

CORK COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 - 2010
NOTIFICATION OF DECISION TO GRANT Permission
(with conditions)

Reference No. in Planning Register REG NO. **11/00056**

Martin O'Donovan
C/O 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 **10/05/2011** decided to **GRANT Permission** for the development of land namely:

Construct a mill, dry sow house, internal roadways and associated site works 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: 07/02/2011 as amended on 14/04/2011

And subject to the conditions (9no.) 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 Pleanala. 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



Margaret Corcoran
Senior Staff Officer

Date: 10/05/2011

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. 11/00056

Having regard to the development plan objectives for the area and the pattern of development in this rural area, it is considered that subject to compliance with conditions attached in the Second Schedule, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and, therefore, would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

| No. | Condition | Reason |
|-----|--|---|
| 1 | The development shall be constructed in accordance with the plans and particulars lodged with the application on the 07/02/11 and as amended by further information and the documents/drawings received by the Planning Authority on the 14/04/11, except as may otherwise be required in order to comply with the conditions herein. | In the interests of clarity. |
| 2 | The proposed buildings shall be used solely as that permitted herein and no change of use shall take place without the prior grant of permission of the Planning Authority, notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended. | To safeguard the amenities of the area and because it is considered that any change of use would warrant the making of an application for and the grant of Planning Approval. |
| 3 | The materials and finish of the proposed sowhouse and outer mill cladding shall be consistent with those of the existing buildings on site. | In the interests of visual amenity. |
| 4 | The development shall be landscaped in accordance with the details submitted in the Landscaping Report prepared by Dermot Leahy B Agr received by the Planning Authority on 14/04/11, and which provides for the planting of 220 alder, 220 hazel and 220 poplar trees to north of new farm access road and the creation of two berms to the east and south of the proposed mill to be planted with sitka spruce, alder, hazel and poplar trees as indicated on the revised Landscaping Plan Drawing No.001Rev2 submitted on 14/04/11. In addition, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce. | In the interests of visual amenity and orderly development. |
| 5 | All planting shall comply with the specifications of the landscaping scheme to be agreed by Condition 4 | In the interests of visual amenity. |

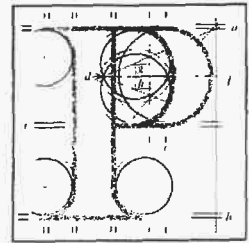
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| | and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season. | |
| 6 | Prior to the commencement of any development, the developer shall lodge with the Planning Authority a sum of €5,000 to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No. 4. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Council's Planning Officer that the planting and landscaping has been completed to the Council's satisfaction. | To ensure the satisfactory completion of landscaping works in the interests of visual amenity. |
| 7 | Access roadway to lands at rear shall be constructed and maintained in accordance with the specifications as outlined on Drawing No. 001 Rev 1, received by the Planning Authority on 07/02/11. | In the interests of orderly development and visual amenity. |
| 8 | Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto the public road. | To prevent the flooding of the public road. |
| 9 | All uncontaminated surface water run-off from roofs etc. shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the slurry holding tanks. Gutters and down pipes shall be provided on all existing and new buildings on the farmyard. | To prevent water pollution. |

Our Ref: PL 04.239059
P.A.Reg.Ref: 11/00056



1156-13/10/2011-An Bord Pleanála Dec

An Bord Pleanála



The Secretary,
Planning Section,
Cork County Council,
County Hall,
Carrigrohane Road,
Cork.

11 OCT 2011


Appeal Re: Construct mill, dry sow house, and ancillary works.
Cooligboy, Timoleague, Bandon, County Cork.

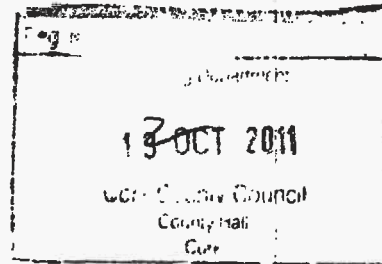
Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2011. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

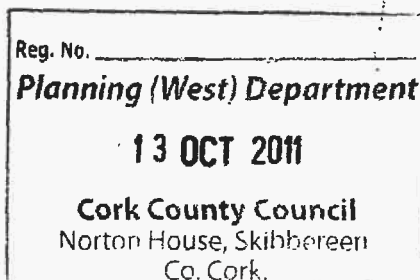
Yours faithfully,


Mary McGrath,
Administrative Assistant.



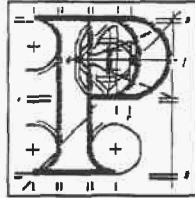
Encl:

BP 100n.ltr



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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Cork County

Planning Register Reference Number: 11/00056

An Bord Pleanála Reference Number: PL 04.239059

APPEAL by P.J. O'Donovan and Mairead Forde O'Donovan care of Kevin O'Keeffe Architects Limited of Annabella, Mallow, County Cork against the decision made on the 10th day of May, 2011 by Cork County Council to grant subject to conditions a permission to Martin O'Donovan care of NRG Limited of Mooresfort, Lattin, County Tipperary in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a ~~milk dry sow house~~, internal roadways and associated site works to fully comply with new ~~Animal Welfare Regulations~~ at Cooligboy, Timoleague, Bandon, County Cork.

DECISION

Reg. No. _____
Planning Department
13 OCT 2011
Cork County Council
County Hall
Cork

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reg. No. _____
Planning Department
12 OCT 2011
Council

PL 04.239059

Reg. No. _____
Planning (West) Department
13 OCT 2011
An Bord Pleanála
Cork County Council
Norton House, S...

