

CORK COUNTY COUNCIL

Planning & Development Acts 2000 – 2007

**Mr. Martin O'Donovan,
c/o Michael Sweeney,
NRGE Ltd.,
Moonesfort,
Lattin, Co. Tipperary**

Planning Register No: 09/896

Application by: Martin O'Donovan

Of: c/o Michael Sweeney NRGE Ltd., Moonesfort, Lattin, Co. Tipperary

On: 10/08/2009, as amended on 30/03/2010

For: Construct 6no. pig houses (2no. dry sow houses with attached service houses, 2no. weaner houses, 2no. farrowing houses) with 6no. meal bins, loading bay, feed mill house, storage tank, servicing concrete and hardcore yard, with complete storm and foul water collection systems and associated site works for new sow breeding unit to fully comply with new Animal Welfare Regulations

At: Cooligboy, Timoleague, Bandon, Co. Cork

Further to Notice dated the **27/04/2010** Cork County Council hereby conveys a grant of **PERMISSION** for the application described above subject to the conditions set out in the schedule (if any) attached to the said Notice dated 27/04/2010 of its intention to grant **PERMISSION**

Signed on behalf of Cork County Council

DATE: 15/06/2010

NOTE FOR GUIDANCE OF DEVELOPERS

A grant of Planning Permission or Permission Consequent on the grant of Outline Permission does NOT of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so. Unless otherwise stated or unless it is revoked a Permission or Permission Consequent on the Grant of Outline Permission is valid for a period of five years.

Any development which takes place prior to the payment of a financial contribution required by any of the conditions attached to a Permission or Permission Consequent on the grant of Outline Permission will be unauthorized until compliance with the condition or conditions.

Please note that there is an onus on developers to ensure that there is no danger to the public as a result of the proposed development.

CORK COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 - 2007
NOTIFICATION OF DECISION TO GRANT PERMISSION
(with conditions)

Reference No. in Planning Register
REG NO. 09/896

Mr. Martin O'Donovan
c/o Michael Sweeney
NRGE Ltd
Mooresfort
Lattin, Co. Tipperary

In pursuance of the powers conferred upon them by the above mentioned Act and for the reason set out in the First Schedule hereto, the Council of the County of Cork has by Order dated 26/04/2010 decided to GRANT PERMISSION for the development of land namely;

Construct 6no. pig houses (2no. dry sow houses with attached service houses, 2no. weaner houses, 2no. farrowing houses) with 6no. meal bins, loading bay, feed mill house, storage tank, servicing concrete and hardcore yard, with complete storm and foul water collection systems and associated site works for new sow breeding unit to fully comply with new Animal Welfare Regulations

At: Cooligboy, Timoleague, Bandon, Co. Cork

In accordance with the plans and particulars submitted by the applicant

On: 10/08/2009, as amended on 30/03/2010

And subject to the conditions (15 No.) set out in Column 1 of the Second Schedule attached hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanála by any authorised person before the EXPIRATION of the period of FOUR WEEKS beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of PERMISSION in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála. It should be noted that until a grant of PERMISSION has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council

Date:27/04/2010

SEE NOTES ATTACHED

Please note that pursuant to S.34(3) of the Act, the Planning Authority has had regard to submissions or observations received in accordance with these Regulations.
In accordance with Article 20, site notice shall be removed on receipt of this notification.

FIRST SCHEDULE

Planning Ref. No. 09/896

It is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, and would be in accordance with the proper planning and sustainable development of the area.

No.	Condition	Reason
1	The development shall be carried out in accordance with the plans and particulars lodged with the Planning Authority on the 10/08/09 as amended by way of further information received 30/03/10 except where otherwise required by the conditions of this schedule.	In the interests of clarity and orderly development
2	The finished floor levels of the proposed buildings shall accord with the details provided in the site layout plan submitted on 30/03/10.	In the interests of the proper planning and sustainable development of the area.
3	The proposed buildings shall be used solely as described in the public notices and a change of this use shall not take place without a prior grant of planning permission, notwithstanding the Exempted Development provisions of the Planning & Development Regulations, 2001, as amended.	To regulate the use of the development in the interests of orderly development.
4	Full details of the colour of the roof and side cladding of the structures in addition to the silos shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.	In the interests of visual amenity.
5	The development shall be landscaped in accordance with the details indicated in the Landscaping Report submitted on 30/03/10 which provides for the planting of a total of 720 native species trees in three rows and the details indicated on the revised Site Plan and Sections submitted on 30/03/10. The said scheme shall be implemented during the first planting season following the first occupation of the buildings. The trees shall be protected from grazing animals by proper stock proof fencing.	In the interests of visual amenity.
6	All planting shall comply with the specifications of the landscaping scheme agreed and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.	In the interests of visual amenity.
7	Prior to the commencement of development, the developer shall lodge with the Planning Authority a sum of €10,000 to guarantee the satisfactory completion of tree and shrub	To ensure the satisfactory completion of landscaping works in the interests of visual amenity.

