

Attachment B.6.
Planning Application

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**Planning Report
Limerick County Council**

File No: 13/366

Applicant: Patrick J. O'Connor

Location: Rathcahill West, Templeglentine,, Co. Limerick

Proposal Description: Permission for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system

Description:

Permission is sought for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system. There is a broiler unit on site. The site is located in close proximity to the village of Templeglentine. The site area is 1.51 ha. The lands are owned by the applicant's father.

Planning History:

12/283 - Patrick J. O'Connor - Permission for the construction of a broiler house, an Environmental Impact Statement has been submitted as part of the application – Granted

03/993 – Michael & Bridget O' Connor - construction of bungalow incorporating a granny flat with attic space over for future conversion with two gable windows fitted at first floor level, use existing entrance and installation of proprietary waste water treatment system and percolation area – granted

91/177 – Michael O' Connor - Erection of poultry house and boundary wall – granted

Service:

N/A

Pre – Planning

Meeting held with the undersigned and Stephane Duclot, SEP

Reports:

- Environment – no issues

Screening for Appropriate Assessment

Description of project and site:

Site Location:	Rathcahill West, Templeglentine,, Co. Limerick
Application accompanied by an EIS	No
Site Size/land take:	1.51ha

Identification of the relevant NATURA 2000 Sites

Distance to NATURA 2000 site (s)	With 500 km of the STACKS TO MULLAGHAREIRKS SPECIAL PROTECTION AREA
Conservation objectives/quantifying interests of the site and the factors contributing to the conservation value of the site, which are taken from the NATURA 2000 site synopses	The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for Hen Harrier. This SPA is a stronghold for Hen Harrier and supports the largest concentration of the species in the country. A survey in 2005 resulted in 40 confirmed and 5 possible breeding pairs, which represents over 29% of the national total. A similar number of pairs had

	<p>been recorded in the 1998-2000 period. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the E.U. Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.</p> <p>Short-eared Owl, also listed on Annex I of the E.U. Birds Directive and very rare in Ireland, has been known to breed within the site. Nesting certainly occurred in the late 1970s and birds have been recorded intermittently since. The owls are considered to favour this site due to the presence of Bank Voles, a favoured prey item. Merlin, a further E.U. Birds Directive Annex I species, also breeds but the size of the population is not known. Red Grouse is found on some of the unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red-listed.</p>
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Possible impacts arising from the proposed project

Potential Impacts:	Impact:	Significance:	Duration
Construction Phase:	Potential – farm complex existing	Limited	Limited
Operational Phase:	Potential – farm complex existing	Limited	Limited
Cumulative Impact of development – taken with other similar types of development in the designated site	Unknown		

Local Authority advice:

Comments of Heritage Officer	None
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NPWS advice:

Advice received:	None
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Screening Conclusion:

Conclusion	
(A) Is the project directly connected with or necessary to the nature	

conservation management of the site	
(B) No potential for significant effects therefore Appropriate Assessment is not required	No potential for significant effects therefore Appropriate Assessment is not required
© Significant effects are certain, likely or uncertain (in this situation seek a Natura Impact Statement from the applicant or reject the project, reject, if too potentially damaging or inappropriate	

Assessment:

Permission is sought for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system. There is a broiler unit on site. The site is located in close proximity to the village of Templeglentine. The site area is 1.51 ha. The applicant indicates that he is the landowner.

Objective ED O19: Agricultural developments

The Council will normally permit development proposals for agricultural development where:

- (a) they are appropriate in nature and scale to the area in which they are located;
- (b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;
- (c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;
- (d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and
- (e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

10.8 Agricultural Development

Agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) while accepting the need to be functional, are required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and should avoid breaking the skyline.

Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green. The grouping of agricultural buildings will be encouraged and use of existing landscaping in order to reduce their overall impact in the interests of visual amenity.

Some agricultural developments are exempt from planning control. However, no new building or structure on a farm is exempt from planning permission unless it has adequate effluent storage facilities. The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. Developers are required to adhere to the Department of Agriculture Guideline entitled 'Guidelines and Recommendations on the Control of

Pollution from Farmyard Wastes' and the following Slurry Storage and Slurry disposal/recycling requirements:

- All effluent storage tanks should be constructed to Department of Agriculture and Food specifications.
- The capacities of all slurry, effluent and soiled water tanks and all other tanks for pollutants shall comply with the current Department of Agriculture Guidelines and any subsequent documents/guidelines.
- The applicant may be required to demonstrate that sufficient lands of suitable nutrient status are available within a reasonable distance for the disposal/recycling of organic waste from a proposed agricultural development.

