

Screening Assessment Form

Reg.Ref: 15/2.

Application Lodged: 2/1/15

Application Type: Permission

Last Day: 22/6/15

Last Day: 22/6/15
(for receipt of appeal)

Last Day: 21/7/15

Last Day: 21/7/15
(for response)

Last Day: _____

Last Day: _____
(for response)

Last Day: _____

Last Day: _____
(for observations to multiple appeals)

Last Day: 20/7/15.
(for observations to appeal)

MI Case & Others as assigned

☐ Normal Inspection

 Protected Structure

☐ **Material Contravention**

Section 49 Supplementary Development Schem

☐ See separate form re: EIS (where applicable)

☐ As the development appears to be outside an EIS and development <125 dwelling units, it is assumed that the project is exempt from the requirements of the 2001 to 2009 Regs, re: EIS (office notice of 10/1/2010).

Section 138 of the 2000 Act - (see memo attached)

☐ Direct to Board via SEO/SAO for direction/decis

Direction / Comments on Appeal:

To AA: Please request from the PA - (1) pre-application records dated 17/12/14. (2) Copy of EIS + NIS in CD format. (3) objection made by Michael Hoey. (4) letter of no comments from DAU Cpg 3 of Planner's report.

1) Please place EIS in box.

1). Issue BP70 circulating applicants response to the appeal. Allow 3 weeks

1) Issue BP70a to Heritage Council. Allow 4 weeks.
60°C 29/02

SEO/SAO:

Date: 1/28/15

S.37
File With _____

SECTION 131 FORM

Appeal No: PL

A. 245044

Defer Re O/H

☐

To. SEO

Having considered the contents of the submission dated/received

21-7-15

from

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):

in the interest of justice

EO:

Nicholas Mearns

Date:

23/7/15

To EO:

Section 131 not to be invoked at this stage

☐

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

☐

SEO:

Date:

SAO:

Date:

Mr

O'Connell

Please prepare BP 70 Section 131 notice enclosing a copy of the attached submission

to:

PA & appellant

Allow 2/3/4 weeks BP

EO:

Nicholas Mearns

Date:

23/7/15

AA:

G. O'Connell

Date:

28/07/15

CORRESPONDENCE FORM

Appeal No: PL 19-245044

M R O'Connell

Please treat correspondence received on 21-7-15 as follows:

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

4. Attach to file <input checked="" type="checkbox"/> (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"/>	RETURN TO EO <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/> Date Stamped Filled in <input type="checkbox"/>
EO: <u>Helen Murphy</u>	AA: <u>G. O'Connell</u>
Date: <u>21-7-15</u>	Date: <u>23/07/15</u>

CLW Environmental Planners Ltd.

The Mews,
23 Farnham Street,
Cavan,
Co. Cavan

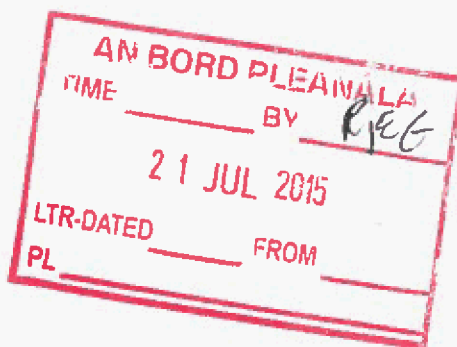
Phone: 049-4371447/9

Fax: 049-4371451

E-mail: info@clwenvironmental.i

An Bord Pleanála
64 Marlborough St.,
Dublin 1.

9th July 2015



RE: Planning application for Rosderra Farms for development at Ardra,
Bracknagh, Co. Offaly.
Your Ref: PL 19.245044
P.A. Reg. .REF: 15/2

Dear Sir/Madame

I refer to the planning application for permission for development made on behalf of Rosderra Farms. for development at Ardra, Bracknagh, Co. Offaly, and your subsequent correspondence in relation to an appeal against Offaly Co. Co.'s decision to grant permission for same dated 24th June 2015.

