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Your Ref. P0990-01

P0990-01

20th June 2014

For the Attention of: Ms Eve O'Sullivan

Environmental Licensing Programme
Office of Climate, Licensing & Resource Use
Environment Protection Agency
Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford,
Ireland

ENVIRONMENTAL PROTECTION
AGENCY

25 JUN 2014

Re: **Fay Pig Farms Limited, Pollabane, Cava, co. Cavan**
Notification under Section 87(1D)(a) of the EPA Acts, as amended.

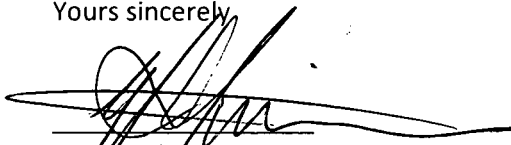
Dear Sir/Madam,

I refer to your letter, dated the 25th of March 2014.

The Planning Authority has made an assessment on the Planning application Ref. 14/83 and a decision to issue a grant of planning permission was made on the 10/04/2014. The assessment of the accompanying EIS, was made as per the Planners' report dated, 9th April 2014.

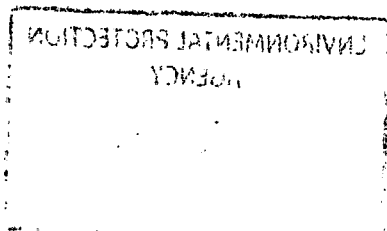
I attach a copy of the report for your records. The Planning Authority has no further comments to make regarding the EIS.

Yours sincerely,


Eve Harrison
Executive Planner
Cavan County Council

Tá fáilte romhat gnó a dhéanamh as Gaeilge
Cavan County Council ... Working with Diversity in Mind

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25 JUN 2014

MEMORANDUM

From	Noeleen Shannon Assistant Planner	To	A/Senior Planner Planning Section
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Date **April 9th 2014**

Planning Reg. No: 14/83
Applicant: Fay Pig Farms Ltd
Type of Application: Permission
Development Description: to decommission 6 no. Existing pig houses and to construct 8 no. Weaner/grower houses and 1 no. Ancillary storage shed, in accordance with animal welfare regulations, together with all ancillary structures and all associated site works, on the site of existing pig farm. An Environmental Impact Statement (EIS) will be submitted with this planning application. This application relates to a development, which is for the purposes of an activity requiring a licence under Part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2013.

Engineering Area: Cavan

SITE LOCATION AND DESCRIPTION

Proposed site is located on local road L-6579-0 in the townland of Pollabane, Cavan. The proposed development is located within a long established pig farm complex. A site notice was erected on date of site inspection and was visible and legible from the public road.

DEVELOPMENT PLAN POLICY

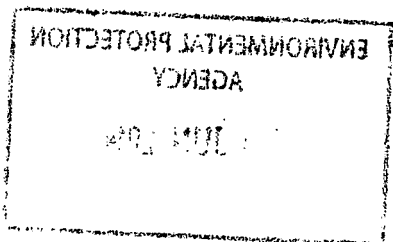
Proposed site is located in a rural area outside of any designated town/village. Section 3.4 – To consider, facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects and farm diversification and other suitable proposals that support the development of alternative rural enterprises.

PLANNING HISTORY

None.

PRE-PLANNING

None.



SUBMISSIONS

Submission from Environmental Protection Agency EPA noted. Following comments made:

- An Industrial Emissions (IE) Licence application was made by Fay Pig Farms Ltd on 12/03/2014. Noted that EIS submitted with licence application appears to be the same EIS submitted with the planning application.
- EIS appears to address the key points in relation to the environmental aspects of the proposed activity which relate to matters that come within the functions of the Agency – also appears to address the direct and indirect effects of the development on the aspects of the environment listed in Section 83 EPA Acts
- Licence application is currently under assessment – all matters to do with emissions to the environment from activities proposed, the licence application documentation and EIS will be considered and assessed by the Agency
- Where Agency is of the opinion that the activities as proposed cannot be carried out or cannot be effectively regulated under a licence then the agency cannot grant a licence for such a facility - should the agency decide to grant a licence in respect of the activity it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities
- In accordance with EPA Acts, the Agency cannot issue a Proposed Determination on a licence application relating to the development until a planning decision has been made – requested to provide the documentation relating to the EIA carried out to the Agency under Section 173A(4) of the Planning & Development Acts 2000, as amended.

