

OFFALY COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACTS 2000 - 2006
PLANNING AND DEVELOPMENT REGULATIONS 2001 - 2007

NOTIFICATION OF GRANT

Planning Section
Aras an Chontae
Charleville Road
TULLAMORE

TO: JAMES WILLIAM & RICHARD FRYDAY
C/O PAULA DERMODY
GROVE HOUSE
RATH
BIRR

Planning Register Number: 07/466
Application Receipt Date: 27/03/2007
Further Information Received Date:

Notice is hereby given that in pursuance of the powers conferred upon them by the above-mentioned Acts, Offaly County Council has by order dated 16/05/2007 GRANTED PERMISSION to the above named, for the development of land, in accordance with the documents lodged, namely:-

CONSTRUCTION OF OVERGROUND EFFLUENT STORAGE TANK AND ALL ASSOCIATED SITE WORKS
AT GORTNAMUCK, KILCORMAC.

Subject to the 17 conditions set out in the Schedule attached.

In deciding the planning application the planning authority had regard to submissions or observations received in accordance with the Regulations

Signed on behalf of said Council

Date: 20/6/2007

[Signature]
SENIOR EXECUTIVE OFFICER

OUTLINE PERMISSION is subject to the permission consequent on the grant of outline permission of the Planning Authority. Until such permission has been obtained to the detailed plans, the proposed development is not authorised.

NOTE: The permission herein granted shall, on the expiration of the period of FIVE YEARS, beginning on the date of the granting of permission cease to have effect as regards:-

- 1 In case of the development to which the permission relates is not commenced during the period the entire development
- and
- 2 In case such development is so commenced, so much thereof as is not completed within that period.

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Application for permission for construction of overground effluent storage tank and all associated site works at Gortnamuck, Kilcormac – James William & Richard Fryday.

FIRST SCHEDULE

Having regard to the rural and agricultural nature of the site, the intended use of the proposed building, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity.

SECOND SCHEDULE

1. The development shall be carried out in accordance with plans and particulars submitted to the Planning Authority on 27/03/2007, except where altered or amended by conditions in this permission.
Reason: To define the scope of permission, in the interest of orderly development.
2. Livestock manure and other organic fertiliser, soiled water and effluents from dungsteeds, farmyard manure pits or silage pits arising or produced in a building or yard on a holding shall, prior to its application to land or other treatment, be collected and held in a manner that prevents the run-off or seepage, directly or indirectly, into groundwaters or surface waters of such substances.
Reason: In the interest of public health.
3. The applicant shall ensure that all farm activities are carried out in accordance with the recommendations set out in EC (Good Agricultural Practice for Protection of Waters) Regulations 2006.
Storage facilities shall:
 - (a) Be designed, sited, constructed, maintained and managed so as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of livestock manure, organic fertiliser, soiled water and effluents from dungsteeds, farmyard manure pits or silage pits
 - (b) Comply with such construction specifications for those facilities as may be approved from time by time by the Minister for Agriculture and Food.**Reason:** In the interests of orderly development of the site, of public health and to minimise the risk of pollution.
4. All farmyard manure held for landspreading and slurry and silage effluent shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply. In particular in accordance with the EC (Good Agricultural Practice for Protection of Waters) Regulations 2005, organic fertiliser or soiled water shall not be applied to land within-

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- (a) 200m of the abstraction point of any watercourse, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 100m³ or more of water per day or serving 500 or more persons
- (b) 100m of the abstraction point (other than an abstraction point specified at paragraph (a)) of any surface watercourse, borehole, spring or well used for the abstraction of water for human consumption in a water scheme supplying 10m³ or more of water per day or serving 50 or more persons,
- (c) 25m of any borehole, spring, or well used for the abstraction of water for human consumption other than a borehole, spring or well specified at paragraph (a) or (b).
- (d) 20 m of the Grand Canal
- (e) 5m of a surface watercourse, increasing to 10m of a surface watercourse where the land has an average incline of greater than 10% towards the watercourse.

Reason: In the interest of protecting public health

5. All silage effluent shall be disposed of in good time before the winter slurry storage period commences. In general, landspreading of slurry shall not take place during the months of November, December, January and February of any year henceforth. However, landspreading of slurry shall be allowable during the month of February of any year, in the event of suitable growth and weather conditions occurring during this month. During the remainder of any year, slurry and silage effluent shall be spread only when the ground conditions are suitable so as not to cause run-off of effluent into watercourses or seepage into ground water at times of high watertable.

The application of fertiliser to land in County Offaly is prohibited in the following periods:

- o 15th September to 12th January in the case of the application of chemical fertiliser.
- o 15th October to 12th January in the case of the application of organic fertiliser (other than farmyard manure).
- o 1st November to 12th January in the case of the application of farmyard manure.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

6. Landspreading of slurry and silage effluent shall not take place at any time of any year when the ground is frozen. Livestock manure and other organic fertilisers, effluents and soiled water shall be applied to land in as accurate and uniform a manner as is practically possible.