Please find enclosed the applicant's response to the issues raised in this appeal.

Please also note that the farm is generally locked and secured, unless activities are ongoing on the farm at that time. Should the inspector wish to make arrangements for a site inspection please contact me at the number above.

Should you have any queries in relation to this, or, require any further information please do not hesitate to contact me at the above number or on 087-6794459.

Yours Faithfully,


Pádraic Fay B.Agr.Sc.

Directors: S. Clarke, O. Leddy B.Agr.Sc., P. Fay B.Agr.Sc.

V.A.T. Reg. No. 8277204J

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Response to issues raised in Appeal against Offaly County Council's decision to grant planning permission for the re-development of existing pig farm at Ardra, Bracknagh, Co. Offaly.

Preface:

The issues in the appeal appear to relate mainly to the assessment of the application by Offaly Co. Co. rather than to the actual development, and in this regard the applicant does not feel that they are in a position to make significant comment in relation to same.

However, it is felt that at this juncture it is important to emphasis Rosderra Farms reasons for seeking this planning permission. The site currently has planning permission, and, an IPC licence for the existing activity. Rosderra Farms believe the current facility is not in an optimum condition to satisfy current environmental and welfare requirements and have proposed investing and modernising the buildings on site to future proof the farm and ensure it meets and exceeds current standards. The value of this farm upgrade is in the region of €4 million. The alternative to this development not proceeding is to make a limited investment and repopulate the current farm structures.

➤ **Rosderra Farms:**

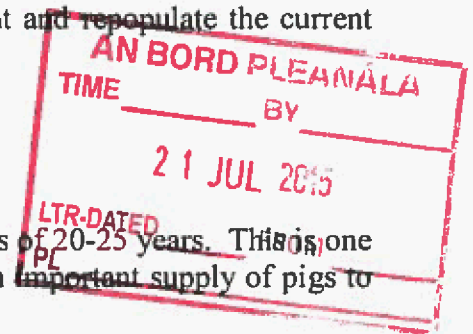
Pig farming activities have been carried out on this farm for in excess of 20-25 years. This is one of a number of farms operated by Rosderra Farms which provide an important supply of pigs to the **Rosderra Irish Meats Group**'s plants in Edenderry and Roscrea.

Rosderra Irish Meats is the largest pork processing company in Ireland. They handle approximately 50% of the pigs produced in The Republic of Ireland. They operate two state-of-the-art slaughtering and processing facilities at Edenderry, Co. Offaly and Roscrea, Co. Tipperary, both located c. 30 – 35 km's from the farm. In addition to the above Rosderra Irish Meats Group also have a speciality Meat Ingredients facility in Clara, Co. Offaly, a Pork-Curing facility in Jamestown Co. Leitrim, and a Cooked Meats facility in Stradone, Co. Cavan.

As the leading supplier of Irish pork and bacon products, the origin and standards of pig production and supply to their factories is of the utmost importance. At Rosderra Irish Meats Group, it is their primary focus to ensure that all animals supplied are:

- Born and reared in Ireland;
- From farms participating in the National DNA trace-back scheme;
- From National Registered Farms;
- Certified under the Bord Bia Farm Assurance Scheme; and
- Approved under the Rosderra Quality Pig Grid for animal welfare, husbandry, bio security, healthcare and structures.

Rosderra Irish Meats Group is an integrated business, with a number of their own pig farms (including the current application site(s)) strategically placed close to their plants which form the cornerstone of their supply base. From this supply network of quality pig meat, they produce an extensive range of fresh, frozen and cured pork products.



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Through their extensive network of farms, they apply the latest advances in genetics and pig husbandry that will assist them to continuously improve the quality of their end-products. Their highly-experienced staff ensures that all new technologies are validated in-house before being recommended to the wider supplier network.

The proposed development will lead to the direct employment of 4 - 6 people in this area. Indirect employment will also be created through outside service employment for building contractors, repairmen, nutritionists, veterinarians, pork processors, hauliers and sales personnel, a spin-off of this development. For each 100 sows farmed, 5 people are employed directly or indirectly in Ireland. As previously stated agriculture is important to the economy of Co. Offaly.