10.8.1 Intensive Pig and Poultry Units

In assessing an application for intensive pig or poultry units, the Planning Authority will consider and require information on the following:

- Depending on the size of the unit, an E.I.S. may be required. In addition an Integrated Pollution Control licence may be required from the Environmental Protection Agency.
- Scale and intensity of operations including the cumulative impact of similar type developments.
- Waste management including frequency and location of disposal relative to pig and poultry units. In addition, the applicant will be required to demonstrate that there is a stable, secure, sustainable outlet for all slurries and manures from the proposed development. All slurry and effluent shall be stored in concrete tanks constructed in accordance with S123 'Minimum Specification: Slatted livestock units; Reinforced Concrete tanks' (DAFF 1994) or other types of structures approved by the Planning Authority.
- Air pollution arising from housing units and effluent storage, transportation and spreading. The control of odour is another important consideration.
- Proximity of development to aquifers and watercourses.
- Units should be located a minimum of 400 metres from the nearest dwelling other than the applicants dwelling. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlement because of the impacts on residential amenities.
- Animal housing units in terms of design, and associated activities such as cleaning, ventilation and heating.
- Landscaping of site - a comprehensive landscaping plan should be submitted as part of the planning application.

Under the Planning and Development Regulations 2001, Schedule 5, Part 1 (17)

Installations for the intensive rearing of poultry or pigs with more than-

- (a) 85,000 places for broilers, 60,000 places for hens,
- (b) 3,000 places for production pigs (over 30 kilograms),
- (c) 900 places for sows.

However under the Planning and Development Regulations 2001, Schedule 5, Part 2

- e) (i) *Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.*
- (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.*

However, on the advice of the Department of Environment, Community, Local Government, (DoECLG) they point to the interaction between Part 1 and Part 2 of Schedule 5 is such that the thresholds are 40,000 poultry places, irrespective of type of bird. In effect, the EIS Regulations Schedule 5 Part 2 ref to 40,000 poultry places trumps the Part 1 ref to 85,000 broilers and 60,000 hens because, in referring to "any other poultry projects of a type not covered in Part 1", it covers all poultry projects, including broiler/hen units up to say 84,999 broilers and 59,999 hens. DoECLG Planning Info Leaflet PL6 copper fastens the interpretation. It speaks about a mandatory threshold for EIA of 40,000 poultry places.

Having EPA Guidance on Integrated Pollution Control Licensing – Batneec Guidance Note for the Poultry Production Sector, indicates "Poultry units should be sited a distance of preferable not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary".

There are 40,000 birds on site at present; the proposal will include 34,000 birds. This site will be IPPC licensable by the EPA at this point. The applicants submitted an EIS which was assessed under planning reference 12/283; the planning authority attached a condition to install a bio filter/bio scrubber in Condition No. 17.

The EPA state in the draft Guidelines that:

"Experience has shown that the biggest single complaint from the public concerning the development of new (or expanded) intensive animal production facilities is the potential for odour, and the consequent impact on material asset values of nearby properties."

The 400 metre separation distance would seem however to be a fairly rough "guideline" re odour dispersal as the same standard is used in relation to the suggested separation distance for a 300 sow unit on non-gley soils in the EPA "BATNEEC Guidance Note For The Pig Production Sector". In odour terms, 300 sows would probably have a much greater impact assuming equal compliance with BATNEEC standards etc. On the basis of a Dutch Study the applicant in the E.I.S. indicates that a 6,000 hen unit is equivalent to 10% approximately of the odour output of a 100 sow integrated pig production unit. The EPA has produced a fairly comprehensive report entitled "Odour Impacts and Odour Emission Control Measures for Intensive Agriculture" (2001). This report examines amongst other issues "set-back" distances as applied in Germany, The Netherlands and New Zealand which are themselves subject to various qualifying parameters.

The prevailing wind in this area is from the south-west and south so that a number of dwellings including the closest to the poultry house would experience limited odour nuisance from the development. On the basis of the insights provided, it has been concluded that in the semi rural/agricultural environment at which this site is located, the separation distance between the proposed poultry house and that of the nearest dwelling is satisfactory. Subject to feed and manure management, tree planting etc., the development as presented would not seriously injure the amenities or depreciate the value of residential property in the vicinity.

