

COMHAIRLE CHONTAE PHORTLAIRGE □ WATERFORD COUNTY COUNCIL

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ÁRUS BRÚGHA,
DUNGARVAN.

My Reference:
Mo Thag:

PD 57/99.

Your Reference:
Do Thag:

Date:
Dáta:

16th June, 1999.

Memo to County Secretary:

Re: Application for Extension & Retention of 900 No. Sow Integrated Unit at Ballinameala, Cappagh, Co. Waterford - Mr. Jim McGrath.

This application relates to the retention and extension of a pig production unit at Ballinameala, Cappagh for a Mr. Jim McGrath. If and when fully extended in accordance with the application the capacity will be a 900 sow unit. At any given time there will be in excess of 8,500 pigs on the site plus bonhams.

In accordance with the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989) and the Local Government (Planning & Development) Regulations, 1994 (S.I. No. 86 of 1994) an Environmental Impact Statement has been submitted by the applicant.

The development is also subject to an integrated Pollution Control Licence in accordance with Part 4 of the Environmental Protection Agency Act, 1992. Thus the Planning Authority are precluded from dealing with any matters of the activity which relates to the risk of environmental pollution. I attach a copy of my report dated 24th April, 1998 which relates to PD 188/98 and which elaborates on this matter. Thus the Planning Authority is restricted to dealing with non-environmental matters only in the application.

A previous application for the erection of a pig house on this site was refused in 1981 (Ref. No. PD 218/81). The basis of the refusal was that the applicant did not have sufficient lands available for the disposal of the generated slurry which could lead to possible contamination of surface and ground waters. However, this aspect cannot now be considered by the Planning Authority when considering this application. Notwithstanding this refusal a piggery operation has developed on this site over the past eighteen years. The applicant is now endeavouring to regularise the existing situation and also to extend the development.

Drawing No. 9806 - JM- SP 1B indicates the layout of the existing and proposed development on the site. This site is located in a rural area where agriculture is the principle and almost only source of land use in the area. As stated this Piggery is in existence for up to eighteen years. The nearest dwellings to the site are that of the applicant, about 200 metres to the north and that of his mother which is about 50 metres to the south. To the east the nearest residence is about 300 metres while to the west the nearest dwelling is over 700 metres distant. As far as I am aware there have been no adverse effects reported from this operation.

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The matters to be dealt with by the Planning Authority are the proper planning and development of the area including building finishes, landscaping and generated traffic.

In relation to the proper planning and development of the area, most of the development is existing and located in an agricultural area, with no apparent adverse effects. The maximum building ridge height is 6.425 metres which is in existing building. The maximum height of the proposed buildings is 4.359 metres apart from meal houses which will be approximately 15 metres in height. This finishes proposed are grey asbestos roofs and cladding to match existing.

The increase in traffic generated by the proposed extension is estimated at 20 - 25 vehicles per week which is minimal. There should be no adverse effects from the traffic generated by the proposed extension of this development.

Landscaping proposals for the development are quite limited and will have to be significantly increased. The building is hidden from the northern side but significant landscaping will have to be carried out on the eastern, southern and western boundaries of the proposed development.

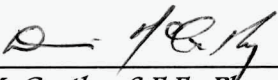
The existing and proposed developments generate a considerable amount of vehicle movements associated with the disposal of slurry produced by this operation. The disposal of this slurry requires the use of a significant amount of the public road network. In such situations it is normal for the Planning Authority to impose a Development Charge on the applicant for the maintenance and upkeep of such roads. A similar Development Charge was imposed on the applicant under Ref. No. PD 188/98. However this has been appealed to An Bord Pleanála by the applicant and in his submission to An Bord Pleanála the applicant challenged the legality of the imposition of such Charges, particularly the ongoing annual maintenance Charge imposed in that situation. To overcome this problem and pending the outcome of the Appeal to An Bord Pleanála with reference to PD 188/98. I propose to include a condition which will require the Contribution for road upkeep to be determined within twelve months from the date of Grant of this Permission.

I recommend therefore that Permission for the Retention and Extension of this development be granted subject to the following conditions:-

- 1. The development shall be carried out in accordance with the details submitted to the Planning Authority on the 22nd March, 1999.*
- *Reason: In the interests of the proper planning and development of the area.*
- 2. Prior to any development commencing a detailed landscaping proposal shall be submitted to the Planning Authority for the eastern, southern and western boundaries for approval. Any Planting required by this proposal shall be carried out in the first planting season following agreement. When planted the trees shall be adequately protected from any damage by elements or wind. Any failures in the first five years shall be replaced and the trees allowed to grow to maturity.*
- *Reason: In the interests of the amenity of the area.*
- 3. The roofs and side cladding of the proposed development shall be coloured to match the existing developments on the site.*
- *Reason: In the interests of the visual amenity of the area.*

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4. Prior to any development commencing the applicant shall submit a) a map scale 1" to 1 mile of County Waterford indicating the roads to be traversed by the slurry disposal tankers b) the frequency of travels on these roads by such tankers c) the axle weight of the individual tankers. On submission of this information the Planning Authority will determine the Financial contribution to be made by the applicant in relation to the upkeep and maintenance of the public roads which facilitate this development. This determination shall be made within twelve months of the date of Granting of this Permission.
- Reason: It is considered reasonable that the developer contribute to the cost of such works carried out by the Local Authority which facilitate the proposed development.

Signed: 
D. McCarthy, S.E.E., Planning.

Encl.

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