

**CORK COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACTS 2000 - 2010**

Notification of Decision to extend the appropriate period of Permission

Reference No. **14/00493**

To: Martin O'Donovan

Of: c/o NRGE Ltd
Main Street
Ballyporeen
Co. Tipperary

RE: Application for extension of the Permission relating to the development:

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

Granted on 15/06/2010 under Reference No. 09/896

A decision to extend the appropriate period as regards the above mentioned Permission was made on **13/10/2014**.

This Permission will now cease to have effect on: 14/06/2020

Signed on Behalf of the said Council:

Margaret Corcoran

Margaret Corcoran
Senior Staff Officer

Dated: 13/10/2014

PLANNER'S REPORT
PRIMARY

APPLICATION NO.	14/00493
APPLICANT	Martin O'Donovan
DESCRIPTION	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
LOCATION	Cooligboy Timoleague Bandon Co. Cork
DECISION DUE DATE	14/10/2014

Permission to Extend the Appropriate Period under Section 42 of the Planning and Development Act 2000, as amended by Sections 28 & 29 of the Planning and Development (Amendment) Act, 2010

Relevant Legislation

The power to extend the appropriate period is set out in Section 42 and 42A of the Planning and Development Acts 2000-2010 (as set out in Sections 28 & 29 of the Planning and Development (Amendment) Act, 2010) and articles 40-47 of the Planning and Development Regulations, 2001 to 2010 (article 40 – 47).

Planning and Development Act

Section 28 of the Planning and Development (Amendment) Act, 2010, which amends Section 42 of the Principal Act (the Planning and Development Act, 2000), provides for the extension of the appropriate period by such additional period not exceeding 5 years provided that the application is made in accordance with regulations made under the Act and each of the following requirements are satisfied:

- (I) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended and,*
- (II) substantial works were carried out pursuant to the permission during that period, and*
- (III) the development will be completed within a reasonable time,*

OR

- (I) that there were considerations of a commercial, economic or technical nature beyond*

- the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission, and*
- (II) that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the regional planning guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area, and*
 - (III) that the development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under Section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and*
 - (IV) where the development has not commenced, that*
 - (a) an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.*
 - (b) the application is in accordance with such regulations under this Act as apply to it,*
 - (c) any requirements of, or made under those regulations are complied with as regards the application, and*
 - (d) the application is duly made prior to the end of the appropriate period.*

Section 28 of the Planning and Development (Amendment) Act, 2010 amends Section 42 of the Principal Act, and states the following:

"In extending the appropriate period under subsection (1) a planning authority may attach conditions requiring the giving of adequate security for the satisfactory completion of the proposed development, and/or may add to or vary any conditions to which the permission is already subject under section 34(4)(g)".

Planning and Development Regulations 2010

Article 41 Planning and Development Regulations, 2010

An application under section 42 of the Act or section 42 A of the Act to extend or extend further the appropriate period as regards a particular permission shall be made not earlier than one year before the expiration of the appropriate period sought to be extended or extended further.

Article 42 Planning and Development Regulations, 2010

An application under section 42 or section 42A of the Act to extend the appropriate period as regards a particular permission shall be made in writing, shall be accompanied by the appropriate fee as prescribed by Article 170 of these Regulations and shall contain the following information—

- (a) the name and address of the applicant and of the person, if any, acting on behalf of the applicant,
- (b) on a separate page, the telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant,
- (c) the address to which any correspondence relating to the application should be sent,
- (d) the location, townland or postal address of the land or structure concerned, as may be appropriate,
- (e) the legal interest in the land or structure held by the applicant,
- (f) the development to which the permission relates,
- (g) the date of the permission and its reference number in the register,
- (h) the date on which the permission will cease to have effect,
- (i) where the application is made on the basis of compliance with subparagraph (i) of section 42(1)(a) or subparagraph (i) of section 42A(1)(a), particulars of the substantial works carried

out or which will be carried out pursuant to the permission before the expiration of the appropriate period,

(j) where the application is made pursuant to subparagraph (ii)(I) of section 42(1)(a) or subparagraph (ii)(I) of section 42A(1)(a), information regarding the considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of the development or the carrying out of substantial works,

(k) the date or projected date of commencement of the development to which the permission relates,

(l) the additional period by which the permission is sought to be extended, and

(m) the date on which the development is expected to be completed.”

Application Details

In relation to Article 41 of the Planning Regulations, permission for Ref. 09/896 was granted on 15/06/2010 and expires on 14/06/2015. The current application for an extension of the appropriate period was made on 20/08/2014 and is therefore within the final year of the permission for Ref. 09/896 and is compliant with Article 41.