The Bracknagh farm is an important part of Rosderra's supply chain, and the proposed redevelopment of this farm will provide an essential link in the supply chain of pigs to the Rosderra Irish Meats premises in Edenderry and Roscrea. There is the potential for c. 6 people to be employed on this farm. There is c. 40 people employed directly on Rosderra Farms' pig farms with in excess of 1,000 people employed in total, within the Rosderra Meats group. This provides a significant source of employment in this area, and is a significant boost to the economy of Co. Offaly.

➤ **Current Planning Application**

It is the applicant's opinion that they have fully embraced the Planning Permission process, and completed the application in this regard in line with all requirements. As part of this process an Environmental Impact Statement and a Natura Impact Statement were prepared as required and submitted on their behalf.

Any additional information requested as part of the recent planning permission application, the Environmental Impact Statement, and/or as a result of Offaly Co. Co.'s assessment of the proposal(s), was comprehensively addressed.

➤ **Previous Planning Applications**

The validity of the previous permissions has been called into question. While the current owner was not the applicant at the time of these permissions, it can only be assumed that at that time, that the then applicant fully embraced the Planning Permission processes, and completed the relevant applications in this regard in line with all requirements as outlined to them.

AN BORD PLEANÁLA

TIME _____ BY _____

21 JUL 2015

LTR-DATED _____ FROM _____

PL _____

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In order to address some of the issues raised in this appeal, and/or provide some additional clarification it is important to first establish / identify / clarify a number of points.

A. Planning/ E.P.A. Licence Status of Existing Farm

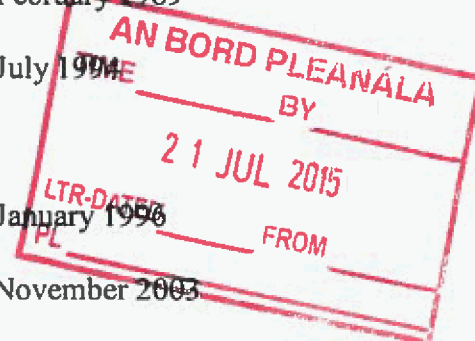
The planning and licensing status of the farm is as outlined in Section 2.3.1. of the E.I.S. (as detailed hereafter) The planning permission and EPA Licence for this farm are as detailed below and it is considered by the applicant that the existing farm is fully authorised.

“ 2.3.1 Planning/Licensing History

The subject site is an existing pig production facility and the existing farm has developed over a period of c. 25 years. Site Location Maps are contained in in Figure 2.1 and Appendix No. 2.

A number of planning applications have been granted by Offaly County Council on the subject site, and a Licence has also been granted by the Environmental Protection Agency and these are summarised as follows:

Ref. no.	Development Description	Decision
88/272	PIG PRODUCTION UNIT AND NEW SEPTIC TANK	Granted 28 th February 1989
92/205	RETENTION OF PIG REARING AND FATTENING UNIT	Granted 14 th July 1994
95/275	RETENTION OF PIG FARM, ALTER UNITS C AND D TO A SLATTED SYSTEM AND PROVIDE ADDITIONAL WASTE STORAGE	Granted 24 th January 1996
P0614-01	IPPC LICENCE FOR A 550 SOW INTEGRATED PIG FARM	Granted 21 st November 2003



2.3.2 E.P.A. Licence

A licence was granted by the E.P.A. to Glanbia Farms Ltd. on 21st November 2003, Reg. No. P0614-01. This licence has since transferred to the current operator Rosderra Farms. A copy of the licence is contained in Appendix No. 6. This licence details the maximum stock numbers on the farm, and is the licence under which the existing farm currently operates, as follows,

Schedule 1(i) Animal Numbers Housed at the Facility Animal Class	Numbers
Farrowing/Suckling Sows	110
Dry Sows	440
Maiden Gilts	100
Boars	15
Weaners	1900
Finishers	3000

Note 1: This excludes suckling pigs maintained on site.

