

**LIMERICK CITY & COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 (AS AMENDED)**

**NOTIFICATION OF GRANT OF PERMISSION**

Patrick O'Connor  
C/O Kenneally Murphy & Associates,  
Main Street,  
Abbeyfeale,  
Co. Limerick.

**PLANNING REGISTER NUMBER: 18/58**

**APPLICATION RECEIPT DATE: 23/01/2018**

---

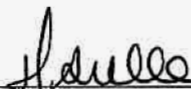
Permission for construction of a broiler unit with all associated site works (an environmental impact statement has been furnished as part of the application) at Rathcahill West, Templeglantine, Co. Limerick.

Further to the Order dated: 13/02/2019

---

A PERMISSION has been granted for the development described above subject to the 25 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 13/02/2019.

Signed on behalf of the said Council



Heather Supple  
(for) A/Senior Planner  
Planning & Environmental Services  
19/03/2019

Please note that the provisions of Planning & Development Act 2000 (as amended) limits the duration of this planning permission to a period of five years from the date hereof.

LIMERICK CITY & COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO GRANT

Patrick O'Connor  
C/O Kenneally Murphy & Associates,  
Main Street,  
Abbeyfeale,  
Co. Limerick.

**Planning Register Number:** 18/58  
**Valid Application Received:** 23/01/2018  
**Further Information Received Date:** 11/12/2018

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick City & County Council has by Order dated 13/02/2019 decided for the reason set out in the First Schedule hereto, to GRANT **PERMISSION** for development of land in accordance with the documents submitted namely: **construction of a broiler unit with all associated site works (an environmental impact statement has been furnished as part of the application) at Rathcahill West, Templeglantine, Co. Limerick.** subject to the 25 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council

  
Heather Supple  
for DIRECTOR OF SERVICES  
LIMERICK CITY & COUNTY COUNCIL

Date: 13/02/2019

Under Article 20 of the Planning & Development Regulations 2001 (as amended) the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Act 2000 (as amended) has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 (as amended).

In accordance with Article 31(i) of the Planning & Development Regulations 2001 (as amended), if there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote).

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.**

**NOTE:**

An appeal against a decision of a planning authority under the provisions of the Planning & Development Act 2000 (as amended) may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the Planning & Development Acts 2000(as amended) which are not accompanied by the correct fee will be invalid.

The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

Case Type	Appeal received on or after 5 <sup>th</sup> September 2011
<b>Planning Acts</b>	
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application included retention of development.	€4,500 or €9,000 if *EIS or **NIS involved
c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 <sup>st</sup> party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h)	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on [www.pleanala.ie](http://www.pleanala.ie)

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

**PLANNING REGISTER REFERENCE NUMBER: 18/58**

**FIRST SCHEDULE**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 23<sup>rd</sup> day of January 2018, as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of December 2018, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. The total no. of birds that can be accommodated on the site at any one time shall not exceed 108,000, in accordance with the assessment set out in the Environment Impact Assessment Report, prepared by NREG dated November 2018 and received on 11<sup>th</sup> December 2018.

Reason – In in the interests of clarity and proper planning.

3. All mitigation measures proposed in the Environmental Impact Assessment Report (EIAR), prepared by NREG, dated November 2018 and received on the 11<sup>th</sup> December 2018, shall be implemented in full.

Reason: In the interest of proper planning and sustainable development.

4. The finished floor level (FFL) of the proposed poultry house shall be 97.2m in relation to the existing ground levels indicated on the site layout plan drawing number PJ 01 submitted on the 11/12/2018.

Reason – In the interest of visual amenity and integrating the development into the landscape.

5. Prior to the commencement of development, the site developer or appointed contractor shall submit to the local planning authority, for agreement in writing, a site waste management plan for the recovery / disposal of all wastes that will arise from the site clearance, demolition, refurbishment and construction related to this development. The waste management plan shall include
  - a. a list of proposed authorised waste collection permit holders to be employed

- b. a list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of;
- c. estimates of the proposed tonnages of construction and demolition waste by type e.g. soil and stone, rubble, wood, metal and plastic.

A template waste management plan can be found on the Council's website.

Reason: In the interests of public safety and amenity

6. All construction works shall be carried out in accordance to the relevant Department of Agriculture, Food & Marine building specifications.

Reason: In the interests of proper planning and sustainable development of the area.

