

**LIMERICK COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 - 2011**

**NOTIFICATION OF GRANT OF PERMISSION**

Ballyfaskin Enterprises Ltd.  
c/o Montgomery E.H.S.  
2 Beechwood Gardens  
Newcastle West  
Co. Limerick

**PLANNING REGISTER NUMBER :** 12/306

**APPLICATION RECEIPT DATE:** 20/04/2012

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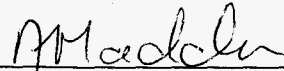
Permission for the expansion of an existing integrated sow unit to 600 sows. The development proposes to construct a new loose welfare friendly dry sow house, 3 no. fattening houses, a new farrowing house, a feed mill, new site entrance including access road and associated site works. The development proposes to replace two existing farrowing houses, an existing fattening house and a gilt house (this application relates to development which comprises or is for the purposes of an activity requiring an Integrated Pollution Control Licence and an Environmental Impact Statement has been submitted as part of the planning application) at Ballyfaskin Ballylanders .

Further to the Order dated: 06/12/2012

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A PERMISSION has been granted for the development described above subject to the 14 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 06/12/2012.

Signed on behalf of the said Council



(for) Director of Services  
Economic Development & Planning  
Date: 17/1/13

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.

12/306

6<sup>th</sup> December 2012

**By Reg. Post**

**Ballyfaskin Enterprises Ltd.,  
c/o Montgomery E.H.S.,  
2 Beechwood Gardens,  
Newcastle West,  
Co. Limerick.**

**Re: Planning Ref. No. 12/306 – Permission for the expansion of an existing integrated sow unit to 600 sows. The development proposes to construct a new loose welfare friendly dry sow house, 3 no. fattening houses, a new farrowing house, a feed mill, new site entrance including access road and associated site works. The development proposes to replace two existing farrowing houses, an existing fattening house and a gilt house (this application relates to development which comprises or is for the purposes of an activity requiring an Integrated Pollution Control Licence and an Environmental Impact Statement has been submitted as part of the planning application) at Ballyfaskin, Ballylanders.**

Dear Sir/Madam,

I refer to the enclosed notification of decision with regard to the above development and wish to inform you that pig slurry should not be spread in the vicinity of the Aherlow, Blackwater or Aloe river catchments without contacting the relevant Council.

The applicant should contact An Bord Gais in advance of any extraction to arrange a visit to site and mark out wayleave.

Yours faithfully,

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Colette Shannon/O'Shea,  
Acting Staff Officer  
Planning & Development.

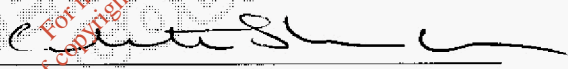
**LIMERICK COUNTY COUNCIL**  
**PLANNING AND DEVELOPMENT ACTS 2000-2011**  
**NOTIFICATION OF DECISION TO GRANT**

Ballyfaskin Enterprises Ltd.  
c/o Montgomery E.H.S.  
2 Beechwood Gardens  
Newcastle West  
Co. Limerick

**Planning Register Number:** 12/306  
**Valid Application Received:** 20/04/2012  
**Further Information Received Date:** 15/10/2012

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick County Council has by Order dated **6<sup>th</sup> December, 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 expansion of an existing integrated sow unit to 600 sows. The development proposes to construct a new loose welfare friendly dry sow house, 3 no. fattening houses, a new farrowing house, a feed mill, new site entrance including access road and associated site works. The development proposes to replace two existing farrowing houses, an existing fattening house and a gilt house (this application relates to development which comprises or is for the purposes of an activity requiring an Integrated Pollution Control Licence and an Environmental Impact Statement has been submitted as part of the planning application) at Ballyfaskin Ballylanders** subject to the 14 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: **6<sup>th</sup> December, 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.

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, 2000-2011 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 2011 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 <sup>th</sup> September 2011
<b>Planning Acts</b>	
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 <sup>st</sup> 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](http://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: 12/306**

**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 20<sup>th</sup> April 2012, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> August 2012 and 15<sup>th</sup> October 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. The developer shall pay to Limerick County Council a financial contribution of €65,469.33 (sixty five thousand four hundred and sixty nine euro and thirty three cent) in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning & Development Acts, 2000 - 2011. The contribution shall be paid prior to the commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Reason - It is a requirement of the Planning & Development Acts, 2000 - 2011 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

3. The stocking rate of this facility for sows (and other pigs) shall not be increased over and above existing permitted levels as stated in the application documentation.