Page 1 of 4

REASONS AND CONSIDERATIONS

Having regard to the existing use of the site as a piggery, the fact that animal numbers will not be increased, and the proposed arrangements for screening planting on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 14th day of April 2011, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

The finished floor level of the mill building shall be no higher than building number 10B as set out on drawing number 004, Section X-X received by the planning authority on the 7th day of February, 2011. Revised drawings showing compliance with this requirement shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

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 drawing number 001 Rev2, as submitted to the planning authority on the 14th day of April, 2011 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce in accordance with details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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. No development shall take place until details of earthworks and excavation have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
- (a) Soil and subsoil cross-sections.
 - (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.
 - (c) The relationship of the proposed mounding to the existing vegetation and surrounding landform.

Development, including landscaping required by condition number 4 above shall be carried out in accordance with the approved earthworks and excavation plan.

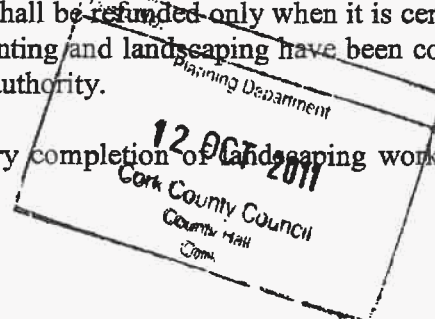
Reason: In the interests of residential and visual amenity.

6. The developer shall lodge with the planning authority, within one month from the date of this order, the sum of €5,000 (five thousand euro) to secure the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by condition number 4 above. The sum lodged pursuant to this condition shall be refunded only when it is certified by the planning authority that the planting and landscaping have been completed to the satisfaction of the planning authority.

Reason: To ensure the satisfactory completion of landscaping works in the interest of visual amenity.

Reg. No. _____

Planning (West) D



7. The external materials and finishes of proposed sow house and mill building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.



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

Dated this 10th day of October 2011.



SENIOR PLANNER'S REPORT

| | |
|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 04/04/2011 |

Assessment

Having regard to concerns of area engineer area planner and Sep, I concur with the recommendation to defer as set out below.

It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case. This is because of:

- uncertainty about surface water generated on site
- lack of clarity about proposed landscaping

Therefore, in order to enable the Planning Authority give further consideration to the case, you are requested to provide six copies of the following further information:

1. Indicate route of discharge of surface water generated by buildings to nearest sizeable water course of capacity to take this flow of water. Agreement of any affected landowners would also need to be shown. Alternatively proposals indicating attenuation methods or proposals to recycle water as appropriate so as not to increase run off from site to be provided.
2. In the North West corner of the site, adjoining House 18, there is a difference in level of over 7meters. This area adjoins an access roadway on the neighbouring property. An assessment of the stability of the slope shall be carried out.
3. Please submit a specific and comprehensive landscaping plan including site layout with associated legend and written statement of implementation and long-term management to include the following:
 - Treatment of berms to northeast and south of piggery including approximate details of excavated material to be used, cross section of proposed berm to the northeast in the context of the adjoining proposed mill indicating overall height, width and planting proposals.
 - Specific details of relocation planting proposals to the north of the site including location, species and exact number of trees.
 - Please include written justification for mitigation of any associated visual impact

Discussions with Michael Tobin, Executive Engineer, Clonakilty(023 8833347) are advised before making a formal response to this request for further information.

SENIOR PLANNER'S REPORT

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence from the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted **within 6 months** of the date of this letter.

Conclusion

Defer Application

Conditions/Reasons

Kevin Gault

SENIOR PLANNER'S REPORT

Kevin Irwin

30/03/2011

PLANNER'S REPORT
PRIMARY

| | |
|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 04/04/2011 |

Site Notice: In order
Date of Planning Inspection: 07/03/11

THE DEVELOPMENT AND ITS PLANNING CONTEXT

This is essentially a repeat application for the construction of an additional animal housing and mill as an extension of a piggery in Timoleague which was recently withdrawn under Ref 10/639 on technical grounds re incorrect site boundaries outside of applicant's land ownership.

There are no specific **planning designations** associated with the site. Consideration must be given to impact if any on Scenic Route S67 (Timoleague-Kinsale) given the site's elevation in the context of the Timoleague Estuary.

Relevant planning policies include:

Cork County Development Plan 2009

ENV 5-2 Existing Farm Units

It is an objective to support the development of existing farm units

ENV 2-6 Protect Visual and Scenic Amenities

It is a general objective to protect the visual and scenic amenities of County Cork's built and natural environment.

ENV 2-9 Protect Important Views

It is a general objective to preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognised in the Landscape Strategy.

ENV 2-11 Protect Views from Scenic Routes

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

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

- Whether the applicant has provided satisfactory evidence of legal interest in the entire site of the proposed development
- Whether the applicant can access lands to the rear of the piggery to carry out landscaping works
- Whether the proposal will result in any significant adverse visual impact both in the local area and in the context of views from Scenic Route S67
- Impacts on 3rd parties
- Engineering and environmental issues

