tank and a pit area are also located within the yard.

- 2.2. The nearest dwellinghouse is located on lands to the immediate south of the subject site. The remainder of the site to the north is currently under agricultural use, the lands are used for tillage farming and pastoral farming.
- 2.3. There is no other development immediately adjoining the boundary of the site. There are a number of dwellings scattered along the east/west local road to the south of the site. With the exception of the dwellinghouse adjacent to the southern boundary the nearest dwellinghouses are over 250 metres away from the pig farm.

3.0 Proposed Development

- 3.1. The existing farm comprises of an integrated pig farm with a capacity to accommodate approximately 260 sows. As referred to above there are also a number bovine sheds, stores and general purposes buildings within the existing layout. The proposed development would provide for an integrated pig farm of approximately 600 sows which are to be constructed to modern environmental welfare standards. The proposal will be the subject of a separate EPA licence. The EIS indicates that the current operation of the farm is not appropriate for modern pig farming. The EIS states that the existing pig farm is not operating to its maximum efficiency and is not in line with modern production standards and performance. It is proposed to increase the size of the farm to represent an average size pig farm nationally. Under the current application it is proposed to construct to the rear of the existing site and away from the public road a large pig house to accommodate all breeding stock and all pigs produced to a weight of 35/40 kgs. This is the largest of the three buildings proposed at over 147 metres long and 46.1 metres in width. A central passageway runs through to the centre of the building which provides accommodation for dry sows, a number of slatted areas for first and second stage production and five separate farrow slatted areas. Four large meal silos are also proposed at the front of the building as is the feed preparation store and office and ancillary units. The buildings will comprise of large A-shaped structures with proposed ventilation chimneys along the roof pitch. The ridge height of the building will range between 7.8 and 9.5 metres in height. The proposed roof construction will

comprise of corrugated iron cladding. Unit 1 will accommodate the sow/gilt/weaner house. These younger pigs will mature in this building over an 8-10 week period and as the pigs get older the numbers per pen are reduced, increases as the pigs progressively move through the building.

- 3.2. The two finishing houses are to be located side by side further south within the site closer to where the existing buildings are located. A service road will link the larger unit to the finishing houses. The finishing houses each have an area of 2,600 square metres and are c.110 metres long and 24 metres wide. A slatted passage and loading area is located between each of the buildings. These buildings also incorporate an A-shaped roof profile and rise to a ridge height of just over 6 metres. The roof will comprise of corrugated iron while a plaster finish is proposed on the gable walls. Two overground circular storage tanks are to be located to the immediate rear of the finishing houses. Each of the storage tanks has a capacity for 500,000 kilos of waste. These covered circular tanks rise to a maximum height of just under 8.8 metres. There will be c.12-13 weeks finishing accommodation available on site. Pigs enter the finishing accommodation at a weight of 35-40 kgs and grow until they reach a sale weight of 110 – 115 kgs. Once the proposed development has been completed there will be an average of 600 sows and progeny on the farm with average stock numbers based on an occupancy rate of c.90%. All ventilation on the farm will be remotely controlled.
- 3.3. In terms of manure storage and capacity all pigs will be accommodated in fully slatted houses with under house manure storage tanks. The slurry is collected directly through these slatted floors and stored in tanks below the slat level. Details of the nature of storage tanks will be finalised with the EPA as part of a subsequent licence application. The manure storage facilities are to be mass concrete to a specification that ensures a watertight seal in accordance with Department of Agriculture, Food and the Marine requirements. The proposed manure storage capacity at the farm is set out in Appendix 5. It indicates that the total storage available amounts to 23,310 cubic metres. The proposed annual slurry production amounts to just over 12,400 cubic metres thus the proposed available slurry storage capacity amounts to 22.5 months.

- 3.4. On average it is estimated that 400 pigs will be moved from the sow/weaner houses to the grower/finisher house on a weekly basis when they reach the weight of 35/40 kgs. It is proposed to use the same entrance as that currently serving the site.

4.0 Planning Authority's Decision

Longford County Council issued notification to grant planning permission for the proposed development on 27th July, 2017 subject to 16 conditions.

4.1. Documentation Lodged with the Planning Application

The planning application was lodged with Longford County Council on 16th December, 2016. It was accompanied by a planning application form and fee, planning drawings and an environmental impact statement.

4.2. Planning Authority Reports

- 4.2.1. A report from Transport Infrastructure Ireland stated that it had no observations to make in respect of the proposed development.
- 4.2.2. A report from the EPA states that the development will require a licence under the EPA Act and that the Agency has not received a licence in respect of the application to date. In relation to the EIS it states the EIS appears to address the key points in relation to the environmental aspects of the proposed activity to be undertaken on site. The report goes on to set out the issues which may be taken into consideration by the EPA in whether or not it grants a licence.
- 4.2.3. A handwritten report from the Area Engineer notes the existing surface water drainage and requires in relation to roads and traffic that the public road shall not be adversely affected by the proposed works with regard to pavement obstructions. It also sets out required details in relation to surface water disposal. They requested the Environment Department to set out groundwater vulnerability on the surface water and that the Environment Section should also check for any hazardous material (asbestos) which be in the buildings to be demolished.

4.2.4. A report from the HSE notes the following:

- There is no information in the EIS to establish baseline conditions of groundwater quality. Any water supply associated with the dwellinghouse which is to be used for an office to the immediate south of the site was to comply with EU (Drinking Water) Regulations. Further details are required in relation to the inspection locations for any surface water discharge from the roofs and paving areas associated with the site. The EIA does not provide details as to how matters in relation to accidental spillage or tank failures are to be addressed. Consideration should be given to providing further details in relation to house cleaning, equipment cleaning, vehicle cleaning etc. on site. It is recommended that particular attention be given to road/pest activity during the demolition and construction phases of the project. Further details are required in relation to the noise surveys were this development to proceed every practical measure should be undertaken to ensure odour does not have a negative impact on the locality of this farm. It is recommended that animal carcasses/tissues be stored in suitable lidded leachate proof containers prior to collection. Further details are also required in relation to the management of demolition waste from the proposed development.