Contribution:

N/A – amendment to 12/283

Part V:

N/A

Recommendation:

In light of the information submitted and nature of the proposal, I recommend a grant of planning permission as follows:

Schedule 1

Grant permission

Schedule 2

1. Std. 1 – 19/06/13
2. Std. 812/283 installation of a low pressure ventilation system.....19/09/17
3. The poultry house shall be used only in strict accordance with a management schedule submitted to the planning authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason: In order to avoid pollution and to protect residential amenity

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
 - a) Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8am and 6pm
 - b) Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur
 - c) The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason: In the interest of public health and amenity.

Signed

Executive Planner

Date

Van Zonke
31/7/13

Signed:

Senior Executive Planner

Date

[Signature]
12/08/2013

M 13/366

LIMERICK COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000-2012

NOTIFICATION OF DECISION TO GRANT

Patrick J. O'Connor
c/o William O'Regan
Dromrahnee
Ardagh
Co. Limerick

Planning Register Number: 13/366
Valid Application Received: 19/06/2013
Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick County Council has by Order dated 12th August, 2013 decided for the reason set out in the First Schedule hereto, to GRANT PERMISSION for development of land in accordance with the documents submitted namely:-**amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system at Rathcahill West Templeglantine** subject to the 4 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council


for DIRECTOR OF SERVICES
PLANNING & DEVELOPMENT

Date: 12th August, 2013

Under Article 20 of the Planning & Development Regulations 2001 - 2012 the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Acts 2000 - 2012 has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 - 2012.

If there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote).

THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.

NOTE:

An appeal against a decision of a planning authority under the provisions of the Planning & Development Acts, 2000-2012 may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the 2000 to 2012 Planning & Development Acts which are not accompanied by the correct fee will be invalid.

/P.T.O.

The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

Case Type	Appeal received on or after 5 th September 2011
Planning Acts	
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application included retention of development.	€4,500 or €9,000 if *EIS or **NIS involved
c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 st party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h)	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on www.pleanala.ie

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

PLANNING REGISTER REFERENCE NUMBER: 13/366

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19th June 2013, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. This permission is subject to the terms of the governing permission, Planning Reference No. 12/283, except where departure from the terms of that permission, in respect of installation of a low pressure ventilation system, is hereby authorised by this permission. This permission and the governing permission expires on the 19th September 2017.

Reason - In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

3. The poultry house shall be used only in strict accordance with a management schedule submitted to the Planning Authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason - In order to avoid pollution and to protect residential amenity.

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
 - a. Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8 a.m. and 6 p.m.
 - b. Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur.
 - c. The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason - In the interest of public health and amenity.

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Limerick County Council

PLANNING AND DEVELOPMENT ACTS 2000-2012

Acting Director Planning & Development Order No: P.D.

554/13

Reference Number: 13/366
Name of Applicant: Patrick J. O'Connor
Address: c/o William O'Regan
Dromrahnee
Ardagh
Co. Limerick

Nature of Application PERMISSION for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system

Location of Development: Rathcahill West Templeglantine

Recommendation of S.E.P. PERMISSION BE GRANTED for the above mentioned development subject to the 4 condition(s) set out in the Second Schedule hereto.

ORDER:

Whereas by County Manager's Order No. HR. 547/12 dated 20th December 2012, Conn Murray, County Manager, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Gerard Sheeran, with effect from the 2nd January 2013 the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Gerard Sheeran, Acting Director of Services, Limerick County Council, hereby decide, pursuant to the provisions of the Planning & Development Acts, 2000-2012 and the Planning & Development Regulations 2001-2012, for the reason set out in the First Schedule attached hereto, to GRANT PERMISSION for the above development in accordance with documents submitted, subject to the 4 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.


ACTING DIRECTOR PLANNING & DEVELOPMENT

DATED THIS 12TH DAY OF AUGUST, 2013

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PLANNING REGISTER REFERENCE NUMBER: 13/366

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19th June 2013, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. This permission is subject to the terms of the governing permission, Planning Reference No. 12/283, except where departure from the terms of that permission, in respect of installation of a low pressure ventilation system, is hereby authorised by this permission. This permission and the governing permission expires on the 19th September 2017.

Reason - In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

3. The poultry house shall be used only in strict accordance with a management schedule submitted to the Planning Authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason - In order to avoid pollution and to protect residential amenity.