OTHER CONSIDERATIONS

Planning History



On Site

- Ref 93/3463: Martin O'Donovan granted permission for construction of piggery.
- Ref 01/5334: Martin O'Donovan granted permission for 1 no dry sow house, ancillary facilities and retention for 1 dry sow house, 1 no farrowing house, 1 no weaner house and 3 no fattening houses. Total = 832 sow integrated pig unit. EIS submitted to PA & IPC license submitted to EPA in respect of this development. (NB: Site boundaries mistakenly submitted by applicant to west of actual piggery and not identified as incorrect by PA, however application was for retention, correct site was visited and assessed and a period of 11 years has since lapsed therefore decision is understood to be valid)
- Ref 03/647: Martin O'Donovan granted permission for ext to farrowing house, dry sow house, 3 no weaner houses, fattening house, utility shed/store, wheelwash facility, septic tank and associated works. EIA submitted. Licensed under IPC License No 621 issued 21/02/03.
- Ref 03/4251: Martin O'Donovan granted permission for feedmill, shed, 3 o/ground storage tanks, storage basin and associated works including a digester to process pig manure.
- Ref 05/6575: Martin O'Donovan granted permission for 2 no pig houses and extension to pighouses and servicing yards. No additional animal numbers.
- Ref 10/639: Martin O'Donovan seeks permission to construct mill, dry sow house and to improve an existing entrance – Withdrawn following finding that site boundaries extended beyond land ownership along western site boundary.
- Ref 11/56: Current application by Martin O'Donovan addressing issues in previous application re site boundaries and access to rear of piggery to carry out landscaping.

Adjacent Site 300m to North

- Ref 09/896: Martin O'Donovan granted permission for 6 no pig houses (2 no dry houses, 2 no weaner houses, 2 no farrowing houses), mill house and other works for new sow breeding unit to fully comply with New Animal Welfare Regulations. Not constructed.

Pre-planning

- PP10214: Clinic on 31/08/10 with applicants, agent Aiden O'Donovan and Cllr John O'Sullivan.
Applications for improvements of existing farm complexes, particularly to meet Regulation standards are generally acceptable in principle, however

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PRIMARY

such detail is required at application stage. Concerns re visual impact of mill. Justification for design and height required. Development impacts should be minimised and commitment given to relocate screening required to be removed to the rear, potentially prior to construction.

Submissions/Observations

To date, one third party submission has been referred to me:

| | Valid | Submitted by | Address | Phone | Amount (€) |
|--|-------|--|--|-------|------------|
| | Valid | PJ O'Donovan & Mairead Forde O'Donovan | Willowdale Carhue Timoleague Bandon, Co Cork | | 20.00 |

Issues Highlighted:

- 1) Questions validity of previous planning applications – incorrect site maps: It is noted in the planning history that the site boundaries of Ref 01/5334 are incorrect however this has only come to the PA's attention more than a decade later. The correct site was assessed at the time given that the application was for retention and the decision is understood to be valid in this regard. In the context of the current proposed development, the PA has consistently sought to verify that the applicant owns all the land on which he is applying for permission which resulted in the withdrawal of Ref 10/639 and the correction of site boundaries within land ownership of the applicant in the current application.
- 2) States that current site boundaries still include objector's land: The objector highlights his lands in green on the map included with the 3rd party submission, for which the laneway running midway along the western boundary of the site is relevant. The applicant has amended the site boundaries to omit this laneway in the current proposed development therefore it is understood that the objector's lands are NOT included in the proposed development.
- 3) Unauthorised excavation works carried out in anticipation of current application involving removal of mature trees & 4) creation of cliff close to objector's property affecting drainage on his adjoining lands: It is confirmed from site visit on 07/03/11 that an internal roadway providing access to higher lands to the rear of the piggery and the construction of a c. 1.2m concrete post and wire fence along the western boundary has been constructed by the applicant which has resulted in the removal of a number of coniferous trees along the western boundary and in the northeastern section of the site. (See assessment)
- 5) Applicant has unlawfully places pipe under objector's lands (marked on attached map): The pipe is located on lands to the SW of the piggery and is not relevant to the current application.
- 6) Noise pollution and Odours: I am guided by the report of the Environment Engineer in relation to noise. This is an environmentally licensed activity. Odour is an environmental issue to be dealt with by the EPA in this regard.
- 7) Traffic Intensity: It is considered that the development of the proposed mill on site will in fact reduce the amount of traffic associated with the development. In any case, I am guided by the report of the Area Engineer in this regard.

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PRIMARY

- 8) Visual Impact in a Scenic Area: See assessment below
- 9) Replacement of sod and stone ditch with concrete post and wire fence along western boundary: See assessment below
- 10) Inaccurate details submitted to EPA: Not a planning issue
- 11) Open Enforcement Files on Applicant: There is currently 1 open enforcement file on the applicant, namely SKB00052 re a mobile home (SKB100028 re broadband mast was closed on 1st Sept 2010 –the objector was notified of this). Proceedings have initiated in relation to SKB00052 whereby the applicant commits to removing the mobile home and the most recent enforcement representation re unauthorised works on site is dealt with in the context of this application.

Technical Reports

- Area Engineer (M. Tobin 21/03/11): Defer for clarification of treatment of surface water. No objection to other aspects of proposed development.
- Environmental Officer (K. Murphy 18/02/11): No objection on environmental grounds. Notes this is an IPPC licensed piggery for which the EPA has responsibility for the implementation and enforcement of environmental conditions and regulations.

ASSESSMENT & RECOMMENDATION

Site Location and Description

The site is located c. 1mile northwest of Timoleague in an elevated agricultural area and has a stated area of 4.75 ha. The existing complex is set back from the road and is relatively well screened by an existing purposes planted coniferous treeline to the fore and on higher grounds to the rear where levels increase significantly. The piggery was originally granted in 1993 and has incrementally intensified over a number of planning applications for permission and retention (see planning history). The nearest dwelling to the site is the applicant's own dwelling adjacent to the entrance from the public road. There are individual dwellings to the east and west of the applicant's dwelling.