4.2.5. A report from Irish Water states that there is no objection subject to standard conditions.

4.2.6. A number of letters of objection were submitted to the application mainly raising issues in relation to potential impact on residential amenity. The content of these letters have been read and noted. The planner's report sets out the site location and description and the proposed development. It also summarises the various submissions from internal departments, prescribed bodies and third parties on site. It is also noted that an appropriate assessment screening report (see Appendix 13 of the EIS) concludes that the development will have no impact on any Natura 2000 sites in the vicinity.

4.2.7. In relation to the EIS the Planning Authority are of the opinion that the submitted EIS is insufficiently detailed and does not comply fully with statutory requirements as the submitted document is lacking information in relation to a range of baseline data as it relates to the proposed site. As such the Planning Authority is not satisfied that the

information submitted in the EIS addresses sufficiently the environmental issues surrounding the site. The Planning Authority therefore requested further information in relation to the following issues:

- Further details in relation to baseline conditions of groundwater quality.
- Water quality data is not interpreted or integrated in any way into the EIS.
- Further details are required in relation to monitoring and sampling.
- Further details are requested in relation to surface water run-off and the water quality in the adjoining Ballynakill Stream.
- The EIS has limited its discussion on the potential impacts on soil, geology and hydrogeology from substances stored and handled during the construction and operation phases of the facility.
- There is limited discussion on cleansing procedures.
- The proposed development is between 280 and 300 metres from the nearest residential dwellings. The applicant is requested to outline measures to minimise noise having regard to the modest separation distances involved.
- The applicant is requested to outline measures/precautions to ensure that odour does not have a negative impact on the proposed development.
- The EIS does not comprehensively address the potential effects on the environment during the demolition such as hazardous material asbestos etc.
- Inadequate consideration is given to third party spreadlands and the potential for poor practice to impact on the River Shannon Catchment.

4.2.8. In addition, the applicant is requested to submit the following information:

Further details in relation to what stage the IPPC Licence is progressing and when it is intended to submit it to the EPA.

Further information is required in relation to the existing dwellinghouse to the south and its proposed change of use for office and staff facilities.

A report from Inland Fisheries (the Board will note that this report does not appear to be on file) expresses concerns in respect that the management, storage and disposal of pig slurries from the proposed development and its potential to pollute

watercourses nearby. The applicant is requested to reply to each of the IFI Concerns.

Finally, the applicant is requested to provide a comprehensive landscaping plan.

The additional information was requested on 16th February, 2017.

4.3. Further Information Submitted

The additional information submitted is briefly outlined below.

In relation to groundwater quality analysis details are attached. The analysis indicates that zero total coliforms and zero faecal coliforms were detected in the groundwater at the site. Likewise, no traces of total phosphate or total nitrogen were detected. 0.04 mg of ammonia was detected which is well within the maximum allowance concentration of 0.3 mg/l. The manure storage tanks underneath each of the houses will have leak detection systems installed and will be recorded on a weekly basis as part of the anticipated EPA Licence Monitoring Programme.

Furthermore, a more indepth assessment of water quality is contained in a separate ecological assessment submitted. Details of the proposed surface water discharge points are indicated in the drawings attached. The location of the surface water monitoring points are indicated in Drawing PLO4C submitted on the 8th May, 2017.

Contamination of groundwater from hydrocarbon is extremely limited as all fuels etc. will be bunded in line with EPA licence requirements.

Details of the manure storage tanks and waste storage facilities are set out in the response. It is reiterated that leak detection measures will be installed.

With regard to cleaning, all washing and cleaning is carried out within the houses with the exception of any passageways or loading areas. In all areas _____ is collected in or diverted to manure storage tanks and washwaters have been included in the calculation of the volume capacity.

In terms of proximity to dwellings it is stated that there are only two residential locations within 400 metres (290 and 360 metres at their closest point to the proposed development). The actual distance from the residents to the centre of the farm is closer to 450 metres. The proposed development will involve the housing of livestock in well insulated buildings. The elimination of the bovine enterprise should

ensure that there is no increase in noise. Noise levels will be governed by the EPA licence. Specific details in relation to noise and odour management has been set out in the EIS.

A decommissioning management plan was submitted with the additional information. All organic fertiliser will be allocated to customer farmers for use in accordance with S.I. 31 of 2014.

In relation to the application for an EPA licence the applicant intends to apply for the said licence upon receipt of planning permission. The applicant is not in a position to submit all the information required for the licence application. Notwithstanding this the EIS submitted to Longford County Council will form the substantive part of the licence application.

The submission goes on to specifically address the concerns raised in the HSE submission and notes the fact that in relation to the existing house it is not intended that this house would be used as an office. It is envisaged that one or more of the workers on the farm will reside at this location thus utilising the facilities therein. Other points raised in the HSE submission are in the main similar to those raised by Longford County Council and have been addressed above. In relation to the noise survey data with respect to other pig farms and the HSE comments that there are exceedences it should be noted that these were due to passing traffic and not activities on farms as discussed in the conclusions attached to same.

With regard to the Inland Fisheries submission it should be noted that there will be no disposal of organic fertiliser on this farm. Measures in relation to the management, storage and utilisation of this fertiliser is detailed in the EIS. Excess manure storage capacity will be provided in excess of six months. All organic fertiliser will be allocated to customer farmers in accordance with the requirements of S.I. 31 of 2014.

In relation to environmental monitoring it is stated that the applicant has detailed an environmental monitoring programme in the EIS. It is noted that all records of organic fertiliser transfers will have to be reported to the Department of Agriculture, Food and the Marine who will in turn verify if customer farms have remained within the requirements set out in S.I. 31 of 2014.

Finally, further details are submitted in relation to landscaping.

The additional information submission contained a number of appendices including an ecological impact assessment of the proposed development.

- Laboratory results of groundwater samples.
- Construction and demolition waste management plan.
- Further details in relation to planting and screening for farmyards and farm buildings issued by the Department of Agriculture, Fisheries and Food November 2008.