7. Roof covering/sidings shall be a dark colour PVC coated steel or shall be painted in a dark colour e.g. dark green, dark grey, dark brown, dark red. The material finish and colour to be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of proper planning and sustainable development and to assist in assimilating the development into the rural landscape.

8. Effluent from poultry houses shall be collected and stored in concrete tanks constructed in accordance with Department of Agriculture, Food & Marine Building Specification S.123 – Minimum Specification for Bovine Livestock Units and Reinforced Tanks (September 2017).

A leak detection system shall be constructed under all tanks for poultry washings (as per Section 6, 6.8 of above building specification).

Reason - To avoid pollution and nuisance in the interest of the proper planning and development of the area.

9. The collection, storage and landspreading of all effluents arising shall be carried out in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended).

Reason: In the interest of public health and amenity.

10. Prior to the commencement of use of the development hereby permitted, a leak detection system shall be installed for the proposed effluent tank as per Section 6 - 6.8 (Leak Detection System) of Department of Agriculture, Food & Marine Building Specification S.123 Minimum Specification for Bovine Livestock Units and Reinforced Tanks (Sept 2017).

Reason: In the interest of public health and amenity.

11. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority. Details of the disposal means and final destination of the litter of each turnover of birds shall be submitted for the agreement of the planning authority prior to the removal of the litter.

Reason - In the interest of public health and amenity.

12. The temporary on site storage of carcasses shall be in sealed containers.

Reason - In the interest of public health and amenity

13. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason - In the interest of public health and amenity.

14. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written approval of the planning authority.

Reason: In the interest of public health and amenity.

15. Prior to the commencement of development a vermin control plan shall be submitted to and agreed with the planning authority in writing.

Reason - In the interest of public health and amenity.

16. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900-0800 Monday to Friday or at any time during Saturday, Sunday or Public Holiday.

Reason - In the interest of public health and amenity.

17. The developer shall maintain on site, at his expense, a register for each calendar year for which shall be available for the inspection of Limerick City & County Council at all reasonable times and which shall include a record of times and dates of transportation of chicken litter, volumes of litter transported, names of authorised litter disposal contractors and final destination of the litter, Name, Address, Telephone No. GPS Co-ordinates.

Reason - In the interests of public health and pollution control.

18. The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason: In the interests of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

19. All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.

Reason: In the interests of avoiding flood risk from surface water flooding.

20. All surface water run-off from the development shall be disposed of appropriately. No such surface water shall be allowed discharge onto adjoining properties or onto the public road.

Reason: In the interests of avoiding flood risk from surface water flooding.

21. All surface water drainage pipes should have a minimum diameter of 225mm with the exception of road gully connections which can be 150mm in diameter.

Reason: In the interests of avoiding flood risk from surface water flooding.

22. Within 3 months of the date of completion, the applicant shall submit to the local planning authority a certification from a Chartered Engineer in relation to all works to the storm sewers.

Reason: In the interests of avoiding flood risk from surface water flooding.

23. The developer shall preserve, protect or otherwise record archaeological materials or features that may exist within the site by ensuring that all ground disturbances associated with the site development is archaeologically monitored. In this regard, the developer shall –

- a. Notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- b. Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
- c. Submit the name of the suitably qualified archaeologist to the Planning Authority four weeks in advance of the commencement of any site works (including site investigations).

- d. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Development Applications Unit, National Monuments Service, Department of Culture, Heritage and the Gaeltacht and the Planning Authority Archaeologist shall be informed immediately. The developer shall be prepared to be advised by the Department of Department of Culture, Heritage and the Gaeltacht and the Planning Authority with regard to any necessary mitigating action.
- e. Provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.
- f. Submit on completion an archaeological report detailing the works to the Department of Department of Culture, Heritage and the Gaeltacht and the Planning Authority.

Reason - In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

24. The existing planting along all site boundaries shall be retained and shall be reinforced by additional planting to match existing. This shall include additional native species to re-enforce the boundary hedgerows and some semi-mature native tree species along all boundaries of the site.

Reason – In the interest of biodiversity and visual amenity.

25. Prior to the commencement of development the hedgerows shall be surveyed for badgers and appropriate license sought as per the legal requirement if setts found.

Reason – In the interest of the natural environment, biodiversity and sustainable development.

Limerick City Council  
Viewing Purposes Only



Limerick City & County Council  
Viewing Purposes Only

Limerick City & County Council

**PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

Acting Senior Planner Limerick City & County Council Order No: P.D. 152/2019

Reference Number: 18/58

Name of Applicant: Patrick O'Connor  
Address: C/O Kenneally Murphy & Associates,  
Main Street,  
Abbeyfeale,  
Co. Limerick.

