

Comhairle Contae Chorcaí Cork County Council

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Liz Leacy,
Programme Officer,
Environmental Licensing Programme,
Office of Environmental Sustainability,
Environmental Protection Agency,
Headquarters,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford.

11th May, 2017

Re: Notification under Section 87(1E)(a) of the EPA Act 1992, as amended.
Reg. No. PO790-03

Dear Madam,

I refer to your letter of the 25th April, 2017 in connection with the above.

I wish to advise that the EIA submitted to the Planning Authority has been superceded by the EIA submitted to An Bord Pleanála as the application was granted on appeal (copy of decision attached). The Board's EIA is attached and incorporated into their decision order.

The Planning Authority has no further comments to make regarding same.

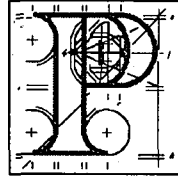
Yours faithfully,

Assumpta Drake.
Planning Department.



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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cork County

Planning Register Reference Number: 12/06635

An Bord Pleanála Reference Number: PL 04.241892

APPEAL by An Taisce of The Tailor's Hall, Back Lane, Dublin against the decision made on the 26th day of March, 2013 by Cork County Council to grant subject to conditions a permission to Eoin O'Brien care of Murphy McCarthy Consulting Engineers Limited of East Park House, Marina Commercial Park, Centre Park Road, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of six number buildings consisting of three number fattening houses, weaner house, dry sow/farrowing house, pump house, construction of eight number low emission pig houses consisting of four number fattening houses, two number weaner houses, dry sow house and farrowing house. The development also includes an extension to the existing farrowing house, construction of a covered loading bay/yard area, computer room/pump house, store/office building, five number feed bins, four number water tanks, yard area with two-metre high perimeter fencing, two number covered underground pig manure storage tanks, landscaped earth berm to screen the site and construction of additional internal road areas, storm/soiled water collection systems and associated site works for the extension to the existing integrated pig farm, all at Annistown, Killeagh, County Cork.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010,
- (b) the European Communities (Welfare of Farmed Animals) Regulations, 2010,
- (c) the provisions of "Food Harvest 2020 - a Vision for Irish Agri-Food and Fisheries" issued by the Department of Agriculture, Fisheries and Food (2010),
- (d) the nature and scale of the proposed development,
- (e) the location of the site, the characteristics of the area, and the pattern of development in the vicinity, including the distance to dwellings,
- (f) the characteristics of the proposed development, the characteristics of its potential impacts, and the mitigation measures proposed,
- (g) the planning history of the site,
- (h) the nature and scale of the existing facility on the site and its management practices,
- (i) the operation of the facility under an Integrated Pollution Control (IPPC) Licence issued by the Environmental Protection Agency,

- (j) the IPPC licence history at this site, the long period of operation of the existing facility, and the absence of complaints in relation to its operation, and
- (k) the submissions on file, and the report of the Inspector.

The Board considered that the environmental impact statement submitted with the application, supplemented by the further information submitted to the planning authority and to the Board over the course of the application and the appeal, the submissions of the planning authority, the other submissions on file, and the report of the Inspector, were adequate in identifying and describing the likely significant effects of the proposed development. The Board generally agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and with his conclusions on the acceptability of the mitigation measures proposed and residual effects. Following consultation with the Environmental Protection Agency, the Board completed an environmental impact assessment, and concluded that the proposed development would not be likely to have unacceptable direct, indirect or cumulative adverse effects on the environment.

In this respect, and having regard to the submissions on file in relation to odour, the provisions of "Odour Impacts and Odour Emission Control - Measures for Intensive Agriculture", issued by the Environmental Protection Agency (2001), the report of the Inspector and his observations on site, the distance to dwellings, the IPPC licence history of the site, the long period of operation of the existing facility, and the absence of complaints in relation to its operation, the Board was satisfied that the proposed development would not be likely to give rise to unacceptable impacts in relation to odour.

The Board also carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, having regard to its nature and scale, the receiving environment, the distance of pathways to European Sites, the assessment undertaken by the planning authority in relation to Appropriate Assessment screening, the submissions on file generally, and the Inspector's assessment, which is noted, and concluded that the proposed development, in itself or in combination with other plans or projects, would not be likely to have a significant effect on any European site.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 8th day of March, 2013, and by the further information submitted to An Bord Pleanála on the 23rd day of May, 2013 and the 12th day of August, 2013, including the environmental mitigation measures contained therein, except where otherwise may be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The landscaping berm to the west of the proposed development shall be omitted.

Reason: To prevent reduction of natural flood storage capacity, and accordingly to prevent exacerbation of flooding elsewhere.

3. Landscaping of the earthen banks shall be of indigenous deciduous tree and shrub species only.

Reason: In the interest of protecting local biodiversity.

4. The design of the development shall be amended so that a minimum of four number single pig isolation pens and two number multi-pig isolation pens, such as Trowbridge pens, shall be provided. Prior to commencement of development, revised drawings showing compliance with the above requirement shall be submitted to, and agreed in writing with the planning authority.

Reason: To ensure an appropriate standard of development.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall be constructed in compliance with the requirements of the planning authority for such works and services. In this regard:

- (a) the surface water run-off drainage system shall comprise a sealed on-site system, which shall be constructed so as to provide for all uncontaminated roof water from buildings and clean yard water to be separately collected and discharged in a sealed system to adequate soakpits, and
- (b) all soiled waters shall be directed to a storage tank through properly constructed channels.

Drainage construction details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection and public health.

6. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be in accordance with the details submitted to the planning authority on the 8th day of March, 2013, and shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2013.