Application was referred to Fisheries – no response received to date.

REPORTS

Area Engineers report noted – no issues with regard to the road.

Environment report noted. Following comments made:

- Proposed development and the existing holding is located in the North Western River Basin District, in the Woodford Management Unit; the current status of the water body is poor Ecological Status, this must be restored to good status by 2021 in accordance with the requirements of the Water Framework Directive.
- Proposed development is located in an area designate as a Poor Aquifer with Extreme Vulnerability
- **Following findings from Environment site visit:**
- Some buildings were constructed approx. 15 years ago yet there are no planning files associated with these structures.
- EIS refers to the weaners being sourced from a specialised pig breeding farm. This is in fact a facility owned by their own enterprise. According to information on the EPA website the IPPC licence for Crocknahattin has been surrendered. Based on the weaner livestock figures being supplied to this unit from Crocknahattin it appears possible that this facility should also be IPPC licensed.

- Based on the current livestock numbers this facility should already be IPPC licensed by the EPA. Livestock figures are above the threshold set out under the New First Schedule to the EPA Act 1992-2013 i.e. greater than 2,000 places for production pigs which are over 30kg.
- **Implications of IPPC licensing**
- The planning authority in granting permission for a development requiring a license from EPA may not impose conditions in relation to the environmental emissions from this activity
- The planning authority may decide to refuse a grant of permission in respect of a development requiring a license from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment
- The protection of visual amenity, archaeological sites, natural heritage areas and other special protection areas, etc., remain the responsibility of the planning authority in so far as these relate to actual on-site development (as distinct from the waste disposal operation)
- The planning authority retains responsibility for access, transportation and road safety
- **Assessment – general environment**
- It is evident from our iPlan and iDocs systems that this is the first planning application for this site. However, there is extensive development and facilities evident on the site. The retention of same and compliance with the relevant planning and development acts is a matter for the planner.
- Refer to planning section for evaluation for potential conflict with designated natural heritage areas, archaeological sites/monuments, special protection areas, scenic viewing points, scenic routes, riverside and lakeside amenity areas and areas of high landscape value which are listed in the 2008-2014 County Cavan Development Plan.
- Evaluation of access and road safety is a matter for Cavan County Council Roads Section
- **Recommendation**
- Recommend unconditionally
- The disposal and or disturbance of any asbestos sheeting/roofing utilised in the existing farm building structures or dwelling shall only be carried out in accordance with the appropriate regulations and under the supervision of an appropriately qualified person
- The facility shall not operate at the proposed increased stock numbers until an IPPC licence is in place
- Recommend that EPA should be notified regarding the details of this application and to the Crocknahattin unit.

PLANNING ASSESSMENT

Site Location

Proposed site is located in a rural area approx. 2.5km to south-east of Cavan Town and approx. 4km to the north-east of Ballinagh. Site is located on local road L-6579 off local road L-2516.

Site Description

Proposed development (decommissioning of existing pig units and construction of new pig units) is located within an existing farmyard. The existing farmyard complex consists of several pig units, stores, sheds, silos, cattle sheds, hay barn and a dwelling. The site is in an elevated location but falls away from the public road and is well screened by existing hedges and buildings. The existing farm is accessed of a narrow local road – it is proposed to use same entrance for proposed development – no changes to entrance proposed. The area in which the new pig units (units no. 1, 2a, b, c, d, e and f) is a Greenfield site which has is a grassed area and has not been built on. New pig unit no. is to be located at same location as existing pig unit no. 6.

Description of Development

Application is for the following:

- Decomisison 6 no. existing pig houses
- Construct 8 no. weaner/grower houses
- 1 no. ancillary storage shed

Area of site is 1.62ha. Gross floor space of existing building 4,767sq.m. and gross floor space of proposed works is 3,044.84sq.m. gross floor space of works to be demolished is 1,105sq.m. Development is served by existing connection to private well.

