

TIPPERARY SOUTH RIDING COUNTY COUNCIL

Local Government (Planning & Development) Acts, 1963 to 1993.

NOTIFICATION OF A DECISION TO GRANT IN ACCORDANCE WITH SECTION 26
OF THE 1963 ACT.

98/574

Charles Ryan,
c/o Ciaran Carroll,
Teagasc, Moorepark,
Fermoy, Co. Cork.

APPLICATION RECEIPT DATE:12/09/96 FURTHER INFO RECD 13/03/97

In pursuance of the powers conferred upon it by the above-mentioned Acts, Tipperary South Riding County Council has by Order dated 8/5/97 decided to grant PERMISSION to the above named for development of land, as follows;

construction of pig accommodation for 250 sow integrated unit,

AT: Doon, Araglin, Kilworth, Co. Cork,

subject to the 24 conditions and the reasons therefore as set out in the Schedule attached.

If there is no appeal against the said decision, a GRANT 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 (see appeal details overleaf).

IT SHOULD BE NOTED THAT UNTIL A GRANT OF PERMISSION OR APPROVAL HAS BEEN ISSUED, THE DEVELOPMENT OR RETENTION IN QUESTION IS NOT AUTHORISED.

Signed on behalf of Tipperary.....
S.R. County Council. County Secretary

Dated:...8/5/97.....

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1. Save where modified by the following conditions, the proposed development shall be carried out in accordance with the drawings and documentation submitted with the planning application on 5th September, 1996 and on 12th September, 1996 as amended by revised drawings and documentation submitted on 25th February, 1997 and on 13th March, 1997 in response to Notice Requiring Further Information, dated 8th November, 1996.

REASON: In the interest of proper planning and development.

2. (a) All effluent, including slurry and contaminated water, arising from the applicant's pig unit shall be directed to and collected in effluent storage tanks which shall be of water tight construction.
- (b) No effluent, including slurry and contaminated water, arising from the applicant's pig unit shall be caused or permitted to flow onto any adjoining property or to any drain, ditch or watercourse in the vicinity or to overflow from the effluent storage tanks.

REASON: In the interest of orderly development, the avoidance of pollution of ground or surface waters in the vicinity and the protection of the amenities of property in the vicinity.

3. All uncontaminated surface water runoff from roofs and clean paved areas within the applicant's pig unit shall be collected separately from effluent and shall be disposed of directly in a sealed system to a watercourse located within the curtilage of the applicant's site. All entry points in this surface water system shall be protected to prevent accidental entry of contaminated runoff or other foul matter.

REASON: In the interest of orderly development and to minimise the total volume of effluent generated and requiring storage within the pig unit.

4. (a) The land to be used for the spreading and/or application of effluent arising from the applicant's pig unit shall be the land so indicated as the spreading area shown on the Map attached to Appendix 2 of the Report, which forms part of the documentation submitted with the planning application on 5th September 1996, unless the applicant has obtained the prior written agreement of the Planning Authority to the use

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of other land (including the reserve land shown on the Maps attached to Appendix 1 of the Report on additional information submitted on 25th February 1997) within the functional area of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanala.

- (b) Effluent arising from the applicant's pig unit shall be applied to land by the low trajectory splashplate method or by the bandspread method. Where the application of pig slurry is likely to cause an odour nuisance, slurry shall be applied using the bandspread method or another method in respect of which the applicant has obtained the prior written agreement of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanala.
- (c) No effluent arising from the applicant's pig unit shall be spread on or applied to land if there is any risk that, because of the gradient of the land, the weather conditions prevailing at the time of spreading or application, or any condition of the land at the time of spreading or application, the effluent will run off from the land to any river, stream, watercourse or ditch.
- (d) No slurry or contaminated water arising from the applicant's pig unit shall be spread on or applied to land within
- 20 metres of the River Araglin;
 - 10 metres of any other stream, watercourse, ditch or field drain;
 - 10 metres of the public road;
 - 60 metres of a source of potable water supply;
 - 100 metres of an occupied dwelling house, save with the written consent of the owner and occupier thereof; or
 - 200 metres of a sensitive building (hospital, nursing home, school or church) or
 - any land where the gradient exceeds 10⁰.

REASON: In the interest of orderly development, avoidance of pollution of ground or surface waters in the vicinity and the protection of the amenities of property in the vicinity.

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5. No slurry arising from the applicant's pig unit shall be disposed of during any calendar year, with effect from 1st January, 1998, unless the applicant has received the written agreement of the Planning Authority to a Waste Management Plan (Slurry Application Programme) for that year, or, in default of agreement, the consent as determined by An Bord Pleanala.