No.	Condition	Reason
	<p>planting and all other landscaping proposals for the site as required by Condition No. 5 above.</p> <p>The sum lodged pursuant to this condition shall be only be refunded when a further competent landscaping report has been submitted to the Planning Authority three years after the landscaping scheme indicated under Condition Nos. 5 & 6 above has been satisfactory implemented and certified by the Planning Authority.</p>	
8	Construction activities shall be carried out so that no noise or dust nuisance is caused off site.	In the interests of amenity.
9	All uncontaminated surface waters from roofs and clean pavement areas shall be diverted away from the farmyard and from slurry tanks, dungsteeds or manure stores to the satisfaction of the Planning Authority. This clean water shall be discharged to soakaways or watercourses directly. Chutes shall be provided to all existing and proposed buildings within the farmyard.	To safeguard the amenities of the area.
10	All soiled water, slurry spillages, yard washings and any other contaminated run-off, arising in the yards and adjacent areas, etc., shall be discharged to a holding tank or tanks to the satisfaction of the Planning Authority. The tanks shall be maintained to the Planning Authority's satisfaction and the contents shall be disposed of as required by the conditions herein.	To prevent pollution of water courses, ground water and all other waters.
11	Storage of slurry shall be contained in watertight tanks. These tanks shall be maintained to the Planning Authority's satisfaction.	To prevent pollution of watercourses, ground water and all other waters.
12	Concrete aprons (minimum width 4 metres) shall be constructed adjacent to feed bins and slurry tanks and in areas used by machinery in the handling of animal foodstuffs, slurry/manure and soiled water. These concrete areas shall drain to the adjacent slurry holding tanks or other storage facilities and shall be constructed and used so as to prevent the leakage or discharge of polluting matter from them to the adjoining areas.	To prevent pollution of watercourses, ground water and all other waters.
13	Surface water shall not be permitted to flow onto the public road from the site.	To prevent the flooding of the public road.

No.	Condition	Reason
14	Storm water attenuation shall be provided to the Planning Authority's satisfaction to maintain the existing characteristics of the site and to reduce the impact of the site in storm conditions	To prevent flooding
15	At least one month before commencing development, the developer shall pay a contribution of €193,294.08 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on (01/04/10), and shall be increased monthly at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment. No development shall take place until the monies have been paid to the Council.	It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that Scheme.

01/10/2009

1. General Details

<i>Application Number</i>	09896
<i>Applicant's Name</i>	Martin O'Donovan
<i>Development Description</i>	Construct 6no. pig houses (2no. dry sow houses with attached service houses, 2no. weaner houses, 2no. farrowing houses) with 6no. meal bins, loading bay, feed mill house, storage tank, servicing concrete and hardcore yard, with complete storm and fou
<i>Location</i>	Cooligboy, Timoleague, Bandon

*Site Notice: In Order**Date of Planning Inspection: 24/09/09***THE DEVELOPMENT AND ITS PLANNING CONTEXT**

This application proposes to construct 6no. pig houses (2no. dry sow houses with attached service houses, 2no. weaner houses, and 2no. farrowing houses) with 6no. meal bins, loading bay, feed mill house, storage tank and associated site works for new sow breeding unit to fully comply with new Animal Welfare Regulations. The proposed development constitutes an extension to an existing pig production unit which is located c. 300m to the south of the subject site. An area of conifer trees is located between the existing pig farm and the proposed development.

The subject site is c. 1 mile to the north-west of Timoleague and has a stated area of 4.2ha. The subject site is located above the 400ft contour line at a local high point and close to 2no. mobile phone masts. There are panoramic views of the surrounding area in all directions from the site. The nearest dwelling to the site is the applicant's own dwelling. There are individual dwellings to the east west of the applicant's dwelling c. 400m from the subject site. The applicant owns the adjoining lands to the north and south of the subject site.