Site plan indicates the following:

- Site distance of 50m and 43m from existing entrance
- Existing hedge to be maintained at a height of 1m to 1.2m high
- New fence and hedge adjacent to entrance and along southeastern boundary
- Proposed pig units – unit no.s 1, 2a, b, c, d, e and f and no. 9
- Existing pig units – units no. 3a, b, c, d, e, f, g, h, i, j, k, l, m
- Existing dwelling house – no. 4 outside of site boundary
- Existing cattle sheds – no. 5 – outside of site boundary
- Decommission existing pig units – unit no. 6, 10a and 11
- Existing hay shed – no. 7 – outside of site boundary
- Existing store – outside of site boundary
- Existing general purpose shed – 10b
- Proposed store – no. 12

Proposed store (no. 12 on site plan)

- Total floor area 48.37sq.m.
- Height 5.48m
- Roller shutter door – roof and wall cladding to be green/brown/blue/grey colour - side and gable sheeting to be corri-farm gauge corrugated profile space sheeting

Proposed pig house no. 1

- Total floor area 1136.80sq.m.
- Height 5.30m
- No details of materials

Proposed pig house no. 2a, b, c, d, e and f

- Total floor area $233.63 \times 6 = 1401.78\text{sq.m.}$
- Height 5.6
- No details of proposed materials

Proposed pig house no. 9

- Total floor area 1136.80sq.m.
- Height 5.3m

Sections through the site

A-A, B-B and C-C through proposed units no. 1 and 2a, b, c, d, e and f. No finished floor levels for other proposed structures indicated – proposed pig unit no. 9 and proposed store no. 12.

Environmental Impact Statement

Thresholds for EIS -Planning & Development Regulations 2001, as amended, Schedule 5, Development for the purposes of Part 10, Part 17 (b) 3,000 places for production pigs (over 30kilograms), or (c) 900 places for sows.

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

An EIS has been submitted with this application and following details outlined in same:

Description of development

- 8 no. weaner/grower houses proposed on the existing specialized weaner/grower site
- Decommissioning of 6 no. aged structures on the farm
- Proposed development will result in an increase in stock numbers on the farm from c. 5,500 to c. 7,500
- Farm currently operates as a c. 5,500 place weaner/grower farm whereby pigs are brought to the site at c. 20kgs and reared to market weight, currently 115kgs
- Fay family also operate a bovine farming enterprise adjacent to the existing pig farm
- Current average sized pig farm is in region of c. 500 sows fully integrated (i.e. pigs reared from birth to market weight) and average size pig farm in Co. Cavan is 600 sows – a 600 sow fully integrated pig unit would have a total of c. 7,500 pigs on the farm at any one time, therefore proposed development could be deemed similar in scale to the average sized Cavan pig farm

Organic fertilizer production and storage

- Organic manure production at present equals c. 8,208.2m³ per annum as per SI 31 of 2014, based on occupancy rate of c. 5,500 pigs – this will increase to c. 11,232m³ upon completion of proposed developments - manure output will be increased as a result of the proposed developments
- Net organic manure storage capacity of the farm at present equals c. 7,045.72m³ (excluding 6 no. houses proposed to be decommissioned) which will increase by c. 6,040.83m³ to 13,086.56m³ once the proposed developments are completed (c. 14 months manure production) - this storage capacity is in excess of the 6 months storage as required by SI 31 of 2014

Utilization of Organic Fertiliser

- Manure from this farm will be used by the customer farmers in accordance with the European Nitrates Directive

Application of organic fertilizer

- Odour nuisance will be minimized and surface and ground waters protected by using the correct application rates, spreading at the correct times under suitable conditions and strict adherence to cordon sanitaires and the Codes of Good Practice for manure spreading as outlined in SI 31 of 2014

Soil

- Hydraulic and chemical loading will not be exceeded due to the fact that all organic fertilizer is to be applied in accordance with SI 31 2014 thus preventing nutrient accumulation

Surface and ground water

- Pig farm is located in Erne Catchment, Woodford water Management unit and is drained by tributaries of the Cavan or Ballinagh Rivers.
- EPA/Cavan County Council and fisheries board carry out water quality monitoring on ongoing basis in the area and to date there has been no indication that this existing farm has had any ongoing significant adverse affect on water quality in the area
- Proposed development will increase the scale of activity on the farm, however compliance with SI 31 2014 and SI 14 2008 will ensure that the applicant meets all of his requirements with regard to animal welfare and nitrates regulations
- Clean storm water will discharge into a tributary of the River Erne
- Soiled water will be directed into manure storage tanks
- Surface and ground waters around the pig farm will remain protected and will not be affected by the proposed development due to the quality and adequacy of storage to be provided on-site, and the separation of clean and soiled waters

