

Case Formally Decided

Case No. 17.245044

1. SECRETARIAT

Signed Board Order has been cross-checked against minutes of Board Meeting prior to sealing and is in alignment with same in respect of the nature of the substantive decision. ☒

The Board Order has been signed, sealed and issued to all those listed on the submission sheet.

Signed: M. Masterson

Date: 19.10.15

2. PROCESSING SECTION S.E.O. / E.O. F. Kilmurray

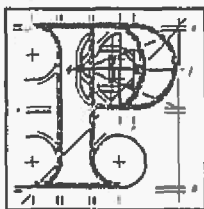
File has been sent to deposit and movement recorded in the database.

Signed: F. J.

Date: 29/11/2015

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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Offaly County

Planning Register Reference Number: PL2/15/2

An Bord Pleanála Reference Number: PL 19.245044

APPEAL by Michael Hoey of 152 Crann Nua, Portarlinton County Laois against the decision made on the 26th day of May, 2015 by Offaly County Council to grant subject to conditions a permission to Rosderra Farms care of CLW Environmental Planners Limited of The Mews, 23 Farnam Street, Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (A) Demolition of 10 number existing pig houses, and (B) construction of two number pig houses, and, extensions to two number existing structures to form pig house number 3, together 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, County Offaly.

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,
- (k) the submissions on file, and
- (l) the report of the Inspector.

Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura Impact Statement submitted with the application and the mitigation measures proposed therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures, the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the integrity of any European site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

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The Board considered that the proposed development would involve an improvement in animal welfare facilities at the site and would not represent an intensification of use of the lands. The proposed development would, subject to compliance with the conditions set out below, not seriously injure the amenities of the area or cause a flood risk, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of April, 2015, except as may otherwise 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. Water supply and drainage arrangements, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of protecting watercourses and natural habitats and the prevention of environmental pollution.

3. Landscaping of the site shall consist of native species of trees and shrubs of local origin only.

Reason: In the interest of protecting local biodiversity.

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4. 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 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.



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

Dated this 15th day of October 2015.



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