Nature of Application: PERMISSION for construction of a broiler unit with all associated site works (an environmental impact statement has been furnished as part of the application)

Location of Development: Rathcahill West, Templeglantine, Co. Limerick.

Recommendation of A/S.E.P. PERMISSION BE GRANTED for the above mentioned development subject to the 25 condition(s) set out in the Second Schedule hereto.

**ORDER:**

Whereas by Chief Executive's Order No. CE/2018/101 dated 1<sup>st</sup> July, 2018, Conn Murray, Chief Executive of Limerick City & County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act 2014) delegate unto Stephane Duclot, with effect from the 1<sup>st</sup> July, 2018, the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Stephane Duclot, Acting Senior Planner, Limerick City & County Council, hereby decide, pursuant to the provisions of the Planning & Development Act 2000 (as amended) and the Planning & Development Regulations 2001 (as amended), for the reason set out in the First Schedule attached hereto, to **GRANT PERMISSION** for the above development in accordance with documents submitted, subject to the 25 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.



---

ACTING SENIOR PLANNER  
PLANNING & ENVIRONMENTAL SERVICES  
DATED THIS 13/02/2019

Limerick City & County Council  
Viewing Purposes Only!

T.J.  
D. Molloy  
DAY

**Planning Report**  
**Limerick City & County Council**

13/02.

**File No:** 18/58  
**Applicant:** Patrick O'Connor  
**Location:** Rathcahill West, Templeglantine, Co. Limerick.  
**Dev. Description:** PERMISSION for construction of a broiler unit with all associated site works (an environmental impact statement has been furnished as part of the application)

---

**On 14<sup>th</sup> March 2018, the planning authority issued a request for Further Information in relation to the following items:**

1. An Environmental Impact Statement (EIS) has been submitted as part of the application. Under Directive 2014/52/EU of the European Parliament and the of the Council of 16<sup>th</sup> April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, the preparation of an EIS has been replaced with an Environmental Impact Assessment Report (EIAR). The Directive was transposed to Irish legislation on the 16<sup>th</sup> of May 2017. All planning applications after the 16<sup>th</sup> of May 2017 requiring environmental impact assessment must be accompanied by an EIAR. Please address, taking into consideration the changes to the EIAR structure, format and content. Please refer to the EPA *Guidelines on the information to be contained in Environmental Impact Assessment Report*, draft, August 2017.
2. It is noted that the EIS submitted is dated April 2012 and is a copy of an EIS previously submitted as part of planning reference 12/283. Please submit an EIAR which clearly addresses the requirements set out in legislation.
3. The site layout refers to "warehouses", please amend site layout plan accordingly.

**On 16<sup>th</sup> August 2018, the planning authority received a request to extend the period for the submission of Further Information under Article 33(3) of the Planning and Development Regulations 2001 (as amended). This request was accepted by the planning authority.**

**In response to the further information request on 11<sup>th</sup> December 2018, the following has been received:**

1. 10 copies of an Environmental Impact Assessment Report submitted
2. A updated version of the Site Layout plan provided

**Final assessment where Further Information submitted**

Items 1 & 2

The applicant has submitted a full Environmental Impact Assessment Report, which accords with the requirements of the regulations. An full assessment and review of this document is included in the EAR report.

Item 3

The applicant has submitted a revised site layout drawing which satisfactorily addresses this point.

## Environmental Impact Assessment Report

### Requirement for an EIAR:

Under the Planning and Development Regulations 2001 (as amended), Schedule 5, Part 1 (17) Installations for the intensive rearing of poultry or pigs with more than -

- (a) 85,000 places for broilers, 60,000 places for hens,
- (b) 3,000 places for production pigs (over 30 kilograms), or
- (c) 900 places for sows.

Under the Planning and Development Regulations 2001, Schedule 5, Part 2 (1)(e)(i)

Installations for the intensive rearing of poultry or pigs with more than-

- (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.

### Non-technical summary

The EIAR includes a non-technical summary, which sets out the context of development, the relevant legislation and the proposed development. This chapter gives an overview of the development and its impacts, with reference to Natura 2000 sites, natural heritage areas, surface water impacts, transport impacts and local service infrastructure. The summary confirms that processes on the site, including the production and disposal of waste, disposal of litter and the provision of water will be in accordance with industry standards, guidance and best practice.