Air/climate

- All practicable steps such as washing routines etc. have been planned for and will be taken so as to minimize odour from site – its rural setting and location distant (>100m from local residences (exception of applicants family dwelling) will ensure no effect on human beings

Visual aspects and landscape

- Proposed developments are to be carried out on and/or adjacent to the existing pig farm structures – pig farm is rurally located, farming activities, bovine and swine have been carried out on and/or adjacent to this proposed site since the late 1960s

- Existing pig farm is on a relatively level site – proposed development will be screened by the existing farmyard complex and the mature hedgerows adjoining the site and will be integrated into the site – to be complemented and enhanced by proposed landscaping
- Site not located near or likely to affect any protected views, areas of high amenity, NHAs, SACs, SPAs or monuments/places of archaeological interest

Noise/traffic

- Not anticipated that noise at this site will not have any adverse impact on the local environment
- There is 1 no. dwelling belonging to the applicants located adjacent to the farm – in addition there are 5 no. dwellings located within 350m of this pig farm, with one of these belonging to the applicants family
- Traffic to and from the site will increase due to the proposed development, as a result of the construction activities to be carried out on site (temporary) and due to the increase in the scale of the activity on the farm (permanent)
- Weekly traffic associated with the farm will be – feed deliveries (existing 3-4, proposed 4-5), organic fertilizer (existing 8-10 and proposed 12-13), stock transport (existing 4 – proposed 5) and transport of materials and staff to and from the farm
- This pig farm has existed for c. 40-50 years and there has been no indication of an adverse impact, environmental or otherwise, due to the traffic flows.
- Transport of dead animals from the farm to a rendering plant occurs weekly/fortnightly

Flora and fauna

- All habitats within these lands such as wooded areas, scrubland etc. would be excluded from receiving organic fertilizer from this farm due to requirements of SI 31 2014, nitrates directive.
- A planned pest control programme to Bord Bia Quality Assurance Scheme standard is currently implemented on the farm –this will be extended to incorporate the proposed development
- Existing site and adjoining area has been an agricultural farmyard for a long number of years and thus a poor level of plant diversity and is of no significant ecological importance – majority of proposed development area is intensively managed grassland and thus has a poor level of ecological diversity

Special Policy Areas

- NHAs, SPAs, SACs - Pig farm not located within or likely to affect any of these areas
- Amenity areas – pig farm is not located close to and/or likely to adversely impact on any forest or other parks, lakeside or riverside amenity areas as listed in Cavan County Development 2008-2014
- Archaeological features – pig farm is not located near, and/or likely to impact on any special heritage sites - proposed development is located c. 400m from any features recorded on the Archaeological Survey of Ireland – as proposed development is a significant distance away it is not anticipated that this development will adversely impact on the archaeological features of this areas

- Pig farm not located near to and/or likely to adversely impact on any of the walking routes, areas of high landscape value, major lakes and lakeside areas, scenic routes or scenic viewing points listed in Development Plan

Wastes generated on-site

- All wastes generated on site, such as animal tissue waste, veterinary waste, general packaging etc. will be stored and disposed of/recovered in accordance with applicable regulations and in accordance with Council and/or EPA requirements

Population/employment

- Pig farm will employ 4 people directly (increase from 3 currently) including applicant, leading to indirect employment nationally of c. 18-20 people – additional employment during construction
- No adverse effect on tourism in the area of the site due to good environmental management practices operated on the farm, the farms rural location and its long tradition as a pig farm
- Within county the pig industry is a key component of the agricultural economy

Cumulative effects

- Proposed development will not lead to a negative cumulative impact on the local environment
- Proposed intensification of activities will result in an increase in the amount of organic fertilizer produced, however, it is significantly below that required by the customer farmers to maintain optimum soil fertility - it will have no significant adverse impact within the local area and/or county at large

Difficulties encountered in compiling required information

- No particular difficulties encountered

Summary

- Replacement of existing aged structures with modern pig accommodation and the provision of improved manure storage facilities should be seen as a positive development and an improvement in the attributes of the existing farm
- Proposed development will operate under the conditions imposed as part of any grant of planning permission and in line with Department of Agriculture requirements, specifically outlined in SI 31 2014 and SI 14 2008 and will operate under the conditions imposed as part of any licence for this farm issued by the EPA