Description of Proposed Development

This is effectively a repeat application of Ref 10/639 for the enlargement and modification of the existing operation on site to comply with EPA Regulations as stated and includes a 16m high mill adjoining the piggery to the east, a new dry sowhouse to the rear (which will not facilitate extra numbers rather provide extra space for the existing numbers as per Regulations), internal roadways and associated site works. Ref 10/639 was withdrawn on technical grounds due to the location of site boundaries outside of the applicant's landownership (specifically the laneway along the western boundary of the site). Having assessed the site plan received by the PA on 07/02/11 Drwg No 001Rev1, I am satisfied that the current site boundaries are within ownership of the applicant and are in order.

It is noted that the most recent permission 09/896 relates to the expansion of the piggery on a higher Greenfield site to the rear of the current complex which has not been constructed (brings capacity to 1750). The explanation of the proposed development within the existing complex, as submitted by the applicant and discussed at PPQ clinic, is to meet EPA Regulations as the developer cannot construct the more extensive development granted under 09/896 for economic reasons.

Policy Context

It is the policy of the Planning Authority generally to support the development of existing farm units, and in accordance with previous permissions for extensions on the site, the

PLANNER'S REPORT

PRIMARY

proposal is acceptable in principle, particularly if required to meet Environmental Regulations, but is assessed on merit having regard to relevant planning considerations.

Requirement for EIS

It is stated that there is no increase in the number of animals relating to this particular application (1150 sows + progeny). Having regard to discussions with the Environment Engineer and Senior Planner it is considered that there will be no significant environmental impact associated with this development for dry sow house and mill therefore an EIS is not required.

3rd Party Submission

A number of issues are raised in the 3rd party submission received by the Planning Authority on 14/03/11. It is reiterated that the EPA is responsible for applying and monitoring the environmental conditions and regulations pertaining to this facility under License Ref No PO621-02 and this application is assessed in relation to planning issues only which is the remit of the Planning Authority.

The key planning issues in this application relate to the visual and development impacts, impacts on residential amenity, environmental concerns (within the PA's remit), engineering concerns, whether the applicant has sufficient legal interest to carry out the development and required screening and issues re unauthorised development.

Visual and Development Impacts

There are three elements to this application from a visual perspective, namely, the sow house to the north of the complex, the 16m high mill to the east and the internal roadway along the eastern boundary.

The visual impact of the sow house and mill were considered under 10/639 and were deemed to be justified and acceptable, particularly in the context of the existing scale of operation. The sow house would be located to the eastern side and rear of the existing development where the most amount of space is available between the piggery and the embankment so the excavation required would be the minimum possible at about 10m. It was clear upon site inspection that this excavation has already been carried out prematurely, however the visual impact is not considered to be significant given that it is located to the rear of the piggery where it is screened by existing buildings. Additional landscaping is also proposed to supplement trees lost in this regard. The mill will be prominent at 16m however the applicant has submitted detailed justification for this design which is acceptable to the Enviro Engineer in his report on 18/02/11 and the location is the optimum solution in terms of functionality and layout which allows provision for a large earthen berm along the eastern boundary to mitigate visual impact. The site was inspected from the Scenic Route S67 whereby it is considered that the mill should not be prominent, particularly with proposed screening.

The proposed internal roadway has also been constructed prematurely. This roadway is constructed to provide access to the rear of the site after it transpired in the course of the previous application 10/639 that the laneway along the western boundary was not in the applicant's ownership. In addition, the applicant has erected a concrete post and wire fence along the perimeter of the western boundary of the site thus marking the boundary and cutting off access to the adjoining property. I note the grievances of the 3rd party submission in relation to the prematurity of these works and the enforcement representation form relating to the same and address these issues below:

Firstly it is considered that the fence along the western perimeter is understood to be exempt under Schedule 2 Part 3 Class 4 of the Planning and Development Regulations 2001 re Exempt Development – Rural and is not considered to have a negative visual impact.

In relation to the internal roadway, the applicant submits these works are exempt under Schedule 2 Part 1 Class 16 Re Temporary Structures and Uses, however it is understood

that this exemption relates to temporary works needed in relation to a permitted development. In this case, the applicant does not yet have permission for the proposed development which is the subject of this application therefore the works are not yet technically required and the creation of the roadway is premature. Nonetheless, the roadway is essentially hidden along the existing trees to the north of the site and the applicant makes suitable proposals in lieu of trees removed to relocate screening to the north of the proposed roadway and to use excavated material to construct a berm along the northeastern boundary which will mitigate the visual impact of the proposed mill. This is acceptable in principle however landscaping proposals on site layout Drawing No 001Rev1 are vague and unsatisfactory. Details including section of proposed berm showing height and planting details are required as well as specific proposals for replanting of tree screening to rear of piggery including specific location, numbers and species of planting.

Environmental

The Enviro Engineer has no objections on environmental grounds.

Engineering

AE requires FI for clarification of treatment of surface water.

Impact on Residential Amenity

The nearest dwelling to the development is the applicant's dwellinghouse to the fore of the development. There are 2 dwellings located c. 120m east of the same and to the front of the eastern section of the piggery at a distance of c.160m. The proposed development is located within the existing complex and is not an intensification of piggery activities as such but rather a modification of the existing operation incorporating additional space and a new mill. The proposed mill would be visible from properties in the surrounding area but at a distance behind screening and clustered with the existing development and therefore should not result in a significant diminution of the residential amenity of these properties. It is noted that there has been no 3rd party objections from these properties (rather 3rd party submission relates to impact on adjoining property – not residence). The Enviro Engineer is satisfied with the applicant's proposals re control of noise and dust for the proposed mill subject to conditions of continuous assessments.