In terms of planning designations, the area is defined as coastal. There are no specific scenic designations applying to the site however it is noted that development on the site would be visible from designated Scenic Routes S67 and S69.

The primary planning issues in this case would appear to be as follows:

-whether the proposed extension is acceptable in principle

- visual impact of the proposed development when viewed from the surrounding scenic areas and from designated Scenic Routes
- whether there would be any adverse environmental impacts
- impacts of the residential amenities of dwellings in the vicinity
- whether a more suitable site is available

Other relevant policies Include:

ECON 5-3 – It is an objective to support the development of existing farm units

ENV 6-8 – It is an objective to protect waters from nitrate pollution in accordance with the Nitrates Directive.

ENV 6-9 – It is an objective in assessing proposals for agricultural development that development shall comply with the EC (Good Agricultural Practice for Protection of Waters) Regulations, 2006.

ENV 2-11 – It is a particular objective to preserve the character of those views and prospects obtainable from scenic routes identified in this plan.

ENV 2-12 – It is an objective to protect the character and quality of those particular stretches of scenic routes that have very special views and prospects.

ENV 2-13 – It is also an objective of the Planning Authority to require those seeking to carry out development in the environs of a scenic route.....to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas the appropriateness of the design, site layout and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance and character of the area.

OTHER CONSIDERATIONS

No pre-planning discussions took place.

A check of the planning history in the area indicates that there have been a number of applications on the applicant's landholding:

93/3463 – Permission granted for a piggery.

01/5334 – Permission granted for retention of intensification of use of piggery.

03/647 – Permission granted for agricultural building.

03/1852 – Invalid

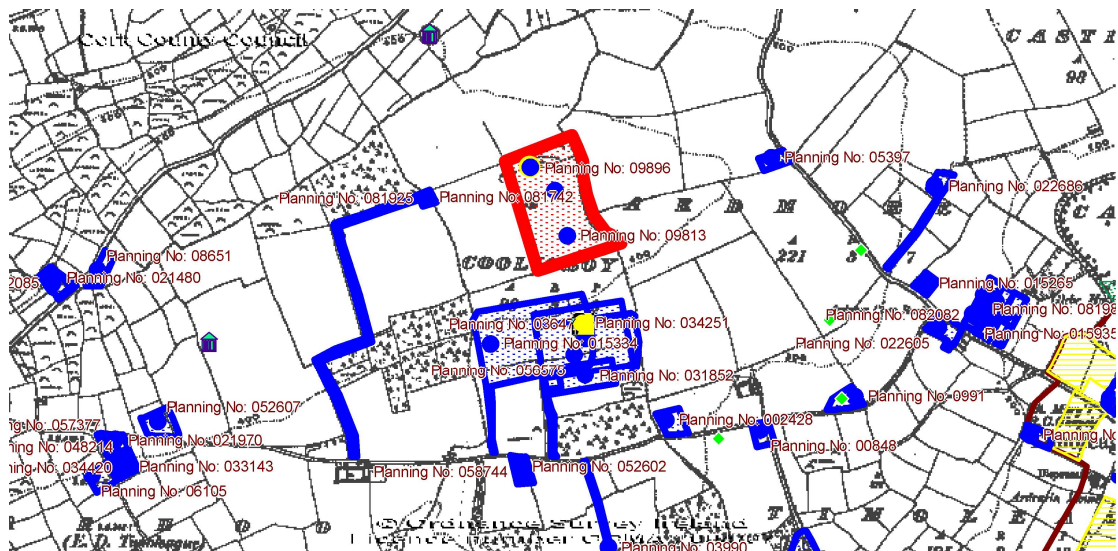
03/4251 – Permission granted for feedmill with 6no. feed bins, storage tanks and digester to process pig manure (digester not built to date).

05/6575 – Permission granted for 2no. pig houses, 2no. extensions to the existing pig houses, 2no. meal bins and service yards.

Adjoining Land to West

09/1925 – Permission granted for installation of 25m high telecommunications structure.

See sheet below with summary of relevant cases and extract from register map(s).