The details of the Waste Management Plan to be submitted to the Planning Authority shall include, inter alia:

- (i) a schedule of the locations and areas, in hectares, of the lands on which it is proposed to dispose of the slurry during the year to which the Slurry Application Programme relates;
- (ii) maps, which shall be extracted from the relevant Ordnance Survey sheets, to a scale of 1:10560, indicating the location of the lands referred to at (i);
- (iii) the cropping routines proposed for the lands referred to at (i), during the year to which the Slurry Application Programme relates;
- (iv) a Nutrient Management Plan, prepared in accordance with the document "Soil Analysis and Fertiliser, Lime, Animal Manure and Trace Element Recommendations" as published by Teagasc, based on a Phosphorus (P) Balance, for the proposed land spreading areas on an individual farm by farm basis and should the said document be revised, amended or superseded, the Nutrient Management Plan shall be prepared in accordance with the revised, amended or superseding document;
- (v) the application rates at which it is proposed to dispose of slurry from the applicant's pig unit on the lands referred to at (i), during the year to which the Slurry Application Programme relates;
- (vi) the volumes of slurries from sources other than the applicant's pig unit proposed to be disposed of on the lands referred to at (i), during the year to which the Slurry Application Programme relates.

REASON: To facilitate the monitoring and control of the Waste Management Plan (Slurry Application Programme) in the interest of orderly development and the prevention of water pollution.

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6. No slurry arising from the applicant's pig unit shall be disposed of during any calendar year, with effect from 1st January, 1999, unless the applicant has submitted to the Planning Authority details of the Waste Management Plan (Slurry Application Programme) which was implemented by him during the previous calendar year. The details of the Slurry Application Programme, as implemented, to be submitted to the Planning Authority shall include, inter alia:
- (i) a schedule of the locations and areas, in hectares, of the lands on which slurry was disposed of during the previous calendar year;
 - (ii) maps, which shall be extracted from the relevant Ordnance Survey sheets, to a scale of 1:10560, indicating the location of the lands referred to at (i);
 - (iii) the actual cropping routines for the lands referred to at (i), during the previous calendar year;
 - (iv) the actual application rates at which slurry from the applicant's pig unit was disposed of on the lands referred to at (i), during the previous calendar year;
 - (v) the volumes of slurries from sources other than the applicant's pig unit that were disposed of on the lands referred to at (i), during the previous calendar year.

REASON: To facilitate the monitoring and control of the Waste Management Plan (Slurry Application Programme) in the interest of orderly development and the prevention of water pollution.

7. The applicant shall maintain on the site, at his expense, a Slurry Spreading Register for each calendar year, with effect from 1st January, 1999, which shall be available for inspection by the Planning Authority at all reasonable times and shall include, inter alia:
- (i) maps, which shall be extracted from the relevant Ordnance Survey sheets, to a scale of 1:10560, showing the location of the said lands and all rivers, streams, watercourses, drains and other sources of water supply on the lands or in the vicinity thereof;

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(ii) details of agreements with any other landowners concerned in respect of landspreading of slurry;

(iii) a record of all landspreading carried out, including details of the time and duration of spreading, the amount spread, weather conditions at the time of spreading and the location, area, in hectares, and ownership of the lands on which the slurry is spread.

REASON: To facilitate the monitoring and control of the Waste Management Plan (Slurry Application Programme) in the interest of orderly development and the prevention of water pollution.

8. A programme of monitoring soil nutrient levels on the proposed land spreading area shall be undertaken within 3 years of the date of grant of permission and repeated thereafter at a frequency of 3 years or at such frequency as may be agreed between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanála.

The intensity of soil sampling required is 1 sample per 4 hectares and the sampling and analysis shall be undertaken by an independent agency which shall have the prior approval of the Planning Authority.

REASON: To facilitate the monitoring and control of the Nutrient Management Plan.

9. The applicant shall provide an inspection chamber on the surface water drain pipe between the pig unit and the watercourse into which the surface water is directed. Access to this chamber shall be available at all times to the Planning Authority or its agents for the purpose of monitoring.

REASON: To prevent surface water pollution.

10. (a) Pig carcasses and other such waste shall be removed off-site and shall be disposed of to a licensed rendering plant or by alternative disposal arrangements as agreed between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanála. Any temporary storage within the pig unit shall be in sealed containers which shall be sufficient in number to satisfy the requirements of the pig unit. The frequency of

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disposal of the pig carcasses and other such waste shall be as agreed between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanala.

- (b) Provision shall be made on the site for the disposal of animal carcasses in the event of an outbreak of a disease as specified in the Diseases of Animals Act, 1966, First Schedule, Part III, Class A, as amended. Arrangements for same shall be as agreed between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanala.