Legal Interest in Land

The applicant has amended the site boundaries to reflect his land ownership (omitting the laneway along the western perimeter of the site) and has submitted a legal documentary statement and map by Albert Wolfe Solicitors dated 20/01/11 and received by the Planning Authority on 07/02/11 clarifying that the site, site notice and lands to the rear of the piggery where it is proposed to provide screening are within the applicant's ownership. This is considered to be in order and I am satisfied that the applicant has a sufficient legal interest to carry out the development.

Unauthorised Development

The 3rd party submission refers to 2 relevant enforcement cases SKB100028 re broadband mast and SKB00052 re mobile home. It is confirmed that SKB100028 was closed in Sept 2010 and the 3rd party objector was notified in this regard. There is an open enforcement case in relation to SKB00052 re a mobile home which is being resided in by a farm worker to the rear of the site on lands to the north. The PA have made it clear that this development is unauthorised and the applicants have submitted both in the planning application and in documentation specific to the enforcement case that the mobile home will be removed when the worker is rehoused. I also note the recent enforcement representation form received re unauthorised creation of internal roadway and fencing which has been assessed above.

Conclusion

PLANNER'S REPORT
PRIMARY

The application is acceptable in principle however the AE requires FI in relation to proposals for surface water treatment and the AP requires a more specific landscaping plan given the particularly important role of screening on site.



Site notice



fence erected along western party boundary



Rear of piggery



access road created at north-eastern section of site

Recommendation

On the basis of the above assessment, **I recommend a DEFFERAL as set out below:**

PROPOSED DEFERRAL:

Please include the following text in the deferral letter:

It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case. This is because of:

- uncertainty about surface water generated on site
- lack of clarity about proposed landscaping

Therefore, in order to enable the Planning Authority give further consideration to the case, you are requested to provide six copies of the following further information:

1. Indicate route of discharge of surface water generated by buildings to nearest sizeable water course of capacity to take this flow of water. Agreement of any affected landowners would also need to be shown. Alternatively proposals indicating attenuation methods or proposals to recycle water as appropriate so as not to increase run off from site to be provided.

PLANNER'S REPORT

PRIMARY

2. In the North West corner of the site adjoining House 18 there is a difference in level of over 7meters. This area adjoins an access roadway on the neighbouring property. An assessment of the stability of the slope needs to be carried out.
3. Please submit a specific and comprehensive landscaping plan including site layout with associated legend and written statement of implementation and long-term management to include the following:
 - Treatment of berms to northeast and south of piggery including approximate details of excavated material to be used, cross section of proposed berm to the northeast in the context of the adjoining proposed mill indicating overall height, width and planting proposals
 - Specific details of relocation planting proposals to the north of the site including location, species and number of trees
 - Please include written justification for mitigation of any associated visual impact

Discussions with Michael Tobin, Executive Engineer, Clonakilty(023 8833347) are advised before making a formal response to this request for further information.

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence from the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted **within 6 months** of the date of this letter.

PLANNER'S REPORT
PRIMARY

Defer Application

Conditions/Reasons

S. Mc Donnell

Sharon McDonnell
29/03/2011

SENIOR EXECUTIVE PLANNER'S REPORT

| | |
|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 04/04/2011 |

Assessment

Senior Executive Planner

I note the comprehensive report of the Area Planner, dated 29/03/11 and the reports of the Area Engineer and the Environment Officer. I also note the third party objection(s) and the planning issues raised therein.

Having assessed the Area Planner's report, I concur with the assessment that the subject application is acceptable in principle. I have viewed the site from a number of locations and concluded that the visual impact of the proposal would be mitigated by the long distance views of the site from adjacent sensitive routes and the existing buildings on site. I also note that the proposal would not result in any increase in the number of livestock on site.

The Environment Officer, in a report dated 18/02/11, is satisfied with the proposal and recommends permission subject to conditions. The Area Engineer, in a report dated 21/03/11, has raised concerns regarding the generation of surface water and the level difference between the site and an adjacent house. Having regard to the concerns raised by the Area Engineer, further information should be sought to clarify the issues raised.

Recommendation

On the basis of the above assessment, I recommend a DEFFERAL as set out below:

Please include the following text in the deferral letter:

It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case. This is because of:

- uncertainty about surface water generated on site
- lack of clarity about proposed landscaping

Therefore, in order to enable the Planning Authority give further consideration to the case, you are requested to provide six copies of the following further information:

1. Indicate route of discharge of surface water generated by buildings to nearest sizeable water course of capacity to take this flow of water. Agreement of any affected landowners would also need to be shown. Alternatively proposals indicating attenuation methods or proposals to recycle water as appropriate so as not to increase run off from site to be provided.

SENIOR EXECUTIVE PLANNER'S REPORT

2. In the North West corner of the site, adjoining House 18, there is a difference in level of over 7meters. This area adjoins an access roadway on the neighbouring property. An assessment of the stability of the slope shall be carried out.
3. Please submit a specific and comprehensive landscaping plan including site layout with associated legend and written statement of implementation and long-term management to include the following:
 - Treatment of berms to northeast and south of piggery including approximate details of excavated material to be used, cross section of proposed berm to the northeast in the context of the adjoining proposed mill indicating overall height, width and planting proposals.
 - Specific details of relocation planting proposals to the north of the site including location, species and exact number of trees.
 - Please include written justification for mitigation of any associated visual impact

Discussions with Michael Tobin, Executive Engineer, Clonakilty(023 8833347) are advised before making a formal response to this request for further information.

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence from the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted **within 6 months** of the date of this letter.