To date, the following third party submissions / observations have been referred to me:

NAME(S)	MAIN POINT(S)	INITIAL COMMENTS
An Taisce	Information is required on the planning history and environmental and amenity impact	Noted
SWRFB	Requests that details are submitted showing the nutrient levels in the proposed spreadlands based on recent soil testing	Noted
EPA	The site is licensed by the EPA. Condition 1.2 of the licence requires no alteration or reconstruction without prior notice to and agreement of the Agency	Noted

The key points from the other technical reports on file include:

- Area Engineer (report dated 25/08/09): Report raises concerns that the proposal appears to be partially on top of the hill and may be visible from a large area. No site contours have been included. Report recommends deferral for a site contour survey and site sections.
- Environmental Scientist (report dated 07/09/09): Report states that the main issues with regard to a pig unit of the proposed size are odours and management of slurry from the unit. Report states that it is not expected that the proposed development will cause any greater level of odours locally than the existing unit due to distance from 3rd party dwellings. The proposed development will result in a greater than 50% increase in the volume of slurry generated and will require significant areas of land to recover the nutrients contained in the slurry. The applicant has not provided sufficient information on the management of slurry from the proposed unit. The Environmental Officer recommends a detailed deferral for slurry management proposals, including details of existing slurry storage facilities.
- Veterinary Officer : No report has been received to date as the file was not referred to the VO in sufficient time. I have discussed this application with Dan Crowley who accepts the extensification of the existing pig farm. The

Veterinary Department has requested that it has an impact into any decision to grant permission.

No other reports received to date.

DEVELOPMENT DESCRIPTION

The applicant currently operates an existing 1150 sow integrated unit approx 300m south of the subject site. The proposed extension will increase capacity to 1750 sows, housing the fatteners in the existing farm and developing a specialised sow breeding unit in the proposed buildings. It is proposed to erect 4no. buildings on the site comprising 2no. dry sow houses, 2no. weaner houses, 2no. farrowing houses and 2no. service houses. The buildings are long and of a low profile, i.e between 4m and 4.3m high. An embankment with screen planting on top is proposed along site boundaries. The application states that the proposed is in line with new Animal Welfare legislation.

ENVIRONMENTAL IMPACT ASSESSMENT

Schedule 5 of the Planning and Development Regulations, 2001, as amended, sets out the prescribed classes of developments for environmental assessment. The existing farm operates as an 1150 sow integrated unit and the proposed farm extension will bring capacity to an 1750 sow integrated unit. Schedule 5 requires an EIS for installations for intensive rearing of pigs which would have more than 200 places for sows in an integrated unit. The information required to be contained in an EIS is set down in A. 94 and Schedule 6 of the Planning and Development Regulations, 2001. The EIS submitted fails to adequately describe or deal with the likely volumes of slurry and the appropriate disposal of such waste. The report of the Senior Executive Scientist, Environment Section, states that there is a very significant discrepancy between the applicant's proposed slurry production and the standard production figures from the regulations.

The EIS fails to provide a description of the main characteristics of production processes. It is also considered that the likely impacts of the proposed development on the environment, human beings and the landscape have not been sufficiently detailed in terms of the likely nature, magnitude, duration or consequence.

ASSESSMENT & RECOMMENDATION

Policy Context

The site is located in a rural area where the predominant land use is agriculture. In general the extension of existing agricultural facilities is supported in the CDP subject to normal proper planning and sustainable development considerations. In the case of the current proposal the principle issues arising relate to the impact of the proposed development on the environment in terms of slurry management and disposal and the visual impact of the proposed development.

Environmental Concerns

As stated above the report of the Environmental Scientist highlights discrepancies in the submitted information and significant shortcomings in the level of detail supplied in terms of slurry management. Reference is made to a future application for permission for an increased digester to deal with effluent, however it is noted that the digester permitted under 03/4251 has not been installed to date. The information sought in the report of the Environmental Scientist would be required in the event that

further consideration is being given to the proposed development. Furthermore the shortcomings in terms of the likely impacts of the proposed development on the environment, including on the environment of the proposed landspreading sites, as required as part of the EIS, should be submitted.

Visual Impact

The subject site is located on extremely elevated lands above the 400 foot contour line and very close to a local high point. The elevated nature of the lands is evidenced by the existence of 2no. mobile phone masts in close proximity to the site. Despite the low profile of the proposed buildings and proposals for earth bunding it is considered at the proposed development would be seriously intrusive when viewed from the surrounding area and would seriously impact on views obtainable from designated scenic routes, including the main scenic coastal routes to Kinsale and Courtmacsherry.