### *Planning Authority comments*

There are currently 3 no. poultry houses on the site (two of these each accommodate 20,000 no. broilers and the third one (directly to the East of proposed development) accommodates 40,000 no. broilers). The proposed development is for a unit which will house 40,000 no. birds. Therefore, post-development 120,000 no. birds could potentially be accommodated on site. However, it is noted that on page 6 of the EIAR prepared by NRG (received on 12<sup>th</sup> December 2018) that the capacity upon completion will be 108,000 birds. As the EIAR is based on this number of birds on the farm, the development shall be conditioned such that 108,000 birds will be the maximum capacity of the site.

### 1. Introduction

Chapter 1 sets out a general introduction to the proposed development and EIAR, including policy, legislation. This section provides the detailed context for the development, outlining the scale of the development, planning and licensing history of the site, location, topography, the physical implications of the proposed development and the operational elements of the proposed development.

### *Planning Authority comments*

Contents of chapter 1 noted and are an accurate representation of the development.

### 2. Scoping of Environmental Impact Assessment

#### *Description*

Chapter 2 sets out the data required to identify the main effects of the development and how the proposed development is categorised in accordance with EPA guidance. It confirms that the scoping of the EIAR has been carried with input from a number of agencies.

### *Planning Authority comments*

Contents of chapter 2 noted.

### 3. Description of Reasonable Alternatives

#### *Description*

Chapter 3 considers alternative sites, alternative layouts and alternative scales for development, alternative processes that could be utilised and alternatives in terms of the management of by-products.

*Planning Authority comments*

The applicant has set out reasonable reasons why alternative sites could not be pursued, the most persuasive of which relate to the provision of existing facilities on the site and the fact planning permission has been refused for other land within the applicant's ownership.

Equally, the design and layout of the development is considered the optimal development for the site in terms of minimising environmental impacts.

The arguments put forward in terms of the scale of development are accepted and processes and management of by-products for the site are considered to be optimised. Conditions of development will ensure the optimal management of by-products on the site are maintained.

4. Environmental Assessment

*Description*

Chapter 4 describes the physical characteristics of the development and requirements during construction and operation. Detailed descriptions of the production processes, nature of process and quantities of materials used are provided. The report estimates the type and quantity of expected residues and emissions, quantity of waste produced during the construction phase. A description of the current (baseline) environment is provided.

The applicant then sub-categories the effects of development on:

- Population and Human Health
- Biodiversity (flora and fauna)
- Land and soil
- Geology and geomorphological heritage of the area
- Water
- Air
- Climate and climate change
- Visual aspects and landscape
- Archaeological and Cultural Heritage
- Material Assets

The EIAR then considers whether the development would have significant effects, the forecasting methodology utilised and cumulative and transboundary effects.

The EIAR sets out the cumulative positive, negative and neutral impacts and the difficulties encountered in the compilation of data.

*Planning Authority comments*

The development is designed in accordance with Best Available Techniques (BAT). The applicant operates under the Bord Bia approval system which would also help to regulate the development. The applicant has indicated and appropriately sourced suppliers for the removal of construction waste by-products and operational waste by-products.

The applicant's assessment that there will be no significant impacts of development on the environment is considered to be reasonable. The EIAR outlines a number of measures to reduce the impact on development on the receiving environment, all of which must be adhered to as the EIAR forms part of the documents approved by this planning permission.

The forecasting, methodology and data sources utilised by the applicant are considered reasonable.

5. Description of measures to avoid, reduce, prevent or offset identified significant effects of development on the environment

*Description*

The applicant has described the measures required to mitigate the development.

*Planning Authority comments*

The mitigation measures are considered acceptable and all these measures are required to be implemented by condition 3 of this planning permission

6. Environmental Management Programme

*Description*

This chapter considered the ongoing management and operational programme for the development and how environmental effects would be monitored.

*Planning Authority comments*

Chapter 6 noted and considered reasonable and acceptable.

7. Summary

*Description*

This chapter summaries the foregoing chapter and concludes.

*Planning Authority comments*

The summary is noted.

8. Appendices

*Description*

The appendices include background information, context maps, screening details, letter of acceptance of litter from Custom Compost for disposal, EIAR guidelines etc.

*Planning Authority comments*

The appendices are noted.