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
 - a. Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8 a.m. and 6 p.m.
 - b. Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur.
 - c. The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason - In the interest of public health and amenity.

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LIMERICK COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS, 2000 - 2011

NOTIFICATION OF GRANT OF PERMISSION

Patrick J. O'Connor
c/o William O'Regan
Dromrahee
Ardagh
Co. Limerick

PLANNING REGISTER NUMBER : 12/283

APPLICATION RECEIPT DATE: 12/04/2012

Permission for the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application) at Rathcahill West Templeglantine .

Further to the Order dated: 13/08/2012

A PERMISSION has been granted for the development described above subject to the 17 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 13/08/2012.

Signed on behalf of the said Council



(for) Acting Director of Services
Planning & Development
Date: 20/09/2012

Please note that the provisions of Planning & Development Acts, 2000 - 2011 limits the duration of this planning permission to a period of five years from the date hereof.

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LIMERICK COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000-2011

NOTIFICATION OF DECISION TO GRANT

Patrick J. O'Connor
c/o William O'Regan
Dromrahnee
Ardagh
Co. Limerick

Planning Register Number: 12/283
Valid Application Received: 12/04/2012
Further Information Received Date: 21/06/2012

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick County Council has by Order dated 13th August, 2012 decided for the reason set out in the First Schedule hereto, to GRANT PERMISSION for development of land in accordance with the documents submitted namely:-the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application) at Rathcahill West Templeglantine subject to the 17 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council


for ACTING DIRECTOR OF SERVICES
PLANNING & DEVELOPMENT

Date: 13th August, 2012

Under Article 20 of the Planning & Development Regulations 2001 - 2012 the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Acts 2000 - 2011 has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 - 2012.

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c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 st party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h).	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on www.pleanala.ie

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

PLANNING REGISTER REFERENCE NUMBER: 12/283

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 12th April 2012, as amended by the further plans and particulars submitted on the 21st June 2012, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. No sound trees or hedgerows on the site shall be removed unless their removal is necessitated by a condition of this permission.

Reason - In the interest of amenity.

3. All farming activities shall be carried out in accordance with requirements of The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (S.I. No. 610 of 2010) also known as the "Nitrates Regulations" or any replacement or further amendment thereof including S.I. No. 125/2011 - European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2011.

Reason - In the interest of environmental protection & in particular the prevention of pollution of ground or surface waters.

4. Roof covering/sidings shall be a dark colour PVC coated steel or shall be painted in a dark colour e.g. dark green, dark grey, dark brown, dark red.

Reason - In the interest of visual amenity.

5. Wash-water from poultry houses shall be stored in concrete tanks (minimum 10-day holding capacity) constructed in accordance with Department of Agriculture & Food Specification S123: "Minimum Specification for Bovine Livestock Units & Reinforced Tanks (March 2006)" or other type of structure approved by the Planning Authority.

Reason - To avoid pollution and nuisance in the interest of the proper planning and development of the area.

6. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority. Details of the disposal means and final destination of the litter of each turnover of birds shall be submitted for the agreement of the planning authority prior to the removal of the litter.

Reason - In the interest of public health and amenity.

7. The temporary on site storage of carcasses shall be in sealed containers.

Reason - In the interest of public health and amenity.

8. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason - In the interest of public health and amenity.

9. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written approval of the planning authority.

Reason: In the interest of public health and amenity.

10. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900-0800 Monday to Friday or at any time during Saturday, Sunday or Public Holiday.

Reason - In the interest of public health and amenity.

11. The developer shall maintain on site, at his expense, a register for each calendar year for which shall be available for the inspection of Limerick County Council at all reasonable times and which shall include a record of times and dates of transportation of chicken litter, volumes of litter transported, names of authorised litter disposal contractors and final destination of the litter.

Reason - In the interests of public health and pollution control.

12. Prior to the commencement of development on site, the applicant shall submit details for the volume of wash-water generated during clean-out operations for the written agreement of the Planning Authority. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.
- Reason - In the interest of orderly development.
13. No litter shall be stored outside the poultry houses, on removal of litter from the houses; all litter shall be removed and transported off site, in accordance with details submitted on the 21st June 2012.
- Reason - In the interest of orderly development and residential amenity.
14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the Planning Authority prior to commencement of development on site.
- Reason - In the interest of orderly development.
15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the Planning Authority.
- Reason - In the interest of orderly development.
16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1st to August 31st).
- Reason - In the interest of protection of ecology importance of the area.
17. A biofilter/bioscrubber shall be installed prior to occupation of the poultry house with the first flock of birds, full details of the design, operation, functionality and efficiency of the system shall be submitted for the written agreement of the Planning Authority.
- Reason - In the interest of residential amenity.