The submitted drawings indicate a degree of cut and fill in order to accommodate the proposed buildings. However no detailed site contour survey or site sections have been submitted. Notwithstanding this lack of information it is considered that even if the FFL of the proposed buildings was reduced the overall scale of the development would significantly alter these elevated unspoilt lands to the serious detriment of the scenic qualities and visual amenities of the area.

Alternative Sites

It is considered that the lands to the north of the subject site are far more suitable for the proposed development. These lands are in the ownership of the applicant and while it is noted that they are further removed from the existing pig production facility than the current proposal the lands are at a much lower level and development at this location would not interfere with views from scenic routes and would not injure the visual and scenic amenities of the area. A decision to grant permission for a dwelling to the east of these lands under 09/420 is noted. The permitted dwelling would be of a similar proximity to this alternative as existing dwellings are to the subject site.

Conclusion

It is considered that the subject site is unsuitable for development due to the prominent and elevated nature of the lands. Furthermore the proposed development would result in serious detrimental impact on views obtainable from designated Scenic routes and from the surrounding designated scenic and coastal area. It is considered that the applicant has lands within his ownership which are more suitable for the proposed development. Therefore notwithstanding the deficiencies of the submitted EIS and the lack of adequate information regarding the environmental impacts of the proposed development, and the lack of appropriate management plans, it is recommended that permission is refused.

On the basis of the above assessment, I recommend REFUSAL for the proposed reason(s) given below.

PROPOSED REFUSAL REASONS

1.	<p>The proposed development would be located on a prominent site close to a local high point and visible from a wide surrounding area. Objectives ENV 2-6, ENV 2-9 and ENV 2-11 seek to preserve the visual and scenic amenities of County Cork's built and natural environment, to preserve the character of all important views and prospects and to preserve the character of those views and prospects obtainable from the scenic routes, as set down in the Cork County Development Plan, 2009. The proposed development, by reason of its prominent and elevated location, would seriously injure the visual and scenic amenities of the area and would be detrimental to the views currently obtainable from designated Scenic Routes S67 and S69 and would therefore contravene materially the Objectives of the Cork County Development Plan, as set down above and would therefore be contrary to the proper planning and sustainable development of the area.</p>
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A.O'Keeffe
Executive Planner
01/10/09

21/09/2009

1. General Details

<i>Application Number</i>	09896
<i>Applicant's Name</i>	Martin O'Donovan
<i>Development Description</i>	Construct 6no. pig houses (2no. dry sow houses with attached service houses, 2no. weaner houses, 2no. farrowing houses) with 6no. meal bins, loading bay, feed mill house, storage tank, servicing concrete and hardcore yard,
<i>Location</i>	Cooligboy, Timoleague, Bandon

The following FI was requested to be submitted on 01/10/09:

- 1) Revised site layout plan detailing both the existing and proposed pig units, silos, all associated buildings and existing screen tree planting. The FFL of the existing complex to the south and the proposed development should be detailed on the revised site layout plan. A contour survey of the overall landholding north of the public road should also be submitted which should indicate the principal contours and spot heights relative to a datum point at the public road.
- 2) Clarify why the proposed development would be located at a distance of approx. 300m from the main existing facility.
- 3) Revised Section 4.1 '*Alternative Sites Considered*' of the Environmental Impact Statement which should fully assess the consideration of alternative sites for the proposed development. In this regard, consideration should be given to the area of land to the immediate north of the proposed site which is in your ownership. This information is required as the Planning Authority has concerns regarding the elevated nature of the proposed site.
- 4) Extended north-south and east-west dimensioned cross sections of the site, showing the FFL of the existing complex to the south compared with that of the proposed development. The sections should indicate the amount of material to be excavated from the site and screening provided relative to existing contours as above. The location of the cross sections should be clearly indicated on the revised site layout plan.
- 5) Clarify whether the proposed silos can be relocated and reduced in height in order to reduce the overall visual impact of the proposal.
- 6) Landscaping plan detailing the landscaping proposals set out in Section 6.1.1 and Appendix 5 of the submitted Environmental Impact Statement and clarify the intended programme for implementation of the landscaping scheme.
- 7) Revised Section 6.1.1 '*Landscape and Visual Aspects*' which should clearly describe the visual impact of the proposed development on the landscape and mitigation measures proposed.
- 8) Provide a full list of farmers who have agreed to accept slurry from the proposed pig unit including signed spreading agreements for each farm, and an estimate of how much slurry they can accept.
- 9) Suitably scaled map(s) showing the locations of all the farmers who have agreed to accept slurry from the proposed pig unit.
- 10) Nutrient management plan for each farm identifying the areas of land suitable for slurry spreading and demonstrating that they have capacity to recover the nutrients contained in the slurry which they accept from the pig unit.