Conclusion

Defer Application

Conditions/Reasons

SENIOR EXECUTIVE PLANNER'S REPORT

G. O'Mahony

Geraldine O'Mahony

30/03/2011

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

| | |
|-----------------|--|
| APPLICATION NO. | 00056/11 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DUE DATE | 11/05/2011 |

Response to FI received by the PA on 14/04/11

File deferred on 30/03/11 for the following:

- 1. Indicate route of discharge of surface water generated by buildings to nearest sizeable water course of capacity to take this flow of water. Agreement of any affected landowners would also need to be shown. Alternatively, proposals indicating attenuation methods or proposals to recycle water as appropriate so as not to increase run off from site to be provided.*
- 2. In the north west corner of the site, adjoining House 18, there is a difference in level of over 7 meters. This area adjoins an access roadway on the neighbouring property. An assessment of the stability of the slope should be carried out.*
- 3. Please submit a specific and comprehensive landscaping plan including site layout with associated legend and written statement of implementation and long-term management to include the following:*
 - Treatment of berms to northeast and south of piggery including approximate details of excavated material to be used, cross section of proposed berm to the northeast in the context of the adjoining proposed mill indicating overall height, width and planting proposals.*
 - Specific details of relocation planting proposals to the north of the site including location, species and exact number of trees.*
 - Please include written justification for mitigation of any associated visual impact.*

Additional Technical Reports (20/04/11): No objection subject to conditions.

Assessment

Item 1 – Surface Water

The applicant has now shown a route for the surface water to the main water course that is in lands that are in his ownership or that he has an agreement for. There are also calculations for the runoff generated and I would be satisfied that existing system will be capable of dealing with the surface water generated (AE report 20/04/11)

Item 2 – Stability of Slope

The applicant has done an assessment of the embankment adjoining house labelled No 18 and I would be satisfied with that (AE report 20/04/11)

Item 3 – Landscaping

A specific landscaping plan is submitted as prepared by Dermot Leahy B Sc Ag & Env showing the location and number of plants proposed (Drwg No 201 Rev 2). It is stated that all trees to be removed will be replaced (220 alder, 220 hazel and 220 poplar to north of new farm access road). Berms are proposed to the south and northeast to be planted with sitka spruce. A new hedgerow will be constructed to the northern side of the new farm access road and planted with native trees. Implementation specifications included.

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

No cross section of the berms has been submitted in the context of the proposed mill are submitted as requested although dimensions are specified. It was requested to berm the eastern boundary adjoining the mill to mitigate visual impact. In this respect the eastern berm should be continued, albeit at a narrower width to the southern berm and planted with spruce accordingly. This could be attached by condition.

Conclusion

There are no outstanding planning or engineering issues subject to the attachment of conditions

Recommendation

I recommend a GRANT of permission in accordance with the following:

NOTE: Contributions and enviro conditions to be attached

Conclusion

Grant

Conditions/Reasons

| No. | Condition | Reason |
|-----|---|-----------------------------------|
| 1 | The development shall be constructed in accordance with the plans and particulars lodged with the application on the 07/02/11 and as amended by further information and the documents/drawings received by the Planning Authority on the 14/04/11, except as may otherwise be required in order to comply with the conditions herein. | In the interests of clarity |
| 2 | The proposed buildings shall be | To safeguard the amenities of the |

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

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| | used solely as that permitted herein and no change of use shall take place without the prior grant of permission of the Planning Authority, notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended. | area and because it is considered that any change of use would warrant the making of an application for and the grant of Planning Approval. |
| 3 | The materials and finish of the proposed sawhouse and outer mill cladding shall be consistent with those of the existing buildings on site. | In the interests of visual amenity |
| 4 | The development shall be landscaped in accordance with the details submitted in the Landscaping Report prepared by Dermot Leahy BSc Ag band received by the Planning Authority on 14/04/11 which provides for the planting of 220 alder, 220 hazel and 220 poplar trees to north of new farm access road and the creation of two berms to the east and south of the proposed mill to be planted with sitka spruce as indicated on the revised Landscaping Plan Drawing No 001Rev2 submitted on 14/04/11. In addition, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce. | In the interests of visual amenity and orderly development. |
| 5 | All planting shall comply with the specifications of the landscaping scheme to be agreed by Condition 4 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. |
| 6 | Prior to the commencement of any development, the developer shall lodge with the Planning Authority a sum of €5,000 Euro to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No 4 The sum lodged pursuant to this condition shall be refunded only when it is certified by the Council's Planning Officer that the planting | To ensure the satisfactory completion of landscaping works in the interests of visual amenity |

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

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| | and landscaping has been completed to the Council's satisfaction. | |
| 7 | Access roadway to lands at rear shall be constructed and maintained in accordance with the specifications as outlined on Drawing No 002 Rev 1 received by the Planning Authority on 07/02/11 | In the interests of orderly development and visual amenity |
| 8 | Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road. | To prevent the flooding of the public road. |
| 9 | All uncontaminated surface water run-off from roofs etc. shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the slurry holding tanks. Gutters and down pipes shall be provided on all existing and new buildings on the farmyard. | To prevent water pollution. |

S. Mc Donnell

Sharon McDonnell
21/04/2011

SENIOR EXECUTIVE PLANNER'S REPORT

| | |
|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 11/05/2011 |

Assessment

Senior Planner's Report

I note report and recommendation of area planner and the Senior Executive Planner (below) and agree with recommendation: Permission with conditions.

