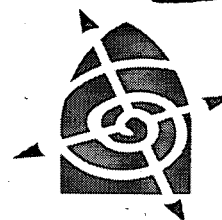
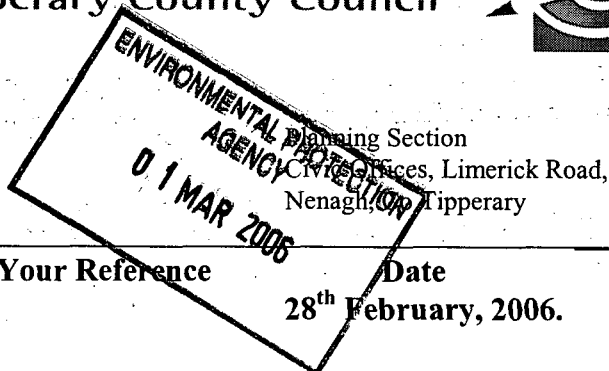


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Comhairle Contae Thiobraid Árann Thuaidh
North Tipperary County Council



Telephone (067) 44652/3
Fax (067) 44654
E-mail planning@northtippcoco.ie



Our Reference
0451/1507

Your Reference

Date
28th February, 2006.

Demolition of 7 existing pig houses & old office building & construction of feed mill, and 4 No. new pig houses to make the existing 980 sow pig farm a fully integrated facility and associated site works at Lissernane, Rathcabbin, Roscrea

Dear Sir/Madam,

Planning permission for the above development was granted to Michael Monagle on the 21st March, 2005. Condition No (13) of the permission requires the payment of charges in accordance with the Development Contributions Scheme adopted by this Council in March 2004, with credit being allowed for the buildings to be demolished.

The applicant has made a written submission to the Planning Authority in respect of the amount of charges levied and stated that he would not be increasing the numbers within the herd but was merely increasing the floor space to comply with welfare legislation. While the Planning Authority would look favourably on this and similar cases (where the development would not result in any intensification of use of the premises but was merely being upgraded to meet relevant standards), certification of same would be required from an independent source, i.e. in this case, the EPA as the relevant licensing regulatory authority.

Attached for your information are copies of the relevant planning permission, a summary of the Development Contributions Scheme and the written submission from the applicant. I would be grateful for your observations and recommendation on the matter as soon as possible. If you have any queries, please contact Annette Daly at 067-44674.

Thanking you in advance for your assistance.

Yours faithfully,

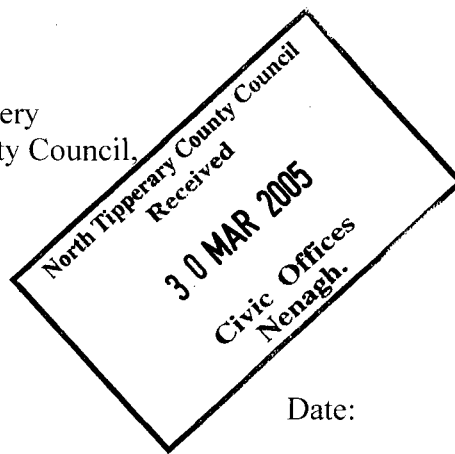
John Swan
for Director of Services.

The Environmental Protection Agency,
Johnstown Castle Estate,
Co. Wexford.

EPA

MAIN FILE ☒
PUBLIC FILE ☒
EVALUATION FILE ☒ BIT
DATE 3/3/06 JH

Tom Barry & Pat Slattery
North Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary



Sharragh Pig Farm,
Lissernane,
Rathcabbinn,
Roscrea,
Co. Tipperary

Date: 24/03/04

RE: Planning Application Ref No 04511507

Dear Sirs,

In response to your request for a financial contribution as per attachment to GRANT of Planning permission dated 14/02/2005, for the upgrading of the pig production facility at Sharragh Pig Farm, I wish to make the following submission.