Information contained in Appendix of EIS

- Appendix. No. 11 Construction and Demolition Waste Management Plan
- Appendix no. 13 - Screening report – Appropriate Assessment

Construction and Demolition Waste Management Plan

- Proposed development divided into 3 areas of works
 1. Demolition/decommissioning of 5 no. existing pig houses and ancillary structures
 2. Site development
 3. Construction of 8 no. new pig house and 1 no. feed store
- Proposed to prevent waste by renovating existing buildings where appropriate, re-using materials, recycling material and waste disposal as last resort

- Buildings selected for demolition are not suitable for renovation
- Demolition plan – 8 separate steps outlined – designated skips/storage areas to be provided for different waste streams
- Demolition waste types and projected disposal/recovery routes identified – asbestos sheet roofing (if any) to be recovered by Oxigen Environmental
- Site development plan – all excavated soil to be used on site – to level low-lying parts of the site and as back fill around the tanks with any remaining soil to be used elsewhere on the farm – in interim, all excavated soil to be stored on site
- Construction plan - to reduce excessive material wastage on site it is proposed to order and supply materials as needed
- Operator is greatly experienced at overseeing similar developments on this, and other pig farms and will be in charge of the management of the demolition waste management plan.
- Appropriate records are to be maintained of all materials sent off site for recycling/disposal

Screening Report - Article 6(3) & (4) of the Habitats Directive 92/43/EEC Appropriate Assessment of a Proposed Project

Natura 2000 sites identified

- nearest designated Natura 2000 site to the existing farm is Lough Oughter Complex SPA and Lough Oughter and Associated Loughs SAC approx. 7.3km from subject site and Lough Sheelin SPA approx. 13.2km to south
- site is drained by field drains which ultimately lead to the Cavan River, a tributary of the Annalee River – site located in North Western River Catchment Area- the Lough Sheelin and Lough Kinnale and Derragh Lough sites are located outside the water catchment of the subject site and as such will not be affected by any potential for water pollution from the subject site – the potential impacts of the development on the Lough Oughter complex and associated loughs and the potential for pollution of ground and surface that would ultimately flow into the lough system is of most significance

Assessment of likely effects

- as proposed development is located outside of the boundary of the Natura 2000 sites identified (in excess of 7km) the possible direct impacts of this proposed development on these designated sites are limited
- potential indirect impacts might include loss of habitat, loss of species, demand on water supply, waste generation and potential impact on ground water.

- Issue identified as having most potential for an impact was management of organic fertilizer and potential for pollution of ground and surface water due to loss of nutrients to water
- Lough Oughter sites are vulnerable to any potential for contamination of ground water as a result of loss of
- nutrients to surface or groundwater due to the proposed development
- Current proposal allows for an increase in pig production on site and consequently there will be an increase in organic fertilizer - however the proposed development will result in a significant upgrade in organic manure storage facilities on site with a significant increase in storage capacity - newly constructed manure storage tanks build to Depart of Argi specifications will replace older tanks – significant reduction in potential for point source discharges to surface or ground water -new development will provide for upgrade and replacement of existing animal housing facilities on site and as a result secure containment of all organic fertilizer produced in these houses – all new manure storage tanks will have leak detection facilities installed
- Site synopsis for Lough Oughter and Associated Loughs identifies water polluting activities such as run-off from fertilizer and slurry application as well as sewage discharged as the main threat to the quality of the site – to mitigate any potential impact from this site all organic fertilizer generated will continue to be exported off site to farms who meet the requirements under Nitrates Directive - export and management of this material will not have an impact on water quality as the nutrients received will be recycled as a fertilizer for grass and/or crop production
- Based on assumption that the farm continues to operate in accordance with nitrates directive it is not considered that there will be any secondary indirect adverse impacts on Lough Oughter as a result of the proposed development