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- (a) Fertilisers or soiled water shall not be applied to land in any of the following circumstances-
- The land is waterlogged;
 - The land is flooded or likely to flood;
 - The land is snow-covered or frozen;
 - Heavy rain is forecast within 48hours, or
 - The ground slopes steeply and, taking into account factors such as proximity to waters, soil condition, ground cover and rainfall, there is significant risk of causing water pollution.
- (b) Organic fertilisers or soiled water shall not be applied to land-
- (i) By use of an umbilical system with an upward-facing splash plate,
 - (ii) By use of a tanker with an upward-facing splash plate,
 - (iii) By use of a sludge irrigator mounted on a tanker, or
 - (iv) From a road or passageway adjacent to the land irrespective of whether of not the road or passageway is within or outside the cartilage of the holding.
- (c) Under no circumstances shall any of the storage facilities be allowed to overflow.
- (d) Silage effluent shall be collected and disposed of in accordance with the most recent edition of Agri-Environmental Specifications for REPS (Rural Environment Protection Scheme).

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

7. (a) All roof water and surface water from clean paved areas shall be disposed of separately to soak ways or watercourses on applicants lands and prevented from entering onto soiled paved areas or otherwise becoming soiled. Soak holes are not acceptable. If this is not feasible a report from an indemnified engineer verifying the suitability of the soil to accept the proposed run off from the development shall be submitted to this Local Authority prior to the commencement of any works on site.
- (b) Gutters and down pipes shall be properly maintained and gullies constructed in such a manner as to prevent soiled water entering them.
- (c) No surface water, effluent or soiled waters shall be allowed to discharge to a public roadway.

Reason: To prevent mixing of clean and soiled waters in the interests of pollution control.

8. No silage effluent or slurry shall be spread within 100 meters of any dwelling without prior consent of the owners and occupiers of said dwellings.
- Reason:** In the interest of the preservation of the reasonable residential amenity of residential dwellings.

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9. All oxidisable surfaces of the development shall after weathering be painted a dark green/ mid grey / rust-brown and the painting shall be maintained and renewed as necessary.

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

10. Having regard to the respective capacity provided in the slurry storage tank, the number of cattle to be housed shall not exceed the standards set out in the most recent edition of Agri-Environmental Specifications for REPS.

Reason: In the interests of public health and to ensure that the risk of pollution or odour nuisance is minimized.

11. The effluent tank shall be roofed with a series of reinforced concrete slabs or slatted covers.

Reason: In the interests of safety

12. Waste sent off site for recovery or disposal shall only be conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery/disposal in a manner, which will not adversely affect the environment.

Reason: To provide for the recovery/disposal of waste and the protection of the environment.

13. Maximum load in any one spread of slurry, soil water, silage effluent shall not exceed 35m³ / ha (3,000 gls/acre)

In addition to the above:

Soiled water shall not be applied to land:

- Quantities which exceed in any period of 42 days a total quantity of 50,000litres per hectare, or
- By irrigation at a rate exceeding 5mm per hour

Reason: To prevent overloading onto the soil

14. Farmyard manure where taken onto land and stored in a heap for composting the manure should be stored in heaps 2m high located not less than 100 m from domestic well; 300m from public supply; 30 m from public road or water body. Farmyard manure shall not be stored where there is a high risk of polluting groundwaters.

Farmyard manure shall not be held in a field at any time as applicable as follows:

- 15 September to 12 January in the case of chemical fertiliser
- 15 October to 12 January in the case of organic fertiliser (other than farmyard manure)
- 1 November to 12 January in the case of farmyard manure

Reason: To prevent water pollution

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- 15. All buildings shall be constructed in accordance with the Department of Agriculture and Food minimum specifications.
Reason: In the interests of orderly development of the site, of public health and to minimise the risk of pollution.
- 16. The applicant shall farm in accordance with all cross – compliance measures as part of the single payment scheme.
Reason: In the interest of public health and avoidance of pollution.
- 17. Prior to commencement of development, a contribution shall be payable to Offaly County Council, in accordance with the Council’s Development Contribution Scheme, in respect of public infrastructure and facilities benefiting development in County Offaly, excluding Birr and Tullamore Town Council area, that is provided or that is intended will be provided by, or on behalf of, the Council.

The contribution payable will be based on the contribution rate applicable at the time of payment and not the rate in existence when permission is granted. The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment in accordance with the terms of the Council’s Development Contribution Scheme:-

Class of Infrastructure	Amount of Contribution
Agricultural Development	@ €2.70 per sq.m.
326.60 sq.m. x €2.70	= €881.82
Total due	€881.82

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Offaly County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.