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Limerick County Council

PLANNING AND DEVELOPMENT ACTS 2000-2011

Director Planning & Development Order No: P.D. 625/12

Reference Number: 12/283

Name of Applicant: Patrick J. O'Connor
Address: c/o William O'Regan
Dromrahnee
Ardagh
Co. Limerick

Nature of Application PERMISSION for the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application)

Location of Development: Rathcahill West Templeglantine

Recommendation of A/S.P. PERMISSION BE GRANTED for the above mentioned development subject to the 17 condition(s) set out in the Second Schedule hereto.

ORDER:

Whereas by County Manager's Order No. HR. 131/12 dated 9th April 2012, Gerard Behan, Limerick County Manager, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Gerard Sheeran, effective from the 9th April 2012 the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Gerard Sheeran, Acting Director of Services, Limerick County Council, hereby decide, pursuant to the provisions of the Planning & Development Acts, 2000-2011 and the Planning & Development Regulations 2001-2012, for the reason set out in the First Schedule attached hereto, to GRANT PERMISSION for the above development in accordance with documents submitted, subject to the 17 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.


ACTING DIRECTOR PLANNING & DEVELOPMENT

DATED THIS 13TH DAY OF AUGUST, 2012

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PLANNING REGISTER REFERENCE NUMBER: 12/283

FIRST SCHEDULE

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 12th April 2012, as amended by the further plans and particulars submitted on the 21st June 2012, except as may otherwise be required in order to comply with the following conditions.
Reason - In order to clarify the development to which this permission applies.
2. No sound trees or hedgerows on the site shall be removed unless their removal is necessitated by a condition of this permission.
Reason - In the interest of amenity.
3. All farming activities shall be carried out in accordance with requirements of The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (S.I. No. 610 of 2010) also known as the "Nitrates Regulations" or any replacement or further amendment thereof including S.I. No. 125/2011 - European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2011.
Reason - In the interest of environmental protection & in particular the prevention of pollution of ground or surface waters.
4. Roof covering/sidings shall be a dark colour PVC coated steel or shall be painted in a dark colour e.g. dark green, dark grey, dark brown, dark red.
Reason - In the interest of visual amenity.

5. Wash-water from poultry houses shall be stored in concrete tanks (minimum 10-day holding capacity) constructed in accordance with Department of Agriculture & Food Specification S123: "Minimum Specification for Bovine Livestock Units & Reinforced Tanks (March 2006)" or other type of structure approved by the Planning Authority.

Reason - To avoid pollution and nuisance in the interest of the proper planning and development of the area.

6. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority. Details of the disposal means and final destination of the litter of each turnover of birds shall be submitted for the agreement of the planning authority prior to the removal of the litter.

Reason - In the interest of public health and amenity.

7. The temporary on site storage of carcasses shall be in sealed containers.

Reason - In the interest of public health and amenity.

8. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason - In the interest of public health and amenity.

9. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written approval of the planning authority.

Reason: In the interest of public health and amenity.

10. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900-0800 Monday to Friday or at any time during Saturday, Sunday or Public Holiday.

Reason - In the interest of public health and amenity.

11. The developer shall maintain on site, at his expense, a register for each calendar year for which shall be available for the inspection of Limerick County Council at all reasonable times and which shall include a record of times and dates of transportation of chicken litter, volumes of litter transported, names of authorised litter disposal contractors and final destination of the litter.

Reason - In the interests of public health and pollution control.

12. Prior to the commencement of development on site, the applicant shall submit details for the volume of wash-water generated during clean-out operations for the written agreement of the Planning Authority. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

Reason - In the interest of orderly development.

13. No litter shall be stored outside the poultry houses, on removal of litter from the houses; all litter shall be removed and transported off site, in accordance with details submitted on the 21st June 2012.

Reason - In the interest of orderly development and residential amenity.

14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the Planning Authority prior to commencement of development on site.

Reason - In the interest of orderly development.

15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the Planning Authority.

Reason - In the interest of orderly development.