- 11) Declaration by a suitably qualified person, (Teagasc Advisor or REPS Planner), that the lands identified for slurry spreading have been inspected and are suitable for slurry spreading.
- 12) Clarify the total volume of slurry which will be generated by the proposed development using Table 1 of Schedule 2 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009, (S.I. No. 101 of 2009), as a reference. This may require the submission of a revised Section 3.4.1 of the submitted Environmental Impact Statement.
- 13) Clarify the total amount of Nitrogen & Phosphorus which will be generated by the proposed development using Table 6 of Schedule 2 of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009, (S.I. No. 101 of 2009), as a reference.
- 14) Confirm by calculation that sufficient lands will be available for recovery of the nutrients N and P contained in the slurry which will be generated in the proposed development.
- 15) Copy of the correspondence issued by the EPA approving the NMP report for 2009 as referenced in Section 3.10 of the submitted EIA.
- 16) Details of the slurry storage facilities in the existing pig unit and calculate effective slurry storage capacity in the existing and proposed units allowing a freeboard of 200mm for covered tanks and 300mm for open tanks.
- 17) Confirm and identify on the site layout plan what toilet/wash facilities are proposed for staff working in the proposed new development.

FURTHER INFORMATION RESPONSE

The applicant has responded to the request for further information on 30/03/10 as set out below:

Item 1 – Revised site plans detailing levels, finished floor levels, contours and landscaping have been submitted as requested.

Item 2 – Applicant has stated that the proposed breeding unit would be located away from the main existing facility to protect “the minimal disease status of the breeding stock”.

Item No.3 – Two alternative sites were considered for the proposed breeding unit. The site adjacent to the existing site was regarded as unsuitable due to the topography of the site which would require the excavation of a stated 6m of rock to be removed at the southern end of the proposed building and a stated 10m at the northern end of the proposed building. The site adjacent to the northern boundary was also examined; the applicant, however, states that “in order to maintain a level site for animal traffic, it would be necessary to excavate up to 8m of material from the southern end of the footprint” (proposed building) “and to raise the northern end by up to 10m in places”. This would require 500,000m³ of material to be moved which would incur a significant cost to the applicant.

Item No.4 – Section drawings submitted as requested.

Item No.5 – No revisions to the height of the proposed silos have been submitted. Screen landscaping has been proposed to mitigate part of the visual impact of the proposal.

Item No.6 – A revised landscaping drawing (Drawing No.202 – revised Site Plan) and Landscaping Proposal plan/ Report has been submitted detailing the location of landscaping proposed. Planting would take place in the first Autumn after completion of the proposed development.

Item No.7- A revised Section 6.1.1 ‘Landscape and Visual Aspects’ of the EIA (Attachment No.8) has been submitted. The revised section 6.1.1 notes that the excess material generated on site would be stock-piled to form a berm around the site which would be augmented with screen planting. The proposed building would be clad in a neutral colour. Three rows of native species would be planted to screen the proposal comprising of a total of 720 trees (240 Holly, 240 Alder and 240 Hazel) in addition to 800 heather plants.

Item No.8 - Details submitted.

Item No.9 - In response to this item requested by the Environment Officer, the applicant has submitted a report which was detailed as ‘confidential’. This information was not considered during the assessment of the proposed development as all information to be considered as part of the proposed development must be available on the public file. The report marked

'confidential' has been returned to the applicant (see letter from the applicant submitted on 23/04/10 requesting the return of this report).

Item No.10 – as per Item No.9.

Item Nos.11 to 12 – Details submitted.

Item Nos.13-15 - as per Item No.9.

Item No.16 - Details submitted.