In respect of the provision of accommodation for the sow herd, I wish to stress that I am not increasing the numbers within the herd, but merely increasing the floor space allocation per animal and providing loose housing for animals which were previously tethered in order to comply with EU welfare legislation under EU directives 91/630/EEC and 2001/93/EC, which must be in place before the beginning of 2006. This alone is a crippling cost for this sector (which has not recorded any profits in recent years, as can be seen by the number of farmers exiting the business), without the additional contributions being sought by the County Council.

I acknowledge the need for all to make a contribution towards infrastructure, but feel that the proposed determination of fees in this instance is neither fair nor reasonable. My reasoning for this is as follows; Agriculture, with regard to animal housing has been grouped together. The development contribution levied on a slatted house for bovine and ovine animals for example is small when the overall enterprise is taken into account. A pig however, needs to be accommodated inside for the duration of its life, thus increasing the area required for housing. Therefore, any generalised levy on agricultural buildings will inadvertently penalise this sector out of existence.

Whilst, I am sure that the scope of the study undertaken by senior Council staff in determining fees was wide ranging, it is unlikely to have considered pig farming aside from mainstream agriculture due to the small number of pig farms remaining in the country. I feel that due to the absence or lack of pig farms within the study, special considerations need to be examined. Greater numbers of developments within a category help to highlight inequalities and promote special considerations or a tiered system of charging. An example of this is commercial warehousing, which attracts reduced rates for larger buildings to make the system more equitable, as bigger buildings don't necessarily give bigger profits. I see this as the best analogy to compare the pig sector with that of general agriculture.

In summary, I purchased this facility which is located in a wholly agricultural hinterland, with a view to upgrading the facility to modern-day standards. I believed

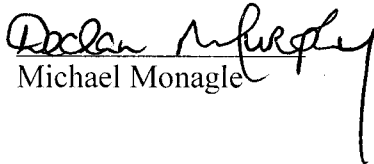
that I could have a positive effect on the local community through the use of up to date techniques and facilities designed to eliminate the threat of pollution. I even envisaged the development of a Biogas plant in the future to further improve the environment and to ensure that our industry is, at worst, carbon neutral. To this end I have already carried the cost of a feasibility study for an Anaerobic Digester at this site. I also looked forward to vast improvements to the welfare of the animals with modern facilities.

Instead, I am extremely disillusioned to find that on top of modernising the facility that the council has sought its chance to gain opportunistically from this development. Surely, local employment and stability should be the number one priority to ensuring that there is a community in place to utilise the infrastructure and recreation and community facilities that the council are so anxious to provide for?

I would be grateful if you would reconsider the proposed levies, particularly those charged under '*Recreation Community Facilities*' and their effects on an industry that is already on its knees, but endeavouring to survive in the hope that tomorrow it will be realised that we are producers of food and not just another commodity.

Do not hesitate to contact me at 087 6877100 if you have any queries.

Yours sincerely,

pp. 
Michael Monagle

cc All Public Representatives

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Executive Summary

The following Table sets out the development contributions that were adopted on the 16th February 2004 by North Tipperary County Council and **adjusted at 1st January, 2006**. The Table must be read in conjunction with the Footnotes as set out below.

Level of Contribution by class of Development						
	(€ per sq. m.)					
Class (See Table 2 in the Scheme)	(a) Public water supply	(b) Waste water drainage	(c) Road infrastructure	(d) Recreation Community Facilities	(e) Car parking € per space	Total (Excluding car parking)
1. Partially Serviced House ⁵	5.9	nil	9.95	8.74	nil	€24.59
2. Serviced House ⁵	5.9	12.14	13.45	8.74	3,000	€40.23
3 Residential Extension ⁵	5.9	12.14	13.45	8.74	Nil	As in class 2 > than 60 sq.m. ⁵
4. Commercial ⁶	10.5	13.35	12.41	10.23	3,000	€46.49
5. Warehousing	See footnote 6					€46.49 < 500 m + 50% thereafter
6. Industrial	10.61	13.66	13.66	11.6	3,000	€49.53
7. Extraction / Landfill	1,651.55 per ha	nil	11 cents per M ³	6,562.43 per ha.	3,000	€8213.98 per ha, 11 cents per M ³
8. Agricultural ^{8,9} Stables/kennels	16.84	nil	13.66	11.6	Nil	€42.1 on stables > 200sq.m. and kennels > 100 sq.m.
9. Agricultural ⁹	8.43	nil	5.36	5.79	nil	€19.58 > 600 sq.m. Horticulture and mushroom tunnels exempt
10. Golf/pitch & putt	30%	nil	70%	Nil	3,000	€218.74 per ha
11. Overhead Lines	Nil	nil	Nil	100%	Nil	€1.1 per 1.0 metre
12. Masts and turbines	Nil	nil	4,374.96	2,187.47	Nil	€6,562.43 per apparatus
13. development other than 1-12	To be allocated as 'Special Contribution' and/or based on the above classes and the nature and extent of the development					€54.69 per m ²