Note 2: The Agency may accept a 5% increase in the number of finishers for a period not exceeding 4 weeks twice annually. Any other variation in these numbers requires prior written agreement from the Agency.”

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B. Proposed Project Development Description for the purposes of the E.I.S.

The proposed development has been described/detailed in the E.I.S. as,

"a) demolish 10 No. Existing pig houses, and,

b) construct 2 No. Pig Houses, and, extensions to two No. existing structures to form pig house No. 3,

along with all ancillary structures (to include meal storage bins, storage tanks, stormwater attenuation tank.) and all associated site works on the site of an existing pig farming enterprise located at Ardra, Bracknagh, Co. Offaly. (National Grid Reference: E 259459 N 218316)."

in order to provide an appropriate physical description of the works to be completed in line with Planning regulations.

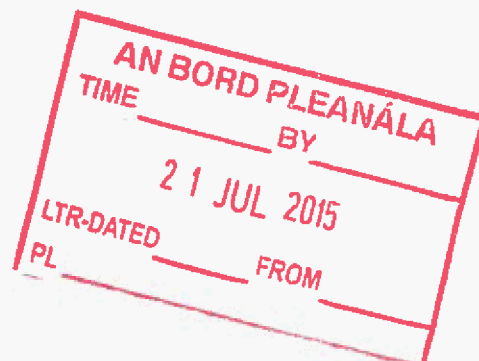
An appropriate synopsis of the proposed development aims would be;

"the provision of new modern pig housing and associated structures/site works to replace existing structures on an existing authorised pig farm, to provide for enhanced welfare, environmental compliance, efficiency and overall profitability, with no intensification in the level of authorised activity on the farm."

This application for planning *permission for the re-development of this farm will also facilitate a change in the operation of the farm;*

- *from* an approved, 550 sow integrated pig farm (i.e. a farm where all pigs are bred and reared to market weight),
- *to* a 1,250 sow specialised pig breeding farm, (rearing pigs to c. 35kg's for transfer off the farm to a specialized finishing farm to be reared to market weight).

While this will result in an alteration to the numbers of stock held on the farm (i.e. an increase in breeding stock, offset by, the removal of all finisher pigs) this will be completed with no cumulative intensification of activities on the farm and/or increase in organic fertiliser production.



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C. Explanation of Baseline as it applies to the Completion of the Environmental Impact Statement submitted with this application;

In preparing the E.I.S. submitted with this application, considerable attention and detail was applied to establishing the starting point for this assessment. This analysis included:

- The development description (as detailed previously)
- The current licensed activity on the site.
- The existing structures on the farm, their purpose and capacity,
- No increase in the intensity of operations on the farm, while providing for a change in the nature of the farm from an integrated (where pigs are bred and reared to market weight) to a breeding farm (where pigs are bred and reared to c. 35kg's, prior to transport off site.), and,
- The long history of the pig farm site as an operational, productive pig farm site.

In addition the Advice Notes on The Current Practice in the Preparation of Environmental Impact Statements as published by the E.P.A. was also consulted. Section 1 of these advice notes – Characteristics of the Project – details the following;

- In providing a description of the physical characteristics of the project development, issues such as site layout, design and size/scale, as well as any existing development on site, are considered.

- **Description of Size or Scale**

The description of project size or scale indicates the magnitude or intensity of the development when in operation. It includes issues such as the following:

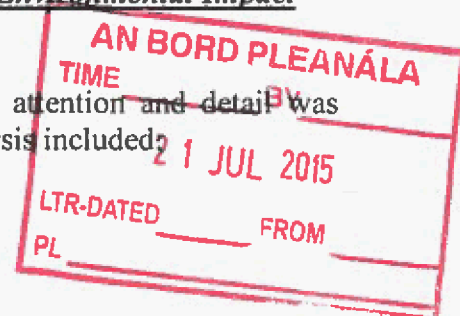
- the area, length, width and height of each major element;
- the relative size and scale of the development in its context;
- the extent of the activities proposed;
- the volumes, magnitudes or intensity of each process.
- the number of features clearly indicated where relevant (such as the number of houses).