Item No.17 - Details submitted.

INTERNAL REPORTS

Area Engineer: In a report dated 20/04/10, the Area Engineer notes that the applicant's available landholding is extremely restrictive and is elevated. The existing buildings are elevated and prominent and the new buildings are approx. 19meters higher floor to floor comparatively. The buildings themselves are relatively low in height. It is proposed to use earth bunds and screen planting and in time these should help to reduce the impact. The Area Engineer notes that while the relocation of the development to the north on the landholding would accommodate a smaller development which would require cut and fill and the construction of an extended road, it would have a reduced impact visually. However, the same report states that there is no objection from an engineering perspective to the proposed development.

Environment Officer: In a report dated 20/04/10, the Environment Officer raises no objection on environmental grounds to planning permission being granted for the development. No environmental conditions are recommended by the Environment Officer as these are addressed by the IPPC licence. The report notes that the main issues of environmental concern with regard to a pig unit of the proposed size are odours and management of slurry from the unit. The applicant has a current IPPC licence from for the existing activity at the site, Reg. No. P0621-02. The report also notes that the proposed development would result in a greater than 50% increase in the volume of slurry generated on the pig unit and would require significant areas of land to recover the nutrients contained in this slurry. The Environment Officer states that there are significant discrepancies between the volumes of slurry which the applicant states will be generated & the volume which S.I. No. 101 of 2009 indicates would be generated: however, the applicant has provided an explanation for this and the lower slurry production figures are currently accepted by the EPA. Adequate slurry storage capacity would be provided for the proposed number of animals to be held on the site. The applicant has provided sufficient information on the production and management of slurry from the proposed unit to enable a complete assessment of the application. Adequate spreadlands are identified in the information submitted to accommodate all slurry generated in the proposed expanded pig unit.

ASSESSMENT

The proposed development seeks to extend an existing piggery at Cooligboy, Timoleague. The existing facility is located north of Timoleague village and is located on an elevated site with views over Courtmacsherry and Courtmacsherry Bay. The Environment Officer, in a report dated 20/04/10 has raised no objection on environmental grounds to the proposal.

Having regard to the sensitivity of the site, the main planning issues of concern relates to the visual impact of the proposal. As set out in the further information request, concern was raised in relation to the prominence of the site and the potential for alternative more suitable sites on the landholding. The applicant has stated that alternative site were considered, as set out in the response to Item No.3 of the proposal; however, these sites were not considered suitable due to the requirement for excessive movement of on-site rock and the necessity to protect "the minimal disease status of the breeding stock". While the preferred option would be to locate the proposal on a lower site due north of the current site, the proposed buildings would have a low ridge level and mitigating measures have been proposed including extensive screen planting and the construction of a burm/ embankment on the north, south

and eastern proximities of the proposed buildings. Due to the prominence of the site, the proposal would be visible from the surrounding area; however, when taken together with the existing facility on the site and landscaping proposals, the impact of the proposal would be, to some extent, reduced. To ensure the landscaping proposals are implemented, a landscaping bond is considered appropriate in these circumstances.

Having regard to the revised details submitted and having regard to the inter-departmental reports, I recommend PERMISSION in accordance with the conditions attached below.

PROPOSED CONDITIONS

<i>No.</i>	<i>Condition</i>	<i>Reason</i>
1	The development shall be carried out in accordance with the plans and particulars lodged with the Planning Authority on the 10/08/09 as amended by way of further information received 30/03/10 except where otherwise required by the conditions of this schedule.	In the interests of clarity and orderly development
2	The finished floor levels of the proposed buildings shall accord with the details provided in the site layout plan submitted on 30/03/10.	In the interests of the proper planning and sustainable development of the area.
3	The proposed buildings shall be used solely as described in the public notices and a change of this use shall not take place without a prior grant of planning permission, notwithstanding the Exempted Development provisions of the Planning & Development Regulations, 2001, as amended.	To regulate the use of the development in the interests of orderly development.
4	Full details of the colour of the roof and side cladding of the structures in addition to the silos shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.	In the interests of visual amenity.
5	The development shall be landscaped in accordance with the details indicated in the Landscaping Report submitted on 30/03/10 which provides for the planting of a total of 720 native species trees in three rows and the details indicated on the revised Site Plan and Sections submitted on 30/03/10. The said scheme shall be implemented during the first planting season following the first occupation of the buildings. The trees shall be protected from grazing animals by proper stock proof fencing.	In the interests of visual amenity.
6	All planting shall comply with the specifications of the landscaping scheme agreed and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.	In the interests of visual amenity.
7	Prior to the commencement of development, the developer shall lodge with the Planning Authority a sum of €10,000 Euro to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No. 5 above.	To ensure the satisfactory completion of landscaping works in the interests of visual amenity.