4.4. Further Assessment

A report from the HSE considers that the information received in respect of point 3 remains incomplete. Further details are required in relation to a canteen or tea station to be provided for staff, appropriate changing rooms to be provided, suitable showers and sanitary accommodation and details in relation to the wastewater treatment facility serving the site. The office recommends that all surface water from all hardstanding areas should be intercepted by means of appropriate mechanism designated and installed in such a manner to mitigate any potential negative impacts.

4.5. Clarification of Additional Information

On 26th June, 2017 requested further information as per the additional information requested in the HSE report referred to above.

4.6. Submission of Clarification of Additional Information

- 4.6.1. In relation to staff facilities it is stated that the adjoining house which is under the control of the applicant will provide accommodation for three to four staff and will provide the required facilities in terms of wastewater treatment facilities, staff canteen, shower facilities etc.
- 4.6.2. In relation to the three surface water discharge points these would be required to be monitored on a weekly basis by the EPA and relate primarily to roof water discharge and have been proposed to be fitted with silt traps only. Surface water discharge point 1 can be fitted with an interceptor as opposed to a silt trap as water in the

immediate vicinity will be discharged from a concrete hardstanding as opposed to a hardcore hardstanding.

- 4.6.3. A further planner's report assesses the proposed development and reassesses the environmental impact statement submitted. It is considered that the EIS and the ecological impact assessment submitted by way of further information assesses the interactions and cumulative effects between the various topics discussed and based on this it is possible for the Planning Authority to find that there is no likely cumulative impact resulting from the proposed development. Therefore, having regard to the contents of the EIS and the various appendices attached to the main documents, the ecological impact assessment together with the submission on file the Planning Authority is satisfied that there is sufficient information on file to carry out a full EIA in respect of the proposed development and as such the Planning Authority can agree with the conclusions as indicated in the submitted EIS. Furthermore, the Planning Authority consider that the applicant's response to the further information and the clarification of further information submitted that the information on file is sufficiently detailed to comply with the statutory requirement of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001 (as amended) and the EPA guidelines as they relate to environmental impact assessment. The document addresses the key points in relation to the range of potential impacts associated with the activity. Additionally, it is noted that the applicant has indicated that the proposed development which includes the construction of replacement farm buildings and the intensification of activities from the farm which is located in an established rural agricultural area and the incorporation of pollution controls will not be prejudicial to the rural environment, would not be prejudicial to public health nor would it be visually obtrusive and would represent a significant upgrading of the existing facility. As such the Planning Authority is satisfied that the proposed development is in accordance with the proper planning and sustainable development of the area. In its decision of the 27th July, 2017 Longford County Council issued notification to grant planning permission subject to 16 conditions.

5.0 Planning History

There are no planning history files attached. The planner's report makes brief reference to the planning history associated with the site and this is set out below.

Reg. Ref. 89/11011 – permission granted for a silage pit and slurry storage.

Reg. Ref. 90/11295 – permission granted for an extension to piggery (farrow house).

Reg. Ref. 93/12337 – permission granted for a cattle shed.

Reg. Ref. 97/13924 – permission granted for an extension to piggery.

6.0 Grounds of Appeal

6.1. The decision of Longford County Council to issue notification to grant planning permission was the subject of a third party appeal by Mike and Cella Neary. The grounds of appeal are summarised below.

- The development is of an industrial scale and is wholly unsuited to a rural area like Ballynakill. The development is almost four times the size of the existing disused pig farm.
- The road network leading to the site comprises of a third class road which is used by approximately 30 families who live in the area. The roadway is extremely narrow and does not adequately cater for two cars passing in opposite directions. The site is not suitable to demolish, build and service the proposed development and would constitute a serious traffic hazard to road users and would result in the further damage of the road pavement. Longford County Council did not request a comprehensive traffic management plan for the proposal. The size, weight and scale of the vehicles required to transport animals to and from the site will create an on-going hazard to public safety. Vibrations from heavy vehicles could potentially damage the foundations of private dwellings in the area.
- There are serious concerns that the effluent from the proposed development would contaminate the private water supply and could be prejudicial public health.

- In the past there have been problems with decaying pig carcasses being carried around the appellants' property by vermin. The intensification of use would exacerbate this problem.
- A river runs to the rear of the appellants' property and this river feeds into the River Shannon which is a breeding ground for brown trout and the proposal could have a detrimental effect on fish stocks in the river and the nearby River Shannon.
- Many farms in the area are already at capacity with slurry from their own slatted sheds and the impact of further slurry spreading would have significant impacts on the water table and on private water supplies.
- The appellant already experiences problems with run-off from the site towards the appellants' dwelling and this would be further compounded with the construction of a development of this nature.
- People living near pig farms or near agricultural fields of which pig slurry is spread are at higher risk of contracting MRSA and this is based on recent studies carried out in the USA.

7.0 Appeal Responses

7.1. A response to the grounds of appeal was submitted on behalf of the applicant by CLW Environmental Planners Limited. The response is outlined below.

It is stated that the proposed development as an agricultural development is specifically suited to a rural agricultural area. While larger than the previous operations on site it is keeping with the average size pig unit in Ireland. It constitutes a prudent and sustainable development and can be operated and managed in an environmentally and economically sustainable manner.

It is acknowledged that there will be increased traffic frequency on the road as a result of the proposed development. However, the scale, size and weight of vehicles accessing the site would be relatively unchanged. Traffic details were submitted to Longford County Council as part of the application and significant development contributions have been attached to the permission granted. It is understood that much of these financial contributions are for the upkeep of roads in the wider area.

In terms of effluent appropriate measures for the management of organic matter produced on the farm have been prepared and submitted to Longford County Council. The farm will have to operate in accordance with an EPA licence which relate to the management of organic fertiliser generated on the farm.

Appropriate measures for the management of falling stock on the farm have been prepared and submitted to Longford County Council as part of the planning application. As in the case of effluent management any such livestock will operate in accordance with EPA licence conditions.

With regard to the impact on the River Shannon a comprehensive report has been submitted as part of the planning application and mitigation measures have been identified where necessary.