9.95
8.74
18.69

Foot Notes to Table 4

Note 1: The floor area of the proposed development shall be calculated as the gross floor area, meaning the internal dimensions of the proposed building and including each floor, stairwell and common areas;

Note 2: Where a proposal is made to restore a protected structure, derelict or vacant building to residential use the Council will consider an exemption or reduction in development contributions;

Note 3: Contributions in respect of car parking will only apply where the developer is unable to meet the requirements of the County Development Plan in force at the date of decision on an application for permission for a development for which a contribution is required under this scheme and will be calculated in accordance with Paragraph 3.2.2 (viii)

Note 4: In areas of zoned land and locations suitable for cluster housing a developer may, subject to the agreement of the Planning Authority, provide public infrastructure as part or full payment in lieu of the relevant contribution;

Note 5: A house of less than 125 sq.m. that is being constructed by first-time house owners for their own use and full time occupation will receive a 50% discount on the charges payable. The onus of proof of entitlement to this discount will rest with the claimant who will be required to satisfy the Planning Authority in whatever manner is specified. Residential extensions of less than 60 sq.m. will be exempt, as will extensions where a previous development contribution has been paid in respect of the house to be extended.

Note 6: Commercial warehousing will be assessed at the full commercial rate up to 500 sq.m. and at 50% for the remaining floor area;

Note 7: Industrial or commercial buildings or plant associated with extractive or landfill processes will be assessed under classes 4 and 5;

Note 8: Class 8 contributions will only apply to kennels above 100 sq.m. and stables above 200 sq.m. in floor area;

Note 9: Class 9 contributions will only apply to buildings in excess of 600 sq.m. Horticultural buildings and mushroom tunnels will be exempt from contributions;

Note 10: The following types of development will be exempted from charges under this scheme but may, in some circumstances, be liable for special contributions under the Act :-

- Development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain.
- Development that is designed, or intended to be used, as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain,
- Social housing units, including those which are provided in accordance with an agreement made under Part V of the Act (as amended under the Planning & Development (Amendment) Act, 2002) or which are provided by a voluntary or co-operative housing body, which is recognised as such by the Council.

NORTH TIPPERARY COUNTY COUNCIL



PLANNING AND DEVELOPMENT ACTS, 2000 - 2002

NOTIFICATION OF DECISION TO GRANT PERMISSION WITH CONDITIONS

TO: Michael Monagle
c/o. Michael Sweeney
M.S. Farm Services
Mooresfort
Lattin
Co. Tipperary

Ref No. 04511507

Application Received: 07/10/2004, 30/12/2004,
06/01/2005 and 19/01/2005

In pursuance of the powers conferred upon them by the above mentioned Acts, North Tipperary County Council has by Order dated 14/02/2005 decided to grant you PERMISSION for development of land namely:- **construct a feed mill, demolish 7 No. existing pig houses and old office building, to construct 4 No. new pig houses, to make the existing 980 sow pig farm a fully integrated facility and associated site works with septic tank and percolation area.** An EIS has been submitted with this application at Lissernane, Rathcabbin,

FOR THE REASON(S) STATED IN SCHEDULE 1 AND SUBJECT TO THE CONDITION(S) STATED ON SCHEDULE 2 (1 TO 15, PAGES 1 TO 3)

If there is no appeal against the said decision, a Grant of PERMISSION in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See Footnote).