<i>No.</i>	<i>Condition</i>	<i>Reason</i>
	The sum lodged pursuant to this condition shall be only be refunded when a further competent landscaping report has been submitted to the Planning Authority three years after the landscaping scheme indicated under Condition Nos. 3 & 4 below has been satisfactory implemented and certified by the Planning Authority.	
8	Construction activities shall be carried out such that no noise or dust nuisance is caused off site.	In the interest of amenity.
9	All uncontaminated surface waters from roofs and clean pavement areas shall be diverted away from the farmyard and from slurry tanks, dungsteeds or manure stores to the satisfaction of the Planning Authority. This clean water shall be discharged to soakaways or watercourses directly. Chutes shall be provided to all existing and proposed buildings within the farmyard.	To safeguard the amenities of the area.
10	All soiled water, slurry spillages, yard washings and any other contaminated run-off, arising in the yards and adjacent areas, etc., shall be discharged to a holding tank or tanks to the satisfaction of the Planning Authority. The tanks shall be maintained to the Planning Authority's satisfaction and the contents shall be disposed of as required by the conditions herein.	To prevent pollution of water courses, ground water and all other waters.
11	Storage of slurry shall be contained in watertight tanks. These tanks shall be maintained to the Planning Authority's satisfaction.	To prevent pollution of watercourses, ground water and all other waters.
12	Concrete aprons (minimum width 4 metres) shall be constructed adjacent to feed bins and slurry tanks and in areas used by machinery in the handling of animal foodstuffs, slurry/manure and soiled water. These concrete areas shall drain to the adjacent slurry holding tanks or other storage facilities and shall be constructed and used so as to prevent the leakage or discharge of polluting matter from them to the adjoining areas.	To prevent pollution of watercourses, ground water and all other waters.
13	No slurry/manure shall be spread within 200m of any source of potable water supply or within 50m of any ditch, stream, river or other waters.	To safeguard the amenities of the area.
14	The disposal of slurry/manure and soiled water shall be so arranged by the owner to the Planning Authority's satisfaction so as to ensure that any natural watercourse, stream, river, roadway, roadside drain, shall not be polluted.	To safeguard the amenities of the area and to prevent nuisance to adjoining properties.
15	The developer shall take all reasonable steps to ensure that the rate at which slurry/manure spreading takes place does not exceed the permitted rate in any year. If it should happen that the amount of land available for slurry spreading is inadequate, the developer shall acquire whatever additional land is necessary and details of same shall be submitted to and agreed with the Planning Authority.	To safeguard the amenities of the area.

No.	Condition	Reason
16	Surface water shall not be permitted to flow onto the public road from the site.	To prevent the flooding of the public road.
17	Storm water attenuation shall be provided to the planning authority's satisfaction to maintain the existing characteristics of the site and to reduce the impact of the site in storm conditions	To prevent flooding
18	At least one month before commencing development, the developer shall pay a contribution of € 193294.08 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contributions Scheme on (<i>day month year</i>), and shall be increased monthly at a rate of 8% per annum in the period between the date on which this value was calculated, and the date of payment. No development shall take place until the monies have been paid to the Council.	It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided for in the Council's Development Contributions Scheme, made in accordance with section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that Scheme.

Development Contribution

11, 844sq.m (Non residential other)

Roads = 14.29

Amenity = 2.03

$14.29 + 2.03 \times 11844 = 193,294.08$

G.O'Mahony
Senior Executive Planner
26/04/10

Having regard to the conditions recommended by the Area Engineer and following discussions with the Senior Engineer on 26/04/10, Condition Nos. 13, 14 & 15 of my report should not be included as these have not been recommended by the Environment Officer.

G.O'Mahony
26/04/10

Advisory note to Applicant

Applicant should be informed of the submission received from the EPA in respect of the current proposal and the conditions of the current IPPC licence Reg. No. P0621-02.