Information in relation to the management of organic fertiliser has been submitted to the Planning Authority. The applicant has demonstrated 160% capacity for organic fertiliser to be produced on the farm. In addition, this farm will have to operate in accordance with any EPA licence issued. The authors of the submission have not submitted any information in support of their assertions and may not have read the detail provided as part of the application in relation to land spreading and customer farms in the area. In relation to run-off appropriate measures for the management of soil and storm waters have been submitted to Longford County Council as part of the application. As in the case of other management issues the farm will have to operate in accordance with the EPA licence.

In relation to MRSA the proposed development has been assessed by the HSE who have raised no concerns regarding the proposed development. In conclusion therefore it is stated that the proposed development will not be prejudicial to the rural environment, would not be prejudicial to public health and would not seriously injure the amenities of the area and would represent a significant upgrade in existing facilities. It is concluded that therefore that the proposed development is in accordance with the proper planning and sustainable development of the area.

7.2. Planning Authority's Response to the Grounds of Appeal

There appears to be no submission from Longford County Council on file.

8.0 Proscribed Bodies

- 8.1. An observation from the EPA was received in accordance with Section 87(1F) of the EPA Act 1992 (as amended). It states that the development will require a licence as it falls within a class of development under Schedule 1 the said Act. An application has not been received by the EPA to date. If and when an application is made to the Agency, all matters to do with emissions to the environment from the activities proposed, the licence application, documentation and EIS will be considered and assessed by the Agency. It notes that any IE licence will relate to the activities within the site boundary and not to the land spreading of organic fertiliser outside the site boundary. The recipient of the organic fertiliser is responsible for the management and use of the fertiliser in accordance with Statutory Regulations. The EPA can only issue a determination on the licence subsequent to any decision being made by the Board.

9.0 Development Plan Provisions

- 9.1. The site is governed by the policies and provisions contained in the Longford County Development Plan 2015 – 2021. The subject site is located outside designated settlements and therefore is not governed by any specific zoning objective. Policy ARG1 states that where an area of land is outside a settlement and is not otherwise zoned as part of this development plan or the Longford Town Plan the use of the land shall be deemed to be primarily agricultural. Primarily agricultural zoning provides for the agricultural use of the land and ancillary uses including residential.
- 9.2. Section 4.4.1.2 of the development plan relates to specialised and intensive developments. It is stated that agricultural development has the potential or immense impact on the environment. As previously stated the traditional form of agricultural buildings is disappearing with the onset of advance construction methods and a wider range of materials available. Some new farm buildings have the appearance of industrial buildings due to the scale and mass and can have serious visual impacts. Accordingly, all application for agricultural developments shall have cognisance to the following policy.

ARG9 Design

- (a) The Planning Authority accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to the surroundings in scale, material and finishes. Buildings should relate to the landscape and not the skyline. Traditionally, this was achieved by having the roof darker than the walls, appropriate roof colours are dark grey, dark reddish brown or very dark green. The grouping of agricultural buildings will be encouraged in order to reduce their overall impact in the interest of visual amenity.
- (b) A landscaping plan is required as part of applications for agricultural developments. In general, the removal of hedges to accommodate agricultural developments will only be considered as a last resort.

ARG10 Intensive Pig or Poultry Unit

In assessing an application for intensive pig or poultry units, the Planning Authority will have regard to the good agricultural practice for protection of water regulations (as amended) and will require information on the following:

- (a) Depending on the size of the unit an EIS and/or Appropriate Assessment may be required. In addition, an integrated pollution control licence may be required from the Environmental Protection Agency.
- (b) It will be the Council policy to ensure that all proposed agricultural projects and any associated improvement works or associated infrastructure, individually or in combination with other plans or projects are subject to appropriate assessment to ensure that there are no likely significant effects on the integrity of any Natura 2000 sites in the County.
- (c) The Council will implement the relevant parts of the Planning and Development (Amendment) (No. 2) Regulations and European Communities (Amendment to Planning and Development) Regulations 2011 which require planning permission to be applied for where the area impacted by the works related to drainage or reclamation of wetland exceeds 0.1 hectares or where such works may have a significant effect on the environment. Such planning

applications would need to be supported by an appropriate assessment where relevant.

- (d) The character of farm settlements should be retained and enhanced where possible. In this regard, landscaping plans will be required as part of applications for new developments and extensions to existing farmyards and structures. The removal of hedgerows to accommodate agricultural developments will only be considered as a last resort and provision shall be made for the maintenance and enhancement of existing hedgerows in accordance with best practice.
- (e) Scale and intensity of operations including cumulative impact of similar type developments within close proximity.
- (f) Waste management including frequency and location of disposal relative to pig and poultry units. The control of odour is another important consideration.
- (g) Air pollution arising from housing units and effluent storage, transportation and spreading.
- (h) Proximity of development to aquifers and watercourses.
- (i) Population density in the vicinity. Unit should not be developed at a distance of less than 200 metres from a dwelling other than with the owner's consent. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlements because of impacts on residential amenities.
- (j) Animal housing units in terms of design and associated activities such as cleaning, ventilation and heating.
- (k) Landscaping of a site. A comprehensive landscaping plan should be submitted as part of the planning application.

10.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have particular regard to the issues raised in the grounds of appeal. I consider that the critical issues in determining the current application and appeal before the Board are as follows:

- Suitability of Development on the Lands in Question
- Traffic and Transport Considerations
- Potential Impact on Appellants' Water Supply
- Carcasses Management
- Surface Water Contamination
- Implications in terms of Slurry Spreading
- Surface Water Run-off Concerns
- Link between Slurry Spreading and MRSA

10.1. **Suitability of Development on the Lands in Question**

10.1.1. The subject site and its surroundings are zoned for agricultural use and Policy ARG1 of the Longford County Development Plan specifically seeks to facilitate agricultural type uses on the lands in question. The continuation of the subject site for use as a piggery fully accords with the land use zoning provisions and therefore the principle of the development is acceptable subject to appropriate qualitative safeguards. The Board will also note that there is an established piggery use on the site in question and this established use has been the subject of previous planning applications for extensions and alterations to the use. Historically the use of the subject site for a piggery has been deemed to be acceptable. Therefore, having regard to the established use on site, the zoning objectives as they relate to the site and the rural setting of the site where agricultural use predominate I consider that the use of the subject site as a piggery is acceptable in principle.