It should be noted that until a Grant of a Permission has been issued the development in question is NOT AUTHORISED.

The applicant is advised that unless the development described above is carried out within five (5) years from the date of Grant of PERMISSION, planning permission will cease to have effect. See Section 40 of the Planning and Development Act, 2000.

FOOTNOTE: An appeal against a decision of a Planning Authority under the Planning and Development Acts 2000 - 2002 may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1 (Tel. (01) 8588100). All Appeals either by the applicant or a third party must be received by An Bord Pleanala within four weeks beginning on the date of the making of the Decision by the Planning Authority. Appeals posted within the permitted period but received after the latest date will be invalid. (Note: Where the latest date for receipt of an Appeal falls on a day when the offices of the Board are closed (Week-Ends, Public Holidays, etc.), the latest date for receipt will be the next day on which the offices are open).

An appeal must be made in writing and be accompanied by (a) the name and address of the applicant, (b) the subject matter of the Appeal, (c) the full grounds of appeal and the reasons, considerations and arguments on which they are based, (d) the appropriate fee as set out on attached schedule, and (e) in the case of a third party appeal, the acknowledgement from this Planning Authority of receipt of submissions/observations made by the third party. Any appeal which does not meet all the legal requirements will be invalid and cannot be considered by the Board. Further details are available on the Board's Website www.pleanala.ie

A commercial development means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

N.B. An appellant is not entitled to elaborate upon or make further submissions in writing in relation to the grounds of Appeal unless requested to do so by the Board.

Signed on behalf of the said Council

T. Welch
for Director of Services
Planning and Community & Enterprise

Date: 14/02/2005

North Tipperary County Council

Schedule of Conditions – File Reference Number 04511507

SCHEDULE ONE

It is considered that the proposal generally complies with the policies and objectives of the County Development Plan 1998 and 2004 and that the proposed development will not have an adverse impact upon the character of the area or the amenities of adjoining properties.

SCHEDULE TWO

- (1) Save where modified by the following conditions, the proposed development shall be carried out in accordance with the drawings and documentation submitted with the planning application on 07/10/04 and further information submitted on 30/12/04, 06/01/05 and 19/01/05.
REASON: To clarify the permission and in the interest of proper planning and sustainable development.
- (2) Effluent and slurry from the development shall not discharge or be discharged onto a public road or into any roadside drain.
REASON: In the interest of traffic safety, environmental and residential amenity and to avoid the creation of a nuisance.
- (3) Haulage of effluent and slurry along a public road shall be carried out using a watertight tanker/container in a manner which will avoid the creation of a nuisance, disagreeable and unsafe conditions for pedestrians and residents, and a traffic hazard for other road users.
REASON: In the interest of traffic safety, environmental and residential amenity and to avoid the creation of a nuisance.
- (4) The development shall comply with the requirements of the Local Government (Water Pollution) Acts, 1977/1990 and Department of Agriculture specifications.
REASON: In the interest of preserving residential and environmental amenity.
- (5) All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels, etc. to the proposed and existing storage facilities and no effluent and slurry shall discharge or be allowed to discharge to any land, stream, river or water course.
REASON: In the interest of preserving residential and environmental amenity.
- (6) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains/streams/adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.
REASON: In the interest of preserving residential and environmental amenity by reserving the capacity of effluent and storage tanks for their specific purposes.
- (7) The land spreading of slurry and effluent shall not occur within 100 meters of any well, spring or other source; within 10 meters of any water course; within 20 meters of any main river or lake; within 100 meters of any dwelling house, except with the consent of the owner/occupier thereof, or on areas frozen or saturated from rainfall and/or incapable of absorbing the effluent and slurry material, resulting in run-off to watercourses. Methods/techniques used to land spread slurry shall be selected to prevent public nuisance exceeding levels which are as low as reasonably practical not entailing excessive cost in accordance with good farming practice booklet issued by the Department of Agriculture and Food and in accordance with the latest soil nutrient management regulations and guidelines. The Council shall be informed in writing of all changes to the spread lands and copies of all spreading agreements and nutrient management plans shall be furnished to the Council.
REASON: In the interest of preserving residential and environmental amenity.