Conclusion

The EIAR provides a clear and detailed account of the context, the scoping of development, the consideration of alternatives and why they have been discounted, the effects of development and mitigation measures proposed. With the proposed mitigation measures in place, any potential negative impacts of the proposed development on the local human environment, either alone, or in combination with other plans and projects, are not expected to have significant effects on the environment.

Relevant significant cumulative impacts were considered throughout the EIAR. No significant impact from the proposed ~~extension of existing~~ poultry house ~~and associated farmyard~~ ~~area~~ on site, either individually, or in combination were identified. All mitigation measures to be conditioned. Report received from Physical Strategy (Farm Team) section of LCCC - They have no objection to proposal subject to conditions  
The EIAR as submitted, is acceptable.

**Contributions:**

Not applicable to agricultural development

**Recommendation:**

**I recommend that planning permission be granted subject to conditions:**

**First Schedule**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**Second Schedule**

1. Std 1 (23/01/2018 & 11/12/2018)
2. The total no. of birds that can be accommodated on the site at any one time shall not exceed 108,000, in accordance with the assessment set out in the Environment Impact Assessment Report, prepared by NRGE dated November 2018 and received on 11<sup>th</sup> December 2018.  
Reason – In the interests of clarity and proper planning.
3. All mitigation measures proposed in the Environmental Impact Assessment Report (EIAR), prepared by NRGE, dated November 2018 and received on the 11<sup>th</sup> December 2018, shall be implemented in full.  
Reason: In the interest of proper planning and sustainable development.
4. Std 67(b) (*replace house with poultry house*) insert: 97.2m on drawing no. PJ 01 submitted on 11/12/2018.
5. Prior to the commencement of development, the site developer or appointed contractor shall submit to the local planning authority, for agreement in writing, a site waste management plan for the recovery / disposal of all wastes that will arise from the site clearance, demolition, refurbishment and construction related to this development. The waste management plan shall include
  - a. a list of proposed authorised waste collection permit holders to be employed
  - b. a list of the proposed waste facility permitted sites at which the wastes may be recovered or disposed of,
  - c. estimates of the proposed tonnages of construction and demolition waste by type e.g. soil and stone, rubble, wood, metal and plastic.A template waste management plan can be found on the Council's website.  
Reason: In the interests of public safety and amenity
6. All construction works shall be carried out in accordance to the relevant Department of Agriculture, Food & Marine building specifications.  
Reason: In the interests of proper planning and sustainable development of the area.
7. Std 168: add "The material finish and colour to be submitted for the written agreement of the Planning Authority prior to the commencement of development."  
Reason: In the interest of proper planning and sustainable development and to assist in assimilating the development into the rural landscape.
8. Std 171
9. The collection, storage and landspreading of all effluents arising shall be carried out in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended).  
Reason: In the interest of public health and amenity.



10. Prior to the commencement of use of the development hereby permitted, a leak detection system shall be installed for the proposed effluent tank as per Section 6 - 6.8 (Leak Detection System) of **Department of Agriculture, Food & Marine Building Specification S.123 Minimum Specification for Bovine Livestock Units and Reinforced Tanks (Sept 2017)**.  
Reason: In the interest of public health and amenity.

11. Std 172

12. Std 173

13. Std 174

14. Std 175

15. Std 176

16. Std 177

17. Std 178 *add at end (Name, Address, Telephone No. GPS Co-ordinates)*

18. The wheels and underside of all construction traffic leaving the site shall be cleaned, as required, to prevent soiling of public roads. A wheel washing facility, including water jets or other approved cleansing method shall be provided close to the site exit. In the event that any public roads become soiled by construction traffic from the site, these roads shall be cleaned immediately.

Reason: In the interests of the proper planning and sustainable development of the area, road safety and to protect the amenity of the area.

19. All surface water run-off from the public road which flows into the site shall continue to be accommodated within the site unless alternative arrangements acceptable to Limerick City & County Council are carried out. Full details of any such alternative arrangements shall be submitted to the Planning Authority and agreed prior to commencement of development.

Reason: In the interests of avoiding flood risk from surface water flooding.

20. All surface water run-off from the development shall be disposed of appropriately. No such surface water shall be allowed discharge onto adjoining properties or onto the public road.

Reason: In the interests of avoiding flood risk from surface water flooding.

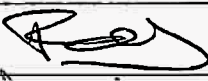

21. All surface water drainage pipes should have a minimum diameter of 225mm with the exception of road gully connections which can be 150mm in diameter.

Reason: In the interests of avoiding flood risk from surface water flooding.