10.1.2. The applicant in the grounds of appeal points out that the proposed use is significantly larger than that already established on site and that the proposed development represents an agricultural activity on an industrial scale which is out of context with the existing use on site. I acknowledge that the proposal represents an almost doubling in size of the existing facility. However, the previous operations on site were relatively small and the proposal under consideration by the Board would constitute an operation that represents the national average in terms of size.

Statistics produced by Agri-aware in relation to pig production in Ireland indicates that the sow herd in Ireland comprises on average of approximately 500 sows.

10.1.3. I acknowledge that the buildings in question are large, particularly Unit No. 1 to the rear of the site. While this building is large it is typical of an agricultural building in terms of its overall design. Furthermore, the building is located over 300 metres from the main road which runs along the south of the site and nearly 100 metres from the agricultural laneway which partially runs along the western boundary of the site. The proposed finishing houses are much smaller in scale and represent a more typically sized agricultural building that could be expected as part of any intensive agricultural establishment.

10.1.4. Therefore, I consider the proposed use of the subject site as a piggery to be an acceptable use and although large in scale it is still characteristic of an agricultural type land use as opposed to an industrial type land use as suggested in the grounds of appeal.

10.2. Traffic and Transport Considerations

10.2.1. The fact that there is an already established intensive agricultural land use in the form of a piggery on site is a material consideration in terms of addressing the traffic and transportation impacts arising from the proposal. It is clear from the EIS indicates that under the current applications approximately 47 vehicles access the site on a weekly basis. Under the proposed enlargement the number of trips generated are estimated to be c.50 trips per week an increase of 3 trips. The EIS states that the traffic volumes and trips to and from the site will not increase in proportion to production rates due to optimising load sizes and improved deficiencies on the farm. Many trips will remain relatively unchanged upon the completion of the proposed development as they are generally weekly/fortnight collections/veterinary inspections etc. and are not determined by the size of the development. The additional trip generation arising from the proposed development would have a negligible impact in terms of traffic volumes to and from the facility and by extension would have a negligible impact on the structural integrity of the roadway serving the site. The modest increases in traffic generated will not have any impact in terms of

vibration on the structural integrity of the foundations of dwellinghouses along the road serving the site.

- 10.2.2. While the access road is relatively narrow it has good forward sightlines along its alignments which will enable vehicles to see oncoming vehicles in the distance and this will provide opportunity for vehicles to pull in at designated laybys (gateways, agricultural entrances etc.) which are scattered along the alignment.
- 10.2.3. The isolated nature of the site makes it more suitable for an intensive agricultural development such as a piggery due to the separation distances between the site and surrounding residential development. It is normal that such isolated rural sites would be served by a modest road network having regard to the volume of traffic generally accommodated on the road network. Thus, while the site in question may be located on a network of relatively minor roads it has the inherent advantage of being located in a more sparsely populated area which is beneficial in terms of protected surrounding residential amenity.

10.3. Potential Impact on Appellants' Water Supply

- 10.3.1. It is not clear from the grounds of appeal as to the nature of the appellants' water supply although the EIS indicates that many of the farms in the wider area are served by groundwater. It is likely therefore that the appellants' property is served by either a group water scheme or a private well. If the appellant is reliant on a private well as a source of water supply, there is obviously a potential to impact on the quality of groundwater through potential contamination of groundwater from waste generated on the subject site.
- 10.3.2. The greatest threat arising in terms of groundwater contamination and potential leakages from the slatted sheds beneath the piggery units or potential leaks from the overground effluent storage tanks proposed on site. The subject site is located over a regionally important karstified aquifer with moderate vulnerability. There is therefore modest potential having regard to the soil and subsoil depth (5 to 10 metres in depth). The EPA Map Viewer website indicates that the soil and subsoils in the area are not sand and gravelly and therefore permeability to the soils would be somewhat protected which would further protect the groundwater resource in the area.

10.3.3. I consider that the mitigation measures to be put in place by the applicant in carrying out the development would ensure that the groundwater resource beneath the site would be adequately protected from any potential contamination arising from the development. These mitigation measures include the following:

- All tanks and foundations associated with the buildings are to ensure that all effluent generated within the piggery is contained within the structures. Furthermore, the structures will be equipped with leak detection systems which will ensure that any potential leak arising detected.
- All manure storage structures on site will be new and will be constructed in accordance with the requirements of the Department of Agriculture, Food and the Marine standards for the construction of farm buildings. The fact that the proposal will incorporate a substantial amount of excess slurry storage capacity well above the six-month minimum requirement (c.22 months) will ensure that all fertiliser is appropriately managed and no overflow of fertiliser from the tanks will occur on site.
- The EIS also states that groundwater monitoring will be carried out on an annual basis in accordance with any requirements which may be incorporated as part of an EPA licence.

10.3.4. Having regard to the information contained on file, the characteristics of the site and the underlying aquifer and the mitigation measures to be employed as part of the proposed development I am satisfied that the proposed development provides no threat to underlying groundwater quality and therefore constitutes no threat to potable water supplies in the area.

10.4. **Carcases Management**

Concerns are expressed that dead livestock carcasses can give rise to specific health and residential amenity issues and that problems in relation to the same have been experienced by the appellant in the past. The issue of dead carcass management is essentially a housekeeping and management issue in that issues arising can be satisfactorily dealt with by way of appropriate management of activities on site. The applicant has indicated in the EIS that all waste generated on site such as animal tissue waste and veterinary waste etc. will be disposed of and recovered in accordance with applicable regulations and EPA requirements. The animal bi-

products regulations and other animal welfare regulations issued by the Department of Agriculture, Food and the Marine will have to be complied with as part of the operations undertaken on the subject site. Such activities are subject to separate regulation outside the planning code and should be complied with accordingly. There is a separate specific regulatory regime in respect of such matters and there is no reasonable to assume that the applicant will not comply with their lawful obligations in this regard.