- **Description of Existing Development**

Where consent is required for a development involving an extension or expansion of an existing operation, the description of the existing environment includes those parts of the development already in place.

Upon Completion of this analysis it was concluded that;

1. Pig farming activities were authorised under the planning and development regulations, and an EPA Licence is also in place for the current level of activity on the farm.
2. The proposed development description relates to the provision of replacement buildings and structures to ensure improved environmental, welfare and economic performance, and as such does not seek re-authorisation for the scale of activity on the farm.
3. Based on the E.P.A. advice notes the description of the size or scale should indicate the magnitude or intensity of the development when in operation. It is the applicant's understanding that this methodology is as applicable to, the capacity of the existing development on a particular site, as it is to the proposed development.



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Therefore it was deemed appropriate to establish the baseline based on the authorised scale of the farm (based on its history as a pig farm site, planning permissions as granted and the existing EPA Licence).

It is felt that the baseline used, was the most appropriate methodology to use in this instance and most accurately reflected the overall status/characteristics of the site.

While not specifically stated in the appeal, the appellant seems to be intimating that the assessment carried out should in effect be based on a Greenfield model, and should have included an assessment of the spreading of 11,310m³ of slurry produced. This fails to understand the proposed development and that the impact of the proposed development will reduce authorised manure volume by c. 20m³. It is felt that such an assessment would be both inaccurate and inappropriate in this instance as it fails to reflect the current status of the site.

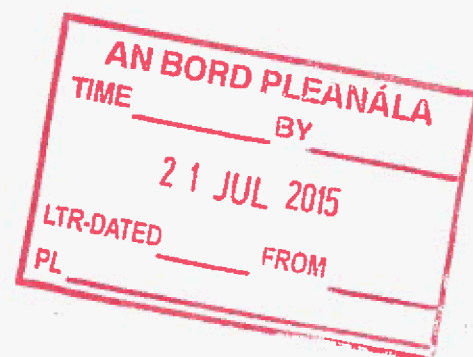
The Environmental Impact Statement as completed in respect of this application was completed against the baseline of the existing approved, authorised and licensed activity on the farm. Any changes/impacts that have been determined as a result of the completion of this E.I.S. have been rated against the baseline, with the baseline rated at 100% where applicable and the potential impact rated relative to this;

e.g estimated impact on organic fertiliser production as a result of the proposed development (i.e. in this case improved infrastructure and alteration from an integrated unit to a breeding unit) is 99.8 % of existing (rounded to 100%, i.e. no change)

“The establishment of an environmental baseline includes both the present and likely future state of the environment assuming that a proposed project” (in this case replacement structures) “is not undertaken, taking into account changes resulting from natural events and from other human activities” (such as continuing authorised farming activity in the existing housing).

“Initial baseline studies may be wide-ranging, but comprehensive overviews can be wasteful of resources. The studies should focus as quickly as possible on those aspects of the environment that may be significantly affected by the project, either directly or indirectly. The rationale for the choice of focus should be explained with reference to the nature of the project”

source – Introduction to Environmental Impact Assessment Principles and Procedures 2nd Edition.



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➤ Grounds Of Appeal

Adequacy of, E.I.A. and Appropriate Assessment

Response to Third Party Appeal	
AN BORD PLEANALA	
TIME	BY
21 JUL 2015	
LTR-DATED	FROM
PL	

Environmental Impact Assessment (E.I.A.) is the assessment carried out by the regulatory /planning authority, and as such is outside the remit of the applicant. Given that the proposal for which permission is sought exceeds the thresholds requiring the submission of an Environmental Impact Statement (E.I.S.) an E.I.S. was submitted with this application.