REASON: In the interest of public health.

11. All oil storage tanks on site shall be placed on impervious bases and shall be located within oil tight bunds. Each bund shall be capable of holding 110% of the volume of the largest tank located within the bund and shall, in addition, enclose the fill and draw pipes associated with the tank.

REASON: In the interest of orderly development and the avoidance of water pollution.

12. Before any connection is made to the public water supply, applicant shall pay to the Planning Authority a development contribution in addition to the standard connection fee payable to the Sanitary Authority. The amount and schedule of payment of this development contribution shall be as agreed between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanala.

REASON: As a contribution towards the cost of providing an improved water supply which facilitates this development.

13. Before the proposed development comes into operation, applicant shall provide along the northern boundary of the site, an earthen bund, the location, length, width and height of which shall be as agreed between the applicant and the Planning Authority, or in default of agreement, shall be as determined by An Bord Pleanala.

REASON: To assist in enfolding this development sympathetically in the rural landscape and to screen activities at the piggery from the view of road users.

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14. The following planting shall be carried out in the planting season immediately following the coming into operation of this development:-

Along the earthen bund at the northern boundary of the site (to be constructed as per condition 13 above) and along the western and eastern boundaries of the site a double screen of evergreen trees, or similar trees. These trees shall be a minimum of 1 metre overground on planting, spaced at 2 metre centres and protected from damage for a minimum period of 5 years with stout timber posts or protective railings. Any tree which fails shall be immediately replaced.

REASON: To assist in enfolding this development sympathetically in the rural landscape and to screen activities at the piggery from the view of road users.

15. (a) The external finish to the proposed meal bins shall be painted a dark green/dark grey colour, to the satisfaction of the Planning Authority.
- (b) The colours of the external finishes of the other structures in the applicant's pig unit shall be as agreed between the applicant and the Planning Authority, or, in default of agreement, shall be determined by An Bord Pleanála.

REASON: To ensure a satisfactory appearance on completion.

16. The entire complex of housing, yard, slurry and effluent tanks shall be maintained at all times to a high standard of efficiency and cleanliness and to the satisfaction of the Planning Authority.

REASON: To avoid nuisance.

17. The operation of the applicant's pig unit shall at all times be carried out so that no injurious affection is caused to adjoining or nearby property. Should the operation of the pig unit give rise to complaints in regard to noise, smell, disposal of slurry, or for any other cause, and should the Planning Authority on investigation find such complaints to be justified, applicant will be required to take whatever steps are deemed necessary by the Planning Authority to remedy the situation.

REASON: To protect the amenities of nearby properties.

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18. The transportation of slurry via the public road shall be carried out in sealed containers such that no spillages can occur onto the public road. Should such a spillage occur the applicant shall take all necessary steps to clean same immediately.

REASON: To obviate the risk of health hazard and/or nuisance arising.

19. Applicant shall maintain sufficient and continuous vermin control in respect of the pig unit, the details of which shall be as agreed between the applicant and the Planning Authority, or, in default of agreement, shall be as determined by An Bord Pleanala.

REASON: In the interest of public health.

20. If the quantity of suitable land, in accordance with the foregoing conditions, available to the applicant for the spreading and/or application of slurry arising from the pig unit is insufficient to meet the needs of the pig unit, the applicant shall reduce the stocking rate of the pig unit pro rata, as determined by agreement between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanala.

REASON: In the interest of orderly development, avoidance of pollution of ground of surface waters in the vicinity and the protection of the amenities of property in the vicinity.

21. (a) An annual Groundwater Quality Monitoring Programme shall be carried out by the applicant. At least one monitoring borehole shall be installed by the applicant having regard to the land available for the application of slurry and the groundwater gradient except where it is not practicable to do so. The location of this shallow monitoring borehole shall have the prior written agreement of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanala. The borehole shall be to a depth of 50 metres or to where a significant flow of water is encountered, whichever is the lesser. Where installation of the monitoring borehole is considered by the applicant to be non-practicable, this shall be clearly demonstrated to the satisfaction of the Planning Authority, or, in default, to the satisfaction of An Bord Pleanala.

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- (b) The frequency and extent of the Groundwater Quality Monitoring Programme for each calendar year, commencing 1st January, 1998, shall have the prior written agreement of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanala.
- (c) The sampling and analysis shall be undertaken by an independent agency which shall have the prior approval of the Planning Authority.

The analysis shall consist of a full chemical and bacteriological analysis using, at a minimum, the following parameters:

Total Coliforms (no. per 100 ml);
Faecal Coliforms (no. per 100 ml);
Copper (ug/l Cu);
Nitrate (mg/l NO₃);
Ammonia (mg/l NH₄);
Chloride (mg/l Cl);
Potassium (mg/l K);
Iron (mg/l Fe);
Manganese (ug/l Mn) and
Orthophosphate (mg/l P).