Kevin Irwin,

Senior Planner

Senior Executive Planner

I note my initial report of 30/03/11 and the supplementary reports of the Area Planner and the Area Engineer. I also note that the Environment Officer has not recommended the attachment of specific conditions. Having regard to the further information received and as the Area Engineer is satisfied with the response to the request for further information, I have no further objection to the proposed development. Permission is thus recommended subject to the conditions recommended by the Area Planner. However, as set out below, I have amended Condition No.4 of the Area Planner's conditions to reflect the additional trees proposed on the landscaping plan and Condition No.7 to reflect the correct drawing number.

G.O'Mahony

Senior Executive Planner

03/05/11

SENIOR EXECUTIVE PLANNER'S REPORT

Conclusion

Grant Application

Conditions/Reasons

| No. | Condition | Reason |
|-----|--|---|
| 1 | The development shall be constructed in accordance with the plans and particulars lodged with the application on the 07/02/11 and as amended by further information and the documents/drawings received by the Planning Authority on the 14/04/11, except as may otherwise be required in order to comply with the conditions herein. | In the interests of clarity |
| 2 | The proposed buildings shall be used solely as that permitted herein and no change of use shall take place without the prior grant of permission of the Planning Authority, notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended. | To safeguard the amenities of the area and because it is considered that any change of use would warrant the making of an application for and the grant of Planning Approval. |
| 3 | The materials and finish of the proposed sowhouse and outer mill cladding shall be consistent with those of the existing buildings on site. | In the interests of visual amenity |
| 4 | The development shall be landscaped in accordance with the details submitted in the Landscaping Report prepared by Dermot Leahy BSc Ag band, received by the Planning Authority on 14/04/11, and which provides for the planting of 220 alder, 220 hazel and 220 popular trees to north of new farm access road and the creation of two berms to the east and south of the proposed mill to be planted with sitka spruce, alder, hazel | In the interests of visual amenity and orderly development. |

SENIOR EXECUTIVE PLANNER'S REPORT

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| | <p>and popular trees as indicated on the revised Landscaping Plan Drawing No.001Rev2 submitted on 14/04/11. In addition, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce.</p> | |
| 5 | <p>All planting shall comply with the specifications of the landscaping scheme to be agreed by Condition 4 and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.</p> | <p>In the interests of visual amenity.</p> |
| 6 | <p>Prior to the commencement of any development, the developer shall lodge with the Planning Authority a sum of €5,000 Euro to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No 4 The sum lodged pursuant to this condition shall be refunded only when it is certified by the Council's Planning Officer that the planting and landscaping has been completed to the Council's satisfaction.</p> | <p>To ensure the satisfactory completion of landscaping works in the interests of visual amenity</p> |
| 7 | <p>Access roadway to lands at rear shall be constructed and maintained in accordance with the specifications as outlined on Drawing No 001 Rev 1, received by the Planning Authority on 07/02/11.</p> | <p>In the interests of orderly development and visual amenity.</p> |
| 8 | <p>Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road.</p> | <p>To prevent the flooding of the public road.</p> |
| 9 | <p>All uncontaminated surface water run-off from roofs etc. shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the slurry holding tanks. Gutters and down pipes shall be provided on all existing and new buildings on the farmyard.</p> | <p>To prevent water pollution.</p> |

SENIOR EXECUTIVE PLANNER'S REPORT

Kevin Irwin

Kevin Irwin

05/05/2011

SENIOR EXECUTIVE PLANNER'S REPORT

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|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 11/05/2011 |

Assessment

Senior Executive Planner

I note my initial report of 30/03/11 and the supplementary reports of the Area Planner and the Area Engineer. I also note that the Environment Officer has not recommended the attachment of specific conditions. Having regard to the further information received and as the Area Engineer is satisfied with the response to the request for further information, I have no further objection to the proposed development. Permission is thus recommended subject to the conditions recommended by the Area Planner. However, as set out below, I have amended Condition No.4 of the Area Planner's conditions to reflect the additional trees proposed on the landscaping plan and Condition No.7 to reflect the correct drawing number.

G.O'Mahony

Senior Executive Planner

03/05/11

Conclusion

Grant

Conditions/Reasons

SENIOR EXECUTIVE PLANNER'S REPORT

| No. | Condition | Reason |
|-----|---|---|
| 1 | The development shall be constructed in accordance with the plans and particulars lodged with the application on the 07/02/11 and as amended by further information and the documents/drawings received by the Planning Authority on the 14/04/11, except as may otherwise be required in order to comply with the conditions herein. | In the interests of clarity |
| 2 | The proposed buildings shall be used solely as that permitted herein and no change of use shall take place without the prior grant of permission of the Planning Authority, notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended. | To safeguard the amenities of the area and because it is considered that any change of use would warrant the making of an application for and the grant of Planning Approval. |
| 3 | The materials and finish of the proposed sowhouse and outer mill cladding shall be consistent with those of the existing buildings on site. | In the interests of visual amenity |
| 4 | The development shall be landscaped in accordance with the details submitted in the Landscaping Report prepared by Dermot Leahy BSc Ag band, received by the Planning Authority on 14/04/11, and which provides for the planting of 220 alder, 220 hazel and 220 popular trees to north of new farm access road and the creation of two berms to the east and south of the proposed mill to be planted with sitka spruce, alder, hazel and popular trees as indicated on the revised Landscaping Plan Drawing No.001Rev2 submitted on 14/04/11. In addition, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce. | In the interests of visual amenity and orderly development. |
| 5 | All planting shall comply with the specifications of the landscaping scheme to be agreed by Condition 4 and shall be maintained by the developer and if any plant should die it shall be replaced within the next | In the interests of visual amenity. |