10.5. Surface Water Contamination

- 10.5.1. Concerns are expressed in the grounds of appeal that the Ballynakill Stream which runs in close proximity to the application site and also the appellants' property could be contaminated as a result of the proposed activities on site. The Ballynakill Stream is located approximately 300 metres to the west of the site and a tributary of the stream also runs on lands to the north and north-east of the site. The Ballynakill Stream discharges into the River Shannon approximately 3 kilometres further west of the appeal site. The confluence point between the Ballynakill Stream and the River Shannon is approximately 5 kilometres south of the small settlement of Tarmonbarry on the Roscommon/Longford border. According to the EPA website there are no specific Q values for the Ballynakill Stream. Q values for the River Shannon upstream of the confluence with the Ballynakill Stream is Q3 to Q4 (moderate to good). Q values further downstream at Lanesborough are Q3 (moderate).
- 10.5.2. As previously stated in the case of groundwater all effluent holding tanks will be sealed with a leak detection system. Any hydrocarbons or other fuels or oils on site will be securely bunded as part of the proposed development and this is encased in planning condition no. 12 of its notification to grant planning permission. Also condition no. 3 of Longford County Council's decision ensures that only non-contaminated water shall be permitted to discharge separately to soakpits or land drains. Mitigation measures have been put in place to ensure that no effluent waste or contaminated water associated with such effluent waste will be discharged off-site other than through slurry spreading. (See section below). Therefore, having regard to the mitigation measures to be employed as part of the proposed development as in the case for potential groundwater contamination I am satisfied that only clear uncontaminated waters will be permitted to be discharged off site and therefore any

such water will not pose a risk to watercourses in the vicinity of the site nor will they pose a risk or a threat to surface water in the vicinity of the appellants' site.

10.5.3. While the grounds of appeal express particular concerns that any contaminated discharge from the subject site could impact on populations of brown trout in the River Shannon. The Board will note that the hydrological path between the subject site and the River Shannon is approximately 3 kilometres long and it discharges into the River Shannon which would have a very high assimilative capacity and therefore the impact on aquatic receptors within the River Shannon would be negligible.

10.6. **Implications in terms of Slurry Spreading**

The grounds of appeal express concerns in relation to the spreading of slurry on surrounding farmland and whether or not surrounding farmland have the capacity to cater for additional slurry being spread on the lands in question. In relation to this matter I would agree with the response of the applicant which highlights that it is requirement of both the applicant and any farmers in the vicinity which are in receipt of manure and fertiliser from the piggery to fully comply with the requirements set out in S.I. 31 of 2014 (European Union Good Agricultural Practice for the Protection of Waters) Regulations 2014. As the Board is aware these regulations are very prescriptive in relation to farmyard management, capacity and storage requirements and facilities for pig manure and nutrient management in terms of spreading slurry on farmlands. Such spreading is only permitted to occur at certain times of the year under certain conditions and buffer zones and separate distances are required in respect of all potentially sensitive receptors. The applicant is required and obliged to comply with the above regulations which are deemed to constitute good agricultural practice and farming management associated with the handling, management and spreading of manure. There is nothing to suggest that the applicant and the farmers in question would not comply with the lawful obligations as required under the above regulations. I would also agree with the inspector's conclusion under Reg. Ref. PL02.240879 where it is stated that it is not normally useful or appropriate for a planning decision to attempt to regulate matters for which a separate specific regulatory regime has been established by statute.

10.7. Surface Water Run-off Concerns

The grounds of appeal express concerns in relation to surface water run-off from the proposed development and the potential impact of such run-off on the appellants' residence particularly as the appellant is located downgradient from the subject site. The applicant in his response to the Planning Authority's request for additional information sets out details of the proposed surface water arrangements. As already stated above no contaminated water will be disposed of off-site. Any surface water disposal will specifically relate to uncontaminated water from clean areas of hardstanding and from rainwater run-off from buildings. Three surface water drainage points are proposed (see drawings submitted with the applicant's response to additional information). Surface water is to be intercepted and discharged to a drain to the south of the site. All surface water from the proposed development will therefore be intercepted and collected before being discharged into a designated open drain on the northern side of the access road and therefore will not pose a threat to the appellants' property. The surface water drainage arrangements are therefore satisfactory in my view.

10.8. Link between Slurry Spreading and MRSA

The final issues raised in the grounds of appeal suggests that people living near pig farms or near agricultural fields on which pit slurry is spread are at a higher risk of contracting MRSA. Reference is made to recent studies carried out in the USA. I have referred to the study in question and I note that this study specifically relates to the US. It attributes the potential spread of MRSA as a direct result of antibiotics which are consumed by livestock in the pig farms. There is no indication whether such antibiotics are used in the EU or in Ireland. The spreading of pig slurry on fields is governed by S.I. 31 of 2014 referred to above. I reiterate that these regulations are deemed to be appropriate from a health and safety perspective and that any decision by the Board should be informed by the legislation and regulation that guide Irish farming practices rather than any specific studies undertaken in the US which specifically relate to US livestock practices.

11.0 Environmental Impact Assessment

- 11.1. I am of the opinion that the EIS submitted together with the additional information submitted on 8th May, 2017 and the 6th July, 2017 generally complies with the statutory requirements as set out in Article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended. I am generally satisfied that the documents submitted including the non-technical summary are in accordance with the requirements set out in the EPA Guidelines as they relate to environmental impact assessment. In my opinion the EIS has identified, described and assessed the likely significant environmental impacts arising from the proposed new piggery and the EIS where appropriate has identified any indirect or cumulative impacts which may arise from the proposed development. In my assessment above I have identified, described and assessed the likely significant impacts arising from the proposed development in respect of issues raised in the grounds of appeal. Where issues have not been adequately evaluated and assessed in the main body of my report above they will be briefly evaluated in this section so as to demonstrate that the EIS submitted generally complies with the requirements set out in the legislation.
- 11.2. Section 3 of the EIS sets out in detail a description of the development and details of the existing and proposed operation of the pig farm with specific reference to pig production, feeding, processes of production and details in respect of manure storage capacity including details in respect of each of the tanks proposed in Appendix 5. The EIS also provides details of the proposed allocation of organic fertiliser manure in accordance with the requirements of S.I. 31 of 2014.
- 11.3. Section 1 of the EIS also sets out the policy context as it relates to piggeries and pig farms. Reference is made to national policy, the requirements for an EPA licence and the general policies and provisions contained in the Longford County Development Plan 2015 – 2021 specifically as they relate to pig production and intensive farming.
- 11.4. Section 5 of the EIS sets out a description of alternative and specific reference is made to alternative sites, alternative layouts and design, alternative processes considered and alternative management of bi-products associated with the development.