Schedule 6 of the Planning and Development Regulations 2001 as amended sets out the information to be contained in an EIS. In the applicant's opinion the EIS submitted meets the statutory requirements as set out in Section 171A of the Act and Schedule 6 of the Planning and Development Regulations. The proposal sets out a description of the proposed development and a description of the aspects of the environment likely to be significantly affected by the proposed development. In this regard specific reference is made to human beings, fauna and flora, soil, water, air, climate and the landscape and material assets including the archaeological heritage and cultural heritage of the area. The EIS also assesses alternatives and the inter-relationship between the above factors.

Generally it is felt that the EIS provides sufficient information to enable Offaly Co. Co. (and An Bord Pleanala where applicable) carry out an assessment of the potential impacts arising from the proposed development. In the assessment of the proposed development it is important to acknowledge the existing development and the baseline against which the proposed development is to be measured. The applicant appreciates that a "greater level of information would be required, ... if this was a proposal for a new piggery or one substantially larger in scale than the existing one." (Source An Bord Pleanala, inspectors report into the demolition and replacement of buildings on another existing pig farm -PL04.241892)

It is the applicant's opinion that the EIS, as submitted, complies with the requirements as set out under Section 171A of the Act and Schedule 6 of the Regulations.

The grounds of appeal express concerns in relation to the spreading of slurry on surrounding farmland. In particular concerns are expressed in relation to potential impact on the River Barrow SAC.

In the appeal it is stated that it is planned to produce 11,310m³ of slurry annually, however the appeal fails to mention that the farm is already approved to produce 11,330m³ of organic fertiliser. Therefore the proposed development will facilitate a reduction in the volume of manure produced of c. 20m³/annum, which is in effect negligible.

It must be remembered that it is a requirement of the applicant and any farmers in the vicinity which are in receipt of the manure and fertiliser from the farm 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.

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As the Board are aware, these Regulations are very prescriptive in relation to farmyard management capacity storage requirements and facilities for pig manure and nutrient management in terms of spreading slurry on farmlands. The applicant is obliged and required 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 or the farmers in question will not comply with their lawful obligations as required by the above Regulations. It has also been confirmed in a number of An Bord Pleanála inspectors reports (including PL02.240879 & PL02.344342) 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.

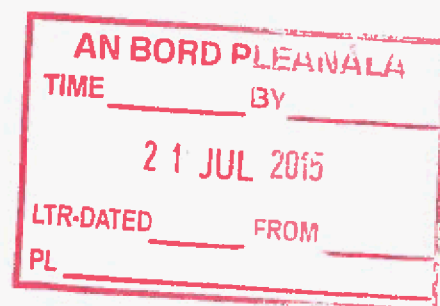
In this regard and to help alleviate the concerns of the appellant it is worth noting that;

- The proposed development will not result in any increase in manure/organic fertiliser volume produced on the farm. The manure produced and/or to be produced has resulted and/or will result in fertiliser substitution, whereby this locally produced organic fertiliser has replaced/will replace imported chemical fertiliser that would otherwise have to be used.
- All farms (including the applicant and the customer farmers utilizing the organic fertiliser produced therein) have to farm in accordance with S.I. 31 of 2014.
- S.I. 31 of 2014 has been subject to an independent Appropriate Assessment Screening by the Department of Environment, Community and Local Government. (Copy Attached)
- S.I. 31 of 2014 has been subject to an independent Strategic Environmental Assessment (S.E.A.) by the Department of Environment, Community and Local Government. (Copy Attached)

The applicant feels that the potential impact from the organic fertiliser already and/or to be produced on the farm, taking into account that

1. there is no proposed increase, and,
2. that the conditions under which it will be stored, managed and applied have already been subject to Appropriate Assessment Screening and Strategic Environmental Assessment

has been adequately assessed.