SENIOR EXECUTIVE PLANNER'S REPORT

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| | planting season. | |
| 6 | Prior to the commencement of any development, the developer shall lodge with the Planning Authority a sum of €5,000 Euro to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No 4 The sum lodged pursuant to this condition shall be refunded only when it is certified by the Council's Planning Officer that the planting and landscaping has been completed to the Council's satisfaction. | To ensure the satisfactory completion of landscaping works in the interests of visual amenity |
| 7 | Access roadway to lands at rear shall be constructed and maintained in accordance with the specifications as outlined on Drawing No 001 Rev 1, received by the Planning Authority on 07/02/11. | In the interests of orderly development and visual amenity. |
| 8 | Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road. | To prevent the flooding of the public road. |
| 9 | All uncontaminated surface water run-off from roofs etc. shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the slurry holding tanks. Gutters and down pipes shall be provided on all existing and new buildings on the farmyard. | To prevent water pollution. |



Geraldine O'Mahony

SENIOR EXECUTIVE PLANNER'S REPORT

03/05/2011

SENIOR EXECUTIVE PLANNER'S REPORT

| | |
|-------------------|--|
| APPLICATION NO. | 11/00056 |
| APPLICANT | Martin O'Donovan |
| DESCRIPTION | Construct a mill, dry sow house, internal roadways and associated site works to fully comply with new Animal Welfare Regulations |
| LOCATION | Cooligboy Timoleague Bandon Co. Cork |
| DECISION DUE DATE | 04/04/2011 |

Assessment

Additional Comment – Senior Planner

This proposal requires IPPC licensing. Matters relating to emission, including noise emission, are addressed by the EPA, the competent authority for IPPC licensing.

Under S. 256 of the P & D Act. the planning authority is precluded from attaching conditions relating to noise emissions when the proposed development is subject to an IPPC license. I discussed this matter with Kevin Murphy, Environment Section, today and he confirmed that the reference to noise assessment in his report was made in error and that a condition re same would not be appropriate having regard to S. 256.

Kevin Irwin,

Senior Planner,

10.05.11

Senior Planner's Report

I note report and recommendation of area planner and the Senior Executive Planner (below) and agree with recommendation: Permission with conditions.

Kevin Irwin,

Senior Planner

SENIOR EXECUTIVE PLANNER'S REPORT

Senior Executive Planner

I note my initial report of 30/03/11 and the supplementary reports of the Area Planner and the Area Engineer. I also note that the Environment Officer has not recommended the attachment of specific conditions. Having regard to the further information received and as the Area Engineer is satisfied with the response to the request for further information, I have no further objection to the proposed development. Permission is thus recommended subject to the conditions recommended by the Area Planner. However, as set out below, I have amended Condition No.4 of the Area Planner's conditions to reflect the additional trees proposed on the landscaping plan and Condition No.7 to reflect the correct drawing number.

G.O'Mahony

Senior Executive Planner

03/05/11

Conclusion

Grant Application

Conditions/Reasons

| No. | Condition | Reason |
|-----|---|--|
| 1 | The development shall be constructed in accordance with the plans and particulars lodged with the application on the 07/02/11 and as amended by further information and the documents/drawings received by the Planning Authority on the 14/04/11, except as may otherwise be required in order to comply with the conditions herein. | In the interests of clarity |
| 2 | The proposed buildings shall be used solely as that permitted herein and no | To safeguard the amenities of the area and because it is considered that any |

SENIOR EXECUTIVE PLANNER'S REPORT

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| | change of use shall take place without the prior grant of permission of the Planning Authority, notwithstanding the exempted development provisions of the Planning & Development Regulations 2001, as amended. | change of use would warrant the making of an application for and the grant of Planning Approval. |
| 3 | The materials and finish of the proposed sowhouse and outer mill cladding shall be consistent with those of the existing buildings on site. | In the interests of visual amenity |
| 4 | The development shall be landscaped in accordance with the details submitted in the Landscaping Report prepared by Dermot Leahy BSc Ag band, received by the Planning Authority on 14/04/11, and which provides for the planting of 220 alder, 220 hazel and 220 popular trees to north of new farm access road and the creation of two berms to the east and south of the proposed mill to be planted with sitka spruce, alder, hazel and popular trees as indicated on the revised Landscaping Plan Drawing No.001Rev2 submitted on 14/04/11. In addition, the berm along the eastern boundary shall continue further south along the full extent of the boundary and be planted with sitka spruce. | In the interests of visual amenity and orderly development. |
| 5 | All planting shall comply with the specifications of the landscaping scheme to be agreed by Condition 4 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. |
| 6 | Prior to the commencement of any development, the developer shall lodge with the Planning Authority a sum of €5,000 Euro to guarantee the satisfactory completion of tree and shrub planting and all other landscaping proposals for the site as required by Condition No 4 The sum lodged pursuant to this condition shall be refunded only when it is certified by the Council's Planning Officer that the planting and landscaping has been | To ensure the satisfactory completion of landscaping works in the interests of visual amenity |

SENIOR EXECUTIVE PLANNER'S REPORT

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| | completed to the Council's satisfaction. | |
| 7 | Access roadway to lands at rear shall be constructed and maintained in accordance with the specifications as outlined on Drawing No 001 Rev 1, received by the Planning Authority on 07/02/11. | In the interests of orderly development and visual amenity. |
| 8 | Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road. | To prevent the flooding of the public road. |
| 9 | All uncontaminated surface water run-off from roofs etc. shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the slurry holding tanks. Gutters and down pipes shall be provided on all existing and new buildings on the farmyard. | To prevent water pollution. |

Kevin Irwin

Kevin Irwin

10/05/2011