16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1st to August 31st).

Reason - In the interest of protection of ecology importance of the area.

17. A biofilter/bioscrubber shall be installed prior to occupation of the poultry house with the first flock of birds, full details of the design, operation, functionality and efficiency of the system shall be submitted for the written agreement of the Planning Authority.

Reason - In the interest of residential amenity.

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**Planning Report
Limerick County Council**

File No: 12/283

Applicant: Patrick J. O'Connor

Location: Rathcahill West, Templeglentine,, Co. Limerick

Proposal Description: Permission for the construction of a broiler house, an Environmental Impact Statement has been submitted as part of the application

Assessment:

See previous planners report in which further information was requested as follows:

The applicants are advised that the Planning Authority have concerns with regard to the generic nature of the Environmental Impact Statement submitted, the failure to deal with site specific issues and the ambiguity in dealing with relevant issues, in order to determine the file, please submit the following further information:

The applicant shall submit a letter of consent from the landowner consenting to seek planning permission.

Details submitted and acceptable

The odour management plan submitted is not site specific and doesn't address the 'at risk targets' in the form of residential dwellings, which could be particularly vulnerable to odour nuisance from the facility. Potentially sensitive receptors in Templeglentine Village, in terms of the Hotel, Shop/Post Office, School, Church and residential development have not been identified and are deemed a critical omission.

The HSE have indicated that there are 11 stand alone houses and 22 residential units in the Council Estate within 400 metres of the site, the Devon Inn falls just outside this outside the 400 metres area, the HSE have raised issue with the fact that this is as hospitality setting and a sensitive receptor. Dwelling houses identified as 6, 7, 8 and 9 are particularly vulnerable are they are within 100 metres of the site. Furthermore the development is in close proximity to the village of Templeglentine and potentially a much higher density of sensitive receptors, which are marginally outside the 400 metre radius.

Provide specific details of the proposed heating, ventilation, dust management and drinking systems to demonstrate that Best Available Techniques* will be employed. This shall be certified by a suitably qualified person to meet "Best Available Technology" criteria.

The applicants indicate that the water and feed system is dependent on the supplier of the poultry house, the major suppliers of poultry houses employ the same system, the drinkers will be low flow nippers with a drip cup to reduce spillages onto the litter. The feed system will be a low pan for easy access to the feed. The large feeding surface offers optimal eating comfort to 360 degree feeding keeps the pan full of feed. The special grill design keeps young birds out of the pan from 10 days onwards thus avoiding spillages. The applicant will install the best available feed and watering systems as shown in the attached. The applicants propose to install the best available feed and watering system and associated infrastructure to meet BAT requirements. The applicants are willing to install a biofilter/bio scrubber of odour generated from the operation cannot be managed.

The proposal submitted doesn't specify the proposed method of disposal/recovery for

- a. Soiled waters generated on site
- b. Poultry litter generated on site

In this regard, the applicant is requested to submit a detailed Nutrient Management Plan in accordance with the provisions The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

- (a) In the event of poultry litter been and soiled water been applied to land as a fertiliser, there is a requirement for the intensive agriculture to demonstrate recovery capacity for nutrients generated
- (b) The Nutrient Management Plan shall identify the available nutrients of the poultry manure and soiled waters, the nutrient requirements of the receiving lands and the crop(s) grown thereon.
- (c) The location, name and addresses along with Ordnance Survey Maps of the proposed land parcels to be utilised shall be submitted
- (d) Letter of consent form such landowners (that the consent to spreading poultry manure shall be submitted by the applicant.

NOTE – It will not be permitted to land spread poultry litter in Co. Limerick unless soil samples have been taken for proposed spread lands. The plan shall include details in relation to storage of poultry litter during the “closed period” (15th October to 15th January)”.
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Litter disposal will be disposed of to Gavin Owens, Straw Chip Limited, Ballycullane, Athy, Co. Kildare, no litter will be spread in Co. Limerick, soiled water is proposed to be land spread in fields in the ownership of the applicants family, in the vicinity of the site, letter attached from Michael Noel O' Connor. During the closed period, the soiled water will be disposed of at Cremins Farm Compost facility, letter attached.