Reason - In the interest of clarity.

4. The landscaping scheme shown on drg. no. C-001, as submitted to the Planning Authority on the 15<sup>th</sup> day of October, 2012 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

Reason - In the interests of residential and visual amenity.

5. External materials and finishes of proposed buildings shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development.

Reason - In the interest of visual amenity.

6. 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.

7. Archaeological monitoring by a qualified archaeologist shall be in place for all ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority **four** weeks in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best deal with the archaeology. The National Monuments Service, Department of the Arts, Heritage and the Gaeltacht and the Planning Authority Archaeologist shall be informed. The developer shall be prepared to be advised by the Department of the Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action and shall facilitate the archaeologist in recording any material found. On completion, an archaeological report detailing the works shall be submitted to the Planning Authority and the Department of the Arts, Heritage and the Gaeltacht.

Reason – To protect areas of archaeological potential in the interest of the proper planning and development of the area.

8. Prior to the commencement of the development a Vermin Control Programme in relation to the proposed development shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

Reason - In the interests of orderly development.

9. Transport of pig slurry, animal tissues and carcasses sent off site for disposal/recovery shall be in suitably contained leak proof vehicles.

Reason - In the interest of public health and to provide for the protection of the environment.

10. The temporary on-site storage of animal tissues and carcasses shall be in sealed leak proof containers and removed at regular intervals.

Reason - In the interest of public health, infection control, odour control and to provide for the protection of the environment.

11. Waste sent off site for recovery/disposal shall be transported by authorised waster contractors or an exempted person (Waste Management Collection Permit Regulation 2007-2008). The waste shall be transported from the site of activity to the site of recovery/disposal, only in a manner which will not adversely affect the environment or public health.

Reason - In the interest of public health and to provide for the protection of the environment.

12. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means agreed in writing with the Planning Authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009.

Reason - To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

13. Detailed records shall be maintained with regards to pig slurry disposal, these shall include such matters as dates, volumes disposed of and outlet locations. The records shall be kept up-to-date and shall be available at all reasonable times for inspection by an authorised person of the Planning Authority and be provided to the Planning Authority on request in writing.

Reason - To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

14. The use of the facilities in the adjoining dwelling house is not acceptable. Appropriate staff facilities and associated services to include the disposal of effluent shall be in place prior to the commencement of development. Full details shall be submitted for the written approval of the Planning Authority.

Reason – In the interest of proper planning and orderly development.

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LIMERICK COUNTY  
COUNCIL

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Limerick County Council

PLANNING AND DEVELOPMENT ACTS 2000-2011

Senior Planner Planning & Development Order No: P.D. 953/12

Reference Number: 12/306

Name of Applicant: Ballyfaskin Enterprises Ltd.  
Address: c/o Montgomery E.H.S.  
2 Beechwood Gardens  
Newcastle West  
Co. Limerick

**Nature of Application** PERMISSION for the expansion of an existing integrated sow unit to 600 sows. The development proposes to construct a new loose welfare friendly dry sow house, 3 no. fattening houses, a new farrowing house, a feed mill, new site entrance including access road and associated site works. The development proposes to replace two existing farrowing houses, an existing fattening house and a gilt house (this application relates to development which comprises or is for the purposes of an activity requiring an Integrated Pollution Control Licence and an Environmental Impact Statement has been submitted as part of the planning application).

**Location of Development:** Ballyfaskin Ballylanders

**Recommendation of S.E.P.** PERMISSION BE GRANTED for the above mentioned development subject to the 14 condition(s) set out in the Second Schedule hereto.

**ORDER:**

Whereas by County Manager's Order No. HR. 383/12 dated 28<sup>th</sup> September 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, effective from 1<sup>st</sup> October 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, Senior Planner, 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 14 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.

  
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SENIOR PLANNER PLANNING & DEVELOPMENT

be . DATED THIS 6<sup>TH</sup> DAY OF DECEMBER, 2012

## PLANNING REGISTER REFERENCE NUMBER: 12/306

### 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 20<sup>th</sup> April 2012, as amended by the further plans and particulars submitted on the 23<sup>rd</sup> August 2012 and 15<sup>th</sup> October 2012, except as may otherwise be required in order to comply with the following conditions.

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Reason - It is a requirement of the Planning & Development Acts, 2000 - 2011 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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Reason – In the interest of proper planning and orderly development.

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