- 11.5. Section 6 of the EIS details the description of the existing environment. In describing the environment reference is made to the site and the immediate area surrounding the site and the proposed customer farmlands on which manure will be spread. Reference is also made to soil and geology, groundwater and surface water both for the site and its immediate area and customer farmlands.
- 11.6. The chapter goes on to describe the baseline environment in terms of air, climate, visual aspects, landscape, noise levels, traffic, flora and fauna and special policy areas including Natura 2000 sites. This section of the EIS also includes an Appropriate Assessment Screening Report before describing archaeological features, cultural heritage as well as population and employment trends, material assets and tourism.
- 11.7. Section 7 of the EIS sets out a description of potential impacts for both the site and the immediate area and also in terms of customer farmlands.
- 11.8. In terms of soil and subsoil geology in terms of the site and the immediate area it is stated that the activity will have no significant adverse environmental impact within the site and the immediate area as a new pig farm is to be located on an existing pig farm site. In terms of customer farmlands all fertiliser from the pig farm will be allocated for use in accordance with Section 31 of 2014.
- 11.9. In terms of the impact on groundwater it is stated that all manure from the pig farm will be contained in storage structures which will be built to required standards with leak detection systems. Furthermore, groundwater monitoring will be carried out on an annual basis.
- 11.10. In relation to groundwater on customer farmlands again reference is made to the fact that all land spreading will be in accordance with the requirements of S.I. 31 of 2014.
- 11.11. In terms of surface water it is stated that only clean uncontaminated surface water will be discharged from the site through one or more storm water discharge points. All points will be visually inspected on a weekly basis for any signs of contamination etc. In terms of customer farmlands reference is again made to the requirements of S.I. No. 31 of 2014 which will ensure that no surface water contamination results.
- 11.12. In terms of air pollution, the main potential impact arises from odour. The EIS states that the grower houses will be continuously washed, disinfected and adequately ventilated to ensure minimum odour emissions. It is stated that odour and emissions

from modern well managed pig farms are insignificant outside the confines of the building.

11.13. Section 7.5 of the EIS relates to climate. No significant impacts in terms of climate are anticipated.

11.14. In terms of landscape and visual impact the main potential impacts arise from the construction of new buildings on site. It is stated that these buildings will be completed in line with the Department of Agriculture, Food and the Marine specifications and will be modern efficient buildings. It is also noted that the site is located outside any areas identified as scenic routes. The finishes of the proposed buildings together with the landscaping will help screen developments from local views.

11.15. In relation to noise impact it is not altogether clear whether baseline noise assessments were undertaken specifically for the site in question. Reference is made in the EIS document to Appendix 16 which relates to details of baseline noise surveys undertaken for five different pig farms in the wider area. The results indicate that noise levels (L_{aeq}) are in the vast majority of instances below the EPA limits. The Board might consider requesting a specific noise survey in relation to the subject application. However, having regard to the fact that an existing piggery is located on site, and the fact that the existing activities is to be replaced by newer and more modern structures together with the fact that these structures are to be located further away from the public road and noise sensitive receptors in the area I consider it reasonable to conclude that the noise impact will not significantly differ from historic activities on site and as such noise will not constitute a significant effect on the environment.

11.16. Section 7.8 of the EIS relates to traffic as indicated in my assessment above the EIS has estimated future trip generation arising from the development and the increase in trip generation arising from the redevelopment of the site will not be significant and thus the environmental impact will not be significant.

11.17. Section 7.9 of the EIS relates to flora and fauna.

The EIS notes that having regard to the fact that the proposed development is located on and within an agricultural farmyard/existing pig farms together with the fact that the lands adjoining the site are intensively managed as agricultural

grassland it is anticipated that it is reasonably suggested that the proposed redevelopment of the site will not have a significant impact on the flora and fauna in the area.

- 11.18. In terms of customer farmland, it is noted that the local land in the wider area will be in receipt of organic fertiliser which will have a positive impact on agricultural production. Reference is again made to the fact that all land spreading will be carried out in accordance with S.I. No. 31 of 2014 to ensure that there is no significant environmental impact arising from organic fertiliser spreading.
- 11.19. Section 7.10 of the EIS specifically relates to nationally designated environmental areas. It notes that the appropriate assessment screening concluded that there will be no adverse impacts arising from the construction or operation of the proposed development (see section on Appropriate Assessment below).
- 11.20. It is noted that the proposed pig farm is not located within, adjacent or close to either amenity area or areas containing archaeological features/cultural heritage. As such the proposed development will have no impact on archaeology or amenity of the area. Details in relation to archaeological designated areas are set out in Appendix 18.
- 11.21. Section 7.11 relates to employment and population. It stated that the proposed pig farm will lead to the direct permanent employment of c.1-2 additional people in the area which would make a positive contribution to the local economy.
- 11.22. Section 7.12 specifically relates to material assets. The EIS states that the proposed development will not have significant impact on existing agricultural enterprise or residential dwellings in the area. It is noted that there are no residential dwellings within 280 metres of the proposed development. The proposal would not have any significant impact on other resources including mineral resources, land or energy. The farm does not require any modifications to existing electricity supplies, water or road infrastructure.
- 11.23. It is stated that the pig farm itself will have no impact on tourism in the area.
- 11.24. Section 14 specifically relates to cumulative effects. The EIS reasonably in my view concludes that the agricultural activities proposed will not have a significant cumulative effect on the environment and it is again reiterated that all manure generated by the proposed development will be used as fertiliser in accordance with

the strict requirements set out in S.I. 31 of 2014. The approved operation and management of the farm will help minimise any potential impacts on the environment.

