

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Offaly

Planning Register Reference Number: PL. 2/80/605

APPEAL by Eamon Guinan and Hugh Gleeson care of Hoey and Denning, Tullamore, County Offaly against the decision made on the 2nd day of January, 1981, by the Council of the County of Offaly deciding to grant subject to conditions a permission to Offaly Pig Producers, for a development comprising the restructuring of a pig unit at Gortnamuck, Kilmormac in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars subject to the conditions specified in column 1 of the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development, if carried out and operated in accordance with the conditions specified in the said Second Schedule would not be contrary to the proper planning and development of the area, and would be likely to result in a considerably reduced risk of watercourses in the area being polluted.

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>1. The two small existing pig units located near the entrance to the site shall cease to be used for the purpose of housing pigs.</p> <p>2. Slurry storage tanks shall be provided under the floor of the proposed pig unit as shown on Drawing Number T/80/51-02 except that the tanks shall continue under the two outer bear pens shown on Section A-A and likewise on Section B-B of the said drawing.</p>	<p>1. In the interest of a good standard of operation.</p> <p>2. To ensure adequate facilities for the storage of slurry.</p>

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>3. Before development commences the developer shall satisfy the planning authority, or An Bord Pleanála in the event of disagreement with the said authority, that adequate and suitable lands will be made available for the spreading of slurry. The developer shall maintain a register of slurry spreading activities.*</p>	<p>3. To ensure the avoidance of pollution.</p>
<p>4. The area selected for pig slurry spreading shall be located as far away as possible from neighbouring habitations and work-places and no pig slurry shall be spread within <u>100 metres of any house</u> without the written permission of the owner and the occupier thereof.</p>	<p>4 and 5. In the interests of public health and to avoid nuisance.</p>
<p>5. Slurry spreading shall not be carried out in <u>very windy or very warm weather conditions</u>. When slurry is being spread it shall be delivered as close to the ground as possible in order to avoid drift of fine slurry particles.</p>	<p>6. In the interests of residential amenity.</p>
<p>6. In the event of a feasible technology becoming available to remove or reduce the emission of unpleasant odour from the slurry, the developer shall introduce said technology within 12 months of being required to do so by the planning authority.</p>	<p>7. To prevent soil or water pollution.</p>
<p>7. Pig slurry shall not be spread on lands during the <u>winter months from November, to February inclusive or during very wet weather or on frozen ground at any time</u>. The slurry shall be spread only in accordance with the usage of the land and the capacity of the land to retain, neutralize, and decompose it. The rate of spreading shall be such as to prevent surface run-off.</p>	<p>Contd./ ...</p>

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Column 1 - Conditions

Column 2 - Reasons for Conditions

7 Contd./ ...

ponding, or seepage into covered field drains.

* 8. No pig slurry shall be spread within 50 metres of any source of potable water supply or within 30 metres of any field ditch, lake, river or stream or other waters unless with the agreement of the planning authority. Spraying of slurry shall not be carried out when wind conditions are such as to carry the slurry onto the public road.

8. To protect human health and avoid water pollution and nuisance.

* 9. The maximum rate of slurry spreading and the maximum capacity of the pig slurry storage tanks shall be decided by agreement with the planning authority or with An Bord Pleanala in the event of a dispute. In the case of uncovered storage tanks due allowance shall be made for rainfall during the winter storage period.

9. To prevent pollution of waters.

* 10. All extraneous sources of water shall as far as possible be prevented from mixing with the pig slurry. Uncontaminated surface water, from roofs, etc., shall be collected separately and may be discharged to soakaways or to waters.

10. To limit the dilution of pig slurry and so maintain the storage capacity of the slurry storage tanks.

* 11. Soiled water from surrounding areas shall be collected separately for short term storage in a soiled water tank with a view to regular land disposal or for disposal by septic tank and percolation area. Before the development commences the applicants shall satisfy the planning authority, or An Bord Pleanala in the event of a dispute, that adequate arrangements have been made for the disposal of all soiled waters and details of such arrangements shall be made available.

11. To limit the dilution of pig slurry and prevent pollution of waters.

Contd./ ...

to prevent surface run-off,

Contd./ ...

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SECOND SCHEDULE (CONTD.)



Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>11 Contd./</p> <p>Furthermore, no soiled water shall be disposed of by discharge to the pig slurry tanks except with the agreement of the planning authority.</p> <p>12. If at any time the planning authority is satisfied that the spreading of slurry on land is causing water or soil pollution, the spreading operation shall cease immediately on the direction of the said authority and shall not be resumed until permission therefor is granted by the said authority.</p> <p>13. Before development commences the applicants shall establish a satisfactory programme for monitoring the water quality of existing streams and watercourses. Details of this programme including the location of sampling points, the frequency of sampling and the nature of the tests to be carried out shall be agreed with the planning authority or determined by An Bord Pleanála in the event of a dispute. The results of all tests carried out shall be kept in the offices of the planning authority and made available for inspection by interested parties during office hours.</p>	<p>12. To prevent water and soil pollution and protect public health.</p> <p>13. To enable the performance of the development to be assessed.</p>

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J. Gannon

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

Dated this 16 day of February 1982.