Technical details submitted are in accordance with the provision of Article 42 (a)-(m). The applicant is seeking a 5 year extension of duration until 2020 – see unsolicited Further Information received on 06/10/2014.

Assessment

The application for an extension of the appropriate period is assessed in accordance with the provisions of S.42 of the Planning and Development (Amendment) Act 2010 and Articles 40-47 of the Planning and Development Regulations (200-2010) as outlined above.

This application for an extension of the appropriate period is made in accordance with S42(1)(a)(ii) of the Planning and Development (Amendment) Act 2010 on commercial/ economic/ technical grounds.

Commercial/ Economic/ Technical Considerations

The application form states the application is made on commercial and economic grounds beyond the control of the applicant as per Section 42(1) of the Planning and Development (Amendment) Act 2010 above relating to the economic downturn.

Changes (if any) in Development Objectives

It is submitted that there is no significant change in the development or zoning objectives of the site since the grant of permission.

Consistency with Government Guidelines

Relevant Guidelines in this case include Appropriate Assessment of Plans and Projects in Ireland (Dec 2009), The Planning System and Flood Risk Management Guidelines (Nov 2009) and Environmental Impact Assessment Guidelines for Planning Authorities (March 2013).

In relation to the requirement for appropriate assessment, the site is not located within any Natura 2000 designated site. It is however located within the indicative Screening Zone for Courtmacsherry Estuary SAC (Site Code 001230) and Courtmacsherry Bay SPA (Site Code

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004219). An assessment and Screening Reports carried out the Heritage Section (dated 09/10/2014) conclude that the proposed development will not have significant impacts on Courtmacsherry Estuary SAC and Courtmacsherry Bay SPA. It is therefore considered that the development is consistent with the Appropriate Assessment of Plans and Projects in Ireland Guidelines (2009).

The site is not located within a flood risk area as mapped in the Skibbereen EA LAP 2011 or the Draft PFRA Flood Risk maps.

An EIS was submitted with the application permitted under 09/896 and it is considered, therefore, that the development would not be inconsistent with the Environmental Impact Assessment Guidelines for Planning Authorities (March 2013).

Bond and Conditions

Condition no. 7 requires a €10,000 bond for the satisfactory completion of landscaping.

Site Inspection

I inspected the site on 02/10/2014. No development involving demolition, landworks or construction, has commenced.



Conclusion

There have been no significant changes in development objectives for the area and the development would not be inconsistent with the proper planning and sustainable development of the area having regard to Ministerial Guidelines. Having regard to the information received in the application form on 20/08/2014, the site inspection carried out on 02/10/2014 and the policy the report of the Heritage Officer dated 09/10/2014, I am satisfied that this application satisfies the requirements of Section 42 of the Planning and Development (Amendment) Act 2010 and articles 40-47 of the Planning and Development Regulations, 2001 to 2010 (article 40 – 47).

Recommendation

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I recommend that the appropriate period for Ref. 09/896 BE EXTENDED by 5 years until 14/06/2020.

Grant



Annie O'Keeffe

10/10/2014

SENIOR EXECUTIVE PLANNER'S REPORT

APPLICATION NO.	14/00493
APPLICANT	Martin O'Donovan
DESCRIPTION	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
LOCATION	Cooligboy Timoleague Bandon Co. Cork
DECISION DUE DATE	14/10/2014

Assessment

The report of the Area Planner dated 10/10/14 is noted as is the unsolicited further information submitted on 06/10/14.

The applicant is seeking permission to extend the appropriate period of Plan Reg.Ref.No.09/896 wherein permission was granted to construct 6no. pig houses with associated works at Cooligboy, Timoleague. The subject site is not located within a mapped flood risk area but is within the indicative Screening Zone for Courtmacsherry Estuary SAC (Site Code 001230) and Courtmacsherry Bay SPA (Site Code 004219). An assessment and screening report completed by the Heritage Section (dated 09/10/14) has screened out significant impacts on Courtmacsherry Estuary SAC and Courtmacsherry Bay SPA.

The Area Planner notes that an EIS was submitted with the application permitted under 09/896 and it is considered, therefore, that the development would not be inconsistent with the Environmental Impact Assessment Guidelines for Planning Authorities (March 2013).

As the application satisfies the requirements of the Planning and Development Act, 2000, as amended and relevant regulations, I concur with the recommendation of the Area Planner to extend the appropriate period of Plan Reg.Ref.No.09/896 by the requested 5 years to 14/06/2020.

G.O'Mahony
Senior Executive Planner
10/10/14

Conclusion

Grant Application

Conditions/Reasons



Geraldine O'Mahony
Senior Executive Planner
10/10/2014