- (d) The cost of this monitoring programme shall be borne by the applicant and the results of same shall be submitted annually to the Planning Authority. The applicant shall keep copies of all monitoring results for a period of 7 years.

REASON: To facilitate the monitoring and control of the Waste Management Plan (Slurry Application Programme) and the prevention of water pollution.

22. (a) An annual Surface Water Quality Monitoring Programme shall be carried out by the applicant. The sampling programme for each calendar year, commencing 1st January 1998, shall have the prior written agreement of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanala. The sampling and analysis shall be undertaken by an independent agency which shall have the prior approval of the Planning Authority. This programme shall consist of quarterly sampling (i.e. every three months) at the following locations:-

- (i) Sample Point 1;

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(ii) Sample Point 2

on the River Araglin, both as indicated on the Map attached to Appendix 2 of the Report, which forms part of the documentation submitted with the planning application on 5th September, 1996.

If it is proposed in future years to dispose of slurry from the pig unit on land upstream or to the east of sample point 2, the said sample point 2 shall be relocated to a point on the River Araglin upstream of all land used for the spreading and/or application of slurry arising from the pig unit.

The location of this sampling point shall be as determined by agreement between the applicant and the Planning Authority, or, in default of agreement, as determined by An Bord Pleanála.

(b) At a minimum the samples shall be analysed for:-

pH;
temperature (degree Celsius);
Biochemical Oxygen Demand (mg/l O₂);
Ammonia (mg/l NH₄) and
Orthophosphate (mg/l P).

(c) The cost of this monitoring shall be borne by the applicant. The results of the sampling shall be submitted to the Planning Authority within 1 month of samples being taken and the results of the overall Surface Water Quality Monitoring Programme shall be submitted annually to the Planning Authority. The applicant shall keep copies of all monitoring results for a period of 7 years.

REASON: To facilitate the monitoring and control of the Waste Management Plan (Slurry Application Programme) and the prevention of water pollution.

23. Applicant shall pay to the Planning Authority an annual contribution of £750 as a contribution towards the cost of surface water monitoring to be carried out by the Planning Authority. This sum shall be payable initially within 6 months of the date of grant of this permission and thereafter on the same date in each subsequent year.

This contribution shall be subject to the following stipulations:

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- (a) Where the monitoring is not carried out, the return of the contribution paid;
- (b) Where the monitoring is carried out in part only or in such a manner as to facilitate this development to a lesser extent, the return of a proportionate part of the contribution paid;
- (c) Payment of interest on the contribution that has been paid so long as and in so far as it is retained unexpended by the Local Authority.

REASON: It is considered reasonable that the applicant should contribute towards the cost of surface water monitoring and in the interest of the prevention of water pollution.

24. The capacity of the applicant's pig unit shall not exceed a 250 integrated sow unit unless the applicant has received the prior written agreement of the Planning Authority, or, in default of agreement, the consent as determined by An Bord Pleanála.

REASON: In the interest of proper planning and development by ensuring orderly development and the prevention of water pollution.

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NOTIFICATION OF A GRANT

96/574

Charles Ryan,
c/o Ciaran Carroll,
Teagasc, Moorepark,
Fermoy, Co. Cork.

PLANNING REGISTER NUMBER: 574
APPLICATION RECEIPT DATE: 12/09/96

In pursuance of the powers conferred upon it by the above mentioned Acts, Tipperary South Riding County Council have by Order decided to grant PERMISSION to the above named, for the development of land namely:-

construction of pig accommodation for 250 sow integrated unit,

AT Doon, Araglin, Kilworth, Co. Cork,

in accordance with the plans and documentation lodged with this application hereby GRANT the PERMISSION subject to the 24 conditions set out in the Schedule attached. It should be noted that this PERMISSION will expire on:

18th day of June 2002.

Signed on behalf of
Tipperary S.R. County Council.....
County Secretary.

Date:.....19/6/97.....

NOTE:

The permission herein granted shall, on the expiration of the period indicated above, cease to have effect as regards:-

- (1) In case the development to which the permission relates is not commenced during the period, the entire development and
- (2) In case such development is so commenced, so much thereof as is not completed within that period.

It should be noted that an outline permission is a permission subject to the subsequent approval of the Planning Authority and that until such approval has been obtained to detailed plans of the development proposed, the development is NOT AUTHORISED.

You must submit a COMMENCEMENT NOTICE in accordance with the Building Control Regulations 1991 prior to starting any work as a result of this Grant of Permission, except in the case of a permission for retention.