Assessment of in combination effects

- Given location of site within co. cavan it is likely that there are other pig farms located upstream of this existing farm which might in combination with the subject farm increase the potential risk to the surface water in the area – EIS identified other pig farms close by including one located 2.2km to north west of site and also within Lough Oughter catchment area
- Proposed development seeks to replace a significant amount of structures on site with modern purpose built pig houses – fertilizer will all be stored and distributed in accordance with SI 31 2014 – concluded that any existing developments in combination with the subject facility will not result in any additional direct or indirect impacts on any SAC or SPA sites

Summary of conclusions of appropriate assessment screening

- No direct potential significant adverse effects on 3 no. Natura 2000 sites identified within the wider area of the subject site
- Potential secondary indirect adverse effects on two Natura 2000 sites, Lough Oughter SPA and SAC as a result of organic fertilizer generated on this site - no impact on the Natura 2000 sites as a result of this proposal as all additional organic fertilizer is to be allocated for use in accordance with SI 31 of 2014 EC (Good Agricultural Practice for the Protection of Waters Regulations 2014).
- Given distance of the subject site from the Natura 2000 sites in excess of 7km and that all organic fertilizer generated by the proposed development will be allocated for use in accordance with SI 13 2014 ensuring no potential pollution of surface or ground water
- Recommendation that there is no requirement for a stage II Habitats Directive Assessment to be carried out

CONCLUSIONS AND RECOMMENDATIONS

Proposed development is located in a rural area on an existing pig farm. From a planning perspective the location of the proposed development raises no issues. Development comprises of decommissioning existing pig units and erection of new pig units. An increase in numbers from 5,500 to 7,500 is proposed. The existing facility has been in operation at this location since the late 1960s as indicated in the EIS. It is noted that there is no planning history on this site, however this is an established use that has been in existence for many years. The proposed upgrading of the existing facility with new replacement structures is welcomed and will ensure compliance with animal welfare regulations. It is noted that applicant has applied to the EPA for a licence for this facility and as such the planning authority may not impose conditions in relation to the environmental emissions from this activity. As noted in Environment Section report the Planning Authority retains responsibility for visual amenity, archaeological sites, natural heritage areas and special protection areas etc. access, transportation and road safety. All of these aspects have been covered in the EIS and the planning authority is satisfied that the proposed development will not have a negative impact on any designated site or archaeological site. From a visual amenity perspective the redevelopment and expansion of the existing facility does not raise any concerns – site is well landscaped and screened and additional screening is proposed for new units. Area Engineer has assessed the proposed development from a roads perspective and is satisfied with same. With regards to residential amenities, apart from the applicants own dwelling on site, the nearest residential dwellings are all more than 100m from the site. No submissions have been received from any nearby residents. As such, the planning authority considers that the proposed development will not have a negative impact on any nearby residents. Any emissions such as noise and odour will be dealt with by EPA and any licence granted.

Considering the above information, a grant of permission is recommended subject to conditions.

Conditions as per Environment report to be included with regards to asbestos roofing and that the facility shall not operate at the proposed increased stock numbers until an IPPC license is in place.

Development contribution

Class 3 the provision of buildings or other structures for the purpose of agriculture - €5per sq.m. (in excess of 800sq,m,) Gross floor space of proposed development is 3044.84. Contribution to be levied on 2244.84 (3044.84 minus 800).

CONDITIONS

1. Development shall be carried out in accordance with plans and particulars submitted to and received by the Planning Authority on 05/03/2014 subject to the requirements of the following conditions.

In the interest of proper planning and sustainable development.

2. No surface water from roofs or paved areas shall flow from the site (including entrance area) onto the road adjoining the site but shall be collected by a surface water drainage system and discharged direct to nearby watercourses.

In the interests of public health, traffic safety and amenity.

3. Prior to commencement of the development, the developer shall pay the sum of € (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the Planning Authority as a contribution towards expenditure that was and /or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contributions Scheme for Cavan County made by the Council.

With reference to Section 48 of the Planning & Development Act 2000.

4. The disposal and or disturbance of any asbestos sheeting/roofing utilised in the existing farm building structures shall only be carried out in accordance with the appropriate regulations and under the supervision of an appropriately qualified person.

In the interest of public health

5. The proposed buildings shall be finished in a manner that is consistent in appearance to the existing structures on site.

In the interests of visual amenity.

6. The facility shall not operate at the proposed increased stock numbers until an IPPC licence is in place.

In the interests of public health and amenity.

PLANNER SIGNATURE

DATE

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