

File With \_\_\_\_\_

**SECTION 131 FORM**

Appeal NO: ABP - 321395-24

Defer Re O/H

Having considered the contents of the submission ~~dated~~ received 23/12/24

from Agents for Applicant I recommend that section 131 of the Planning and Development Act, 2000 be (not be) invoked at this stage for the following reason(s): No new planning issues raised

E.O.: Josua Gandy Lawlor

Date: 14/1/25

**For further consideration by SEO/SAO**

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: \_\_\_\_\_

Date: \_\_\_\_\_

S.A.O.: \_\_\_\_\_

Date: \_\_\_\_\_

M \_\_\_\_\_

Please prepare BP \_\_\_\_\_ - Section 131 notice enclosing a copy of the attached submission

to: \_\_\_\_\_ Task No: \_\_\_\_\_

Allow 2/3/4 weeks – BP \_\_\_\_\_

EO: \_\_\_\_\_

Date: \_\_\_\_\_

AA: \_\_\_\_\_

Date: \_\_\_\_\_

File With \_\_\_\_\_

**CORRESPONDENCE FORM**

Appeal No: ABP 321395-24

M \_\_\_\_\_

Please treat correspondence received on 23/12/24 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>20</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Board's letter <input type="checkbox"/>

<b>Amendments/Comments</b>
<u>Applicant's response to appeal.</u>

<b>4. Attach to file</b> (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	<b>RETURN TO EO</b> <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Janice Goady</u>	AA: <u>Dillon Colcoran</u>
Date: <u>02/01/25</u>	Date: <u>2/1/25</u>



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19<sup>th</sup> December 2024

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	_____
ABP-	_____
<b>23 DEC 2024</b>	
Fee: €	Type: _____
Time: <u>9.26</u>	By: <u>Post</u>

**Re: Application for PERMISSION to extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works at Graigue, Ballinakill, County Laois.**

**Case Number: ABP-321395-24**

**Local Authority: Laois County Council  
Planning Reference: 24/60311**

**Subject: Response to Appeal by Mr Peter Sweetman**

A Chara,

The statement "*As the development is less than 50m from of the River Barrow and River Nore SAC (002162) Appropriate Assessment under Article 6.3 of the Habitats Directive is required*" is incorrect.

As detailed within the Stage 2 Appropriate Assessment completed by Panther Ecology Ltd, the River Barrow and River Nore SAC (Site Code: 002162) located approximately 276m to the south-east of this proposed development.

Secondly, the distance from a protected site is not a sufficient test to determine if a plan or project is likely to have an effect. The Stage 2 Appropriate Assessment established a source-pathway-receptor relationship between the project and the River Barrow and River Nore SAC (Site Code: 002162) and on this basis, screened the site to be within the likely zone of impact of the project.



<b>Case Number:</b>	<b>ABP-321395-24</b>
<b>Local Authority:</b>	<b>Laois County Council</b>
<b>Planning Reference:</b>	<b>24/60311</b>
<b>Subject:</b>	<b>Response to Appeal by Peter Sweetman</b>

The Stage 2 Appropriate Assessment concluded that *“It is the conclusion of this Natura Impact Statement that, subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and mitigation measures to be employed. This conclusion refers to the development by itself or in combination with other developments”*.

The Planning Authority in considering the application for planning permission concurred with the conclusion reached in the Stage 2 Appropriate Assessment.

Further, it should be noted that the Stage 2 Appropriate Assessment was prepared by a competent consultant, with the necessary qualifications and expertise to prepare an AA Screening Report:

(a) Ms Paula Farrell of Panther Ecology Ltd who has a BSc in Wildlife Biology from Munster Technological University (formerly IT Tralee). She is a senior ecologist who has over 5 years experience in ecological assessment. Paula has extensive experience with regards to Environmental Impact Assessment and Appropriate Assessment. She has experience in complex assessment as part of multi-disciplinary teams in a range of industrial/commercial, residential and amenity/recreational developments.

Mr Sweetman raises assessment for compliance with the requirements of the Water Framework Directive.

The potential for impacts to water quality during the construction and operational phases of the development were addressed in the Stage 2 Appropriate Assessment and were considered for the requirement of mitigation measures and formed part of the assessment which lead to the report conclusion.

Mr Sweetman raises Cases C-293/17 and C-294/17 on the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites.

As described in the application documents, it is not proposed to graze animals or apply slurry as part of the development. Slurry, a by-product of the pig rearing facility, would continue to be supplied to customer farmers for use as an organic fertiliser in compliance with all relevant regulations.

This use is regulated under the European Union (Animal By-Products) Regulations 2014 (S.I. 187 of 2014), as amended, and the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022), as amended.

It is implicit in the regulations in S.I. 113 of 2022 which implement Directive 91/676/EC in Ireland that the use of fertilisers, including pig manure, in compliance with the regulations, is for the protection of waters in accordance with the Water Framework Directive.

The pig manure is and will be used by each “occupier” of each “holding” in compliance with S.I. 113 of 2022. The legislation confers rights and responsibilities on the “occupier” of a “holding”. It is clearly prescribed in Article 16 of S.I. 113 of 2022 that the responsibility for nutrient management planning is the responsibility of each occupier of a holding.

The spreading of agricultural slurry is regulated by the Department of Agriculture, Food and the Marine (DAFM).



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Local Authority:	Laois County Council
Planning Reference:	24/60311
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I would draw your attention to High Court Decision [2024] IEHC 55 Peter Sweetman vs. The Environmental Protection Agency which clarifies the legal definition of faecal animal by-products intended for use as a fertiliser, the responsibilities of the producer of an animal by-product, the responsibilities of the 'occupier' of a 'holding', and the relevant regulatory authority for management of these materials.

Best Regards,  
Martin O'Looney



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