11.25. Chapter 8 of the EIS specifically relates to the interaction of effects. The impacts in terms of inter-relationships between the EIA factors are described as being either:

- Not applicable.
- Positive (particularly in relation to human beings) or neutral.

11.26. The final section of the EIS sets out details of the environmental management programme including the slurry management programme and the environmental monitoring programme associated with the activities to be undertaken on site. There are a large number of appendices also attached to the EIS which augments the information in the main report.

11.27. In conclusion therefore I consider that the contents of the EIS together with the additional information submitted by the applicant is adequate and comprehensive enough to carry out a full environmental assessment arising from the proposed development. While a number of baseline studies such as studies in relation to air and noise monitoring, I nevertheless consider that there is enough information within the document to carry out a full environmental impact assessment and that the potential impacts from both the construction (where applicable) and operational impacts have been adequately identified, described and assessed in the EIS. Furthermore, I would generally agree with the conclusions set out in the EIS that the proposed development would not have a significant adverse impact on the receiving environment either individually or cumulatively, directly or indirectly during both the operational and construction phase of the development. Furthermore, the EIS incorporates appropriate mitigation and monitoring measures to ensure that any potential environmental impact is minimise. I therefore consider that the residual impacts arising from the proposal would not be material and would generally be acceptable.

12.0 Appropriate Assessment

- 12.1. A screening report for appropriate assessment is contained in Appendix 13 of the EIS. The screening assessment provides the background and regulatory context in respect of the Habitats Directive. Reference is also made to the potential impacts arising from land spreading and the requirements of S.I. No. 31 of 2014. It is noted that within a 10 kilometre radius six sites have been designated under the EU Habitats Directive. The report sets out details of the site name and code, the distance from the proposed development and the qualifying interests associated with each of these Natura 2000 sites. The screening report sets out details of best practice measures to be incorporated in the management of the proposed development and concludes that the proposed development will have no impacts on any Natura 2000 site in the vicinity. It is stated that the integrity and conservation objectives on the site will be maintained and the habitats species associated with the site will not be adversely affected. As such the development does not need to proceed to a Stage 2 Appropriate Assessment.
- 12.2. For the purposes of completing a robust and comprehensive appropriate assessment I propose to carry out an independent appropriate assessment screening report in respect of the proposed development. The appropriate assessment screening report submitted with the application correctly identifies the Natura 2000 sites in the vicinity that could potentially be impacted upon as a result of the proposed development. Many of the Natura 2000 sites including:
- The Ballykenny – Fisherstown Bog SPA.
 - The Brown Bog are all physically separated from the subject site and do not share any hydrological or ecological connection with the subject site. The proposed redevelopment of the pig farm therefore will not pose any threat to the integrity of the qualifying interest associated with these SACs.
- 12.3. Furthermore, Lough Forbes SAC is located upstream of the subject site and is therefore highly unlikely to be anyway affected as a result of the proposed development.
- 12.4. All manure generated within the subject site will be held and stored in secure tanks which will be constructed in accordance with Department of Agriculture, Food and

the Marine requirements and will also incorporate leak detection systems. It is only surface water run-off from the hardstanding areas within the facility and from the roof areas of the buildings that would be permitted to be discharged as storm water off-site. The closest watercourse to the application site is the Ballynakill Stream which is located 200 to 250 metres west of the proposed development and a tributary of the same is located approximately 200 metres to the north-east of the site. This stream flows in a north-westerly direction until its confluence point with the River Shannon at Cloonkeel approximately 2 to 3 kilometres north-west of the subject site. The River Shannon flows southwards into the Lough Ree SPA and SAC. The SPA and SAC are located approximately 6.1 kilometres downstream of the confluence point between the Ballynakill River and the River Shannon. As the discharge from the piggery will involve only clean uncontaminated surface water run-off together with the dilution rates available in both the Ballynakill Stream and more importantly the much larger River Shannon it can be reasonably concluded that any discharge from the subject site will not result in any potential impact on the qualifying interests associated with the Lough Ree SAC or SPA. There is no potential in my opinion for any direct, indirect or in combination effects which could adversely impact on the integrity of the qualifying interests or features of interest associated with either the Lough Ree SAC or SPA. It is reasonable to conclude on the basis of the information on 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 will not be likely to have a significant effect on 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 view of the site's conservation objectives and therefore a Stage 2 appropriate assessment (and a submission of an NIS is not therefore required).

13.0 Conclusions and Recommendation

Arising from my assessment above I consider that the Board in this instance should uphold the decision of the Planning Authority and grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 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 provision of the Longford County Development Plan 2015 – 2021.
- (f) The report of the Inspector.

It considered that the proposed development subject to conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, and would generally be in accordance with the proper planning and sustainable development of the area.

15.0 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 on the 8th day of May 2017 and 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 interest of environmental protection and public health.

3. The proposed piggery enterprise shall run in strict accordance with the requirements of the European Communities (Good Agricultural Practice for the Production 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 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.

4. 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.

5. 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 with 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.

6. The external finishes of all the pig houses shall be properly painted in good quality 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.

7. Details of the finishes of all other agricultural sheds, the location of fencing of paddocks and other areas and the design, scale and finishes of any feeding silos on site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenities of the area prior to the commencement of development.

8. 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 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.

9. The stocking rate at this facility for sows shall not be increased over and above 600 sows as indicated 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.

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/operator.

Reason: In the interest of residential amenity.

11. All existing fuel, oil, storage tanks located within the site shall be provided with adequate bunding the details of which are to be 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] [which shall not include *prunus* species]
 - (ii) Details of screen planting [which shall not include *cupressocyparis x leylandii*]
 - (iii) Details of roadside/street planting [which shall not include *prunus* species]
 - (iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [5] years from the completion of the

development [or until the development is taken in charge by the local authority, whichever is the sooner], 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 of €39,715 (thirty-nine thousand seven hundred and fifteen euro) 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. The contribution shall be paid prior to the 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. The application of any indexation required by this condition 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.

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.

Paul Caprani,
Senior Planning Inspector.

12th February, 2018.