North Tipperary County Council

Schedule of Conditions – File Reference Number 04511507

- (8) The proposed development shall be stocked at a rate to give a minimum of 26 weeks slurry storage. Tanks shall be constructed to the dimensions shown on the submitted drawings with all agitations points outside the buildings.
REASON: In the interest of preserving residential and environmental amenity.
- (9) No water shall be allowed flow from the development onto the public road and existing surface water drainage shall not be interfered with.
REASON: To prevent the flooding of and damage to the public road.
- (10) Pig manure shall not be spread on any areas of heath, bog or scrub vegetation within a designated Natural Heritage Area (NHA), and specifically within spread area no. 82 marked in the map in Appendix 2 to Attachment 5 supplied as further information to this application.
REASON: To avoid the risk of damage to habitats within the River Little Brosna Callows NHA site code no. 000564, a site designated as an NHA under the Wildlife (Amendment) Act, 2000.
- (11) Pig manure shall not be spread on any areas of the Ballymacegan Bog NHA site code no. 000642 within spread area no. 60, marked in the map in Appendix 2 to Attachment 5 supplied as further information to this application.
REASON: To avoid the risk of nutrient enrichment of groundwater feeding the flush which forms part of this site, as well as to avoid changes in the vegetation of unimproved wet grass land within the NHA, which is designated as an NHA under the Wildlife Amendment Act, 2000.
- (12) Pig manure shall not be spread on any areas liable to flooding within the spread area no. 18 (north-west part) marked in the map in Appendix 2 to Attachment 5 supplied as further information to this application, until it has been demonstrated to the satisfaction in writing of the Environment Section of the County Council, that there is no risk of nutrient enrichment of groundwater in the vicinity of this spread sub-area.
REASON: To avoid the risk of damage to habitats within the Kilcarren-Firville Bog candidate Special Area of Conservation (cSAC), site code no. 000647, a site designated as a cSAC under the European Communities (Natural Habitats) Regulations, 1997.
- (13) Before development commences, the developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the administrative area of North Tipperary County Council that is provided, or intended to be provided, by or on behalf of the Authority in accordance with the terms of the North Tipperary Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act, 2000.
(i) The amount of the development contribution under this condition is €54,707.38 which is calculated as follows:

Agricultural ⁹	(€ per sq. m.)	Gross Floor Area (sq. m)	Total Cost
		Chargeable	
(a) Public water supply	€0.00	5,103.30	€0.00
(b) Waste water drainage	€0.00	5,103.30	€0.00
(c) Road infrastructure	€5.15	5,103.30	€26,282.00
(d) Recreation	€5.57	5,103.30	€28,425.38.23
Community Facilities			
(e) Car parking € per space	€0.00		€0.00
Total	€10.72		€54,707.38

- (ii) The Scheme provides for the adjustment of contributions payable in accordance with the Wholesale Price Index with effect from 1 January, 2005 and at six-monthly intervals thereafter. The amount payable (i.e. at the date of commencement of development) will, therefore, be adjusted as appropriate

North Tipperary County Council

Schedule of Conditions – File Reference Number 04511507

(iii) Where the contribution remains unpaid after the date of commencement of the development, any outstanding amounts due shall be paid together with such interest that may have accrued in respect of the period in question.

(iv) In accordance with Section 48 (10) of the Planning and Development Act 2000 no appeal shall lie to An Bord Pleanála in relation to the contribution required under this condition except where it is considered by the applicant that the terms of the Scheme have not been properly applied by the Planning Authority.

REASON: It is considered reasonable that a contribution be made in accordance with the North Tipperary County Council Development Contributions Scheme 2004 made under Section 48 of the Planning and Development Act 2000.

(14) Prior to the commencement of development a construction and demolition waste management plan shall be submitted to the Planning Authority for written agreement.

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

(15) The design, construction and maintenance of the septic tank drainage system shall be in accordance with the recommendations of the EPA Wastewater Treatment Manual – Treatment Systems for Single Houses EPA 2000.

REASON: In the interest of public health.

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