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Conclusion

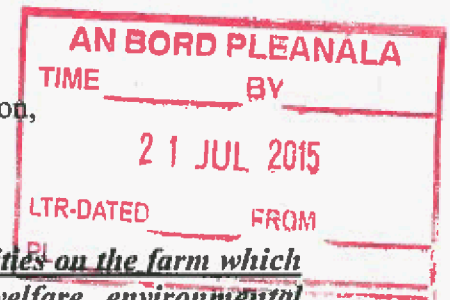
The proposed development would provide for significantly improved welfare and environmental standards, efficiency and economic viability on an existing agricultural farmyard in a rural area where such use is predominant, traditional and appropriate.

It would not cause significant injury to the character of the area or the amenities of property in the vicinity, and the replacement of aged structures with modern housing and associated environmental protection measures represents a positive development and an improvement in the attributes of the existing farm. It would not give rise to an undue risk of water pollution nor would it threaten road safety.

The proposed developments as outlined are appropriate to the site and the area in general, will have a positive impact economically and environmentally and are in accordance with the requirements of the County Development Plan. The development will be/is welcomed in the locality for the economic benefits it will bring to the local area and the modern standards it will bring to the existing farm, and it is noteworthy that there were no local objections to the proposed development.

It is felt that having regard to;

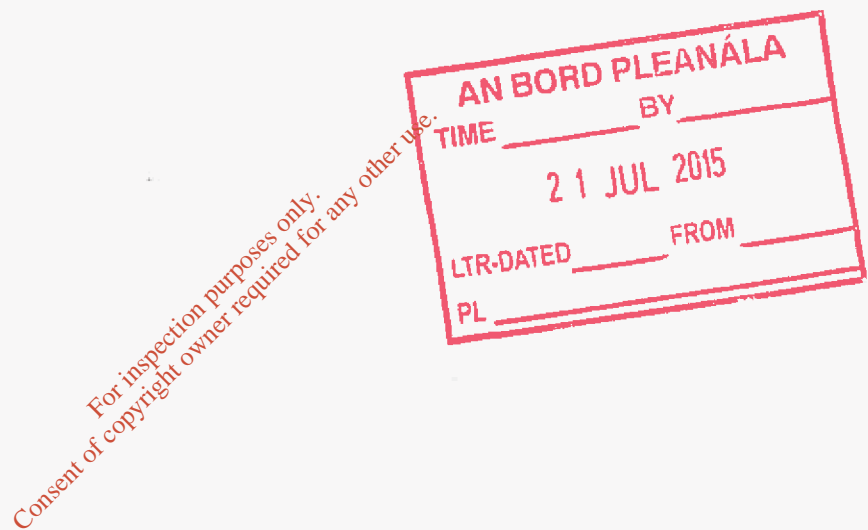
- The existing nature/use of the site as a pig rearing installation,
- Located in a rural agricultural area,
- The nature (improvements in the overall standard of facilities on the farm which will provide for improvements in animal health and welfare, environmental protection and economic performance), and scale of the proposed development which does not intensify the overall level of activity on the farm, and,
- The proposed improvements in overall site infrastructure, including
 - improvements in the quality and quantity of manure storage facilities,
 - improvements in the soiled water collection network,
 - improved storm water attenuation proposals, and,
 - an increase in the floor level of the buildings to mitigate against any potential flooding risks. The investment will enhance environmental standards and significantly reduce the impact the site could have even in the event of a 1:1000 year flood event.
- Conditions imposed by Offaly Co. Co. as per the decision to grant permission (as may be revised by An Bord Pleanála),
- Environmental and other conditions that will be considered/imposed by the E.P.A. as per any subsequent revised Licence that may issue to this farm (which is required under separate legislation), including those relating to the allocation of organic fertiliser from the farm (which is controlled under S.I. 31 of 2014),



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the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience of road users and would not be prejudicial to public health or pose a threat of environmental pollution.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area, will improve the attributes and performance (animal welfare, environmental and economic) of this existing pig farm site, provide significant potential environmental improvements/benefits and will help to ensure that the proposed development will be in accordance with the stated plans and objectives of Offaly Co. Co. as outlined in the county development plan, and provide an economic boost to this area of Co. Offaly.



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