Details shall be provided for the volume of wash-water generated during clean-out operations. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

5 – 10 cubic metres of wash water, the proposed tank will hold 16 cubic metres of wash waster

The Environmental Impact Statement suggests that “In Mr. O' Connors proposed poultry operation the litter will be removed and placed in a trailer for off site recovery”, the applicant shall clarify the location and detail of such on site arrangements. Litter removed from rearing facilities at the end of a production cycle shall be stored dry and in such a manner as to prevent nuisance arising from dust, odour and run – off contamination. Best practice would indicated that on – site storage facilitates should be covered and sited at a distance of in excess of 400 metres from residential properties.

Litter disposal will be disposed of to Gavin Owens, Straw Chip Limited, Ballycullane, Athy, Co. Kildare

The applicant shall clarify the existing and proposed water supply on site, and clarify the meaning of “low quality” as identified in the Environmental Impact Statement.

Main supply is from Local Authority supply, only use well on site, if there is an issue with the mains supply

The applicant shall identify all residential properties on a suitable scaled site location map, within 400 metres of the site.

Details submitted

A report was also received from the Department of Arts, Heritage and the Gaeltacht, concerns raised in relation to the proximity of the site to the Lower River Shannon Special Conservation Area, the possibility of a badger sett on site and removal of hedgerow.

The HSE maintain concerns with regard to the high density of dwellings and commercial properties in close proximity to the site of the proposed development, notwithstanding the existing development on site, they consider the proposal as an intensification of the operation on site. However they conclude by stating "submission references a commitment on behalf of applicant to install a biofilter/bioscrubber, if odour generated from the operation cannot be managed, however no detail or specification is provided in respect of design, operation, functionality or efficiency of such a system. In the absence of same, the public health concerns of this office have not been adequately addressed". The planning authority have considered the location, the existing operation on site and the details submitted and consider that the proposal is acceptable subject to the installation of a biofilter/bioscrubber.

Report from the Environment Section of LCC states:
Prior to any grant of Planning Permission Mr. O' Connor should be asked for clarification on the following further:

- **Nutrient Management Plan for Poultry Wash Water** – Explain why it is necessary to use Mr. Cremin's lands for spreading of poultry washings / Provide full Nutrient Management Plans (in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 & 2011 for both Michael O' Connor & for Maurice Cremins. Include Single Farm Payment Details, Clear maps of spread lands, N&P Statements and soil samples where available. NOTE – Where soil sample results are not currently available Index 3 for Phosphorus can be assumed provided a revised plan is submitted when samples have been taken next Winter.

The applicants are proposing to spread litter on Michael O' Connors lands, details submitted and to bring the remainder to the Cremins processing facility, which is acceptable

- **Soiled Water Tanks** – Provide calculations showing volume of washings arising from cleaning of sheds and for the yard area over which soiled water flows. Show gross volume of proposed tank and net volume (i.e. net of freeboard and rainfall).

Condition to be attached

- **Is poultry litter stored on the farm?** Mr. O' Connor should be asked to clarify what is meant by the statement "*The litter produce on-site will be placed in trailers for disposal to Gavin Owens, Straw Chip Limited*" (contained in submission from Trevor Montgomery dated 10th June 2012). Where litter is stored on the farm adequate storage facilities for same must be demonstrated.

Condition to be attached

- Provide details of bio-filter / bio-scrubber referred to in submission from Trevor Montgomery dated 10th June 2012.

Condition to be attached

Part V:

N/A

Contribution:

N/A

Recommendation:

In light of the information submitted and the nature and location of the site, I recommend a grant of planning permission as follows:

Schedule 1

Grant permission

Schedule 2

1. Std. 1 – 12/04/12 and 21/06/12
2. Std. 9
3. Std. 167
4. Std. 168
5. Std. 171
6. Std. 172
7. Std. 173
8. Std. 174
9. Std. 175
10. Std. 177
11. Std. 178
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Reason: In the interest of orderly development

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Reason: in the interest of orderly development and residential amenity

14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the planning authority prior to commencement of development on site.

Reason: In the interest of orderly development

15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting

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for the written agreement of the PA

shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the planning authority.

Reason: In the interest of orderly development

16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1st to August 31st).

Reason: In the interest of protection of ecology importance of the area

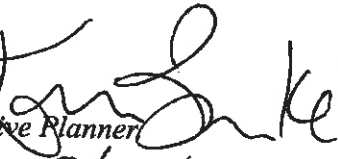
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Reason: In the interest of residential amenity

Signed

Executive Planner


Date


9/8 /12

Signed:

Acting Senior Planner

Date


09/08/12

1A12/283

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