22. Within 3 months of the date of completion, the applicant shall submit to the local planning authority a certification from a Chartered Engineer in relation to all works to the storm sewers.

Reason: In the interests of avoiding flood risk from surface water flooding.

23 Std 279

Assistant Planner (Print Name)	Fergal O'Donnell	Date: 12/02/2019
Signature:		12/02/2019
Senior Executive Planner		12/02/19

24 Std 156 "all" boundaries

For Office Use Only

PA 18758

Section 47 Y/N

25 Prior to the commencement of development the hedgerows shall be surveyed for badgers and appropriate license sought as per the legal requirements. If setts found.

Reason: In the interest of the natural environment, biodiversity, + sustainable development

LITTON COUNTY COUNCIL  
LITTON COUNTY COUNCIL

Part V Y/N

Please prepare Managers Order for my signature Y/N

**Planning Report**  
**Limerick City & County Council**

**File No:** 18/58  
**Applicant:** Patrick O'Connor  
**Location:** Rathcahill West, Templeglantine, Co. Limerick.

**Dev. Description:** PERMISSION for construction of a broiler unit with all associated site works (an environmental impact statement has been furnished as part of the application)

---

**Report:** Report necessitated under the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environment Impact Assessment, March 2013 – Appendix to the Planner's Report for File Ref. No. P18/58*

**Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environment Impact Assessment, March 2013.**

***Chapter 4 Procedural Issues***

4.1 The EIA Directive requires that EIA be carried out in an open and transparent manner with the public and bodies with specific environmental responsibility being given an opportunity to comment and participate in the process of assessment (Article 6 of the Directive). The public concerned and persons with sufficient interest must also be given an opportunity to challenge the substantive and procedural legality of the final decision. (Article 11 of the Directive).

**Planning Officer Comment:**

*Section 4.1 was complied with throughout the planning process relating to File Ref. No. P18/58 Public consultation was carried out and is set out in Section 3.1 Public Consultation, EIS.*

4.2 In order to comply with the requirements of section 171A and section 172 and the requirements of Articles 6 and 11 of the EIA Directive, it is essential that an assessment of the environmental effects of relevant projects is carried out by the competent authority and that the assessment is clearly documented with a "paper trail" being available for public scrutiny and to facilitate and defend any legal challenge. To facilitate ease of communication etc., the "paper trail" should also be in electronic format.

**Planning Officer Comment:**

*Section 4.2 was complied with throughout the planning process relating to File Ref. No. 18/58. The necessary 'paper trail' exists on the public planning file and Planners Report.*

4.3 In the case of applications being considered by a planning authority, internal planning authority reports (water services, environment, roads, etc.) on the proposed development should contain comments on the relevant information and assessment contained in the EIAR e.g. reports from the water services/environment section should comment on relevant issues relating to water quality. The main report on the planning application which would generally be prepared by the planner in the planning section/department (the planner's report) should co-ordinate the reports from various sections within the planning authority and should contain a section clearly identified as an "Environmental Impact Assessment Report" – this section of the planner's report will hereafter be referred to as "the EIAR". That is, "the EIAR" is a section or chapter of the planner's report, which section or chapter should be headed "Environmental Impact Assessment Report". (Chapter 6 of the Development Management Guidelines for planning authorities (June

2007) contains detailed advice in relation to planners' reports). In the case of an application being dealt with by the Board, an EIAR should similarly be contained in the Inspector's Report unless a separate report is prepared on the EIA.

**Planning Officer Comment:**

*Section 4.3 was complied with throughout the planning process relating to File Ref. No. P18/58. The EIA Report is set out in the original Planner's Report and is headed "The following is a summary of the EIAR which was submitted and considered as part of the planning application."*

4.4 The EIA Directive and the Planning Act require that an assessment be carried out by the competent authority, i.e. the planning authority or the Board. It is, accordingly, necessary that the decision-maker in the planning authority (i.e. the manager or person to whom the decision-making power has been delegated) or in the Board, as appropriate, carries out an assessment. Therefore the decision-maker must indicate in a written statement that he or she has read the EIA Report referred to above and/or any other report, which the decision-maker relies on in carrying out the assessment and either has accepted the conclusions of the planner/Board's Inspector, in whole or in part or has not accepted such conclusions. Where the decision-maker does not accept some or all of the conclusions drawn by the planner/Inspector in the EIA Report, he or she must in the written statement give reasons as to why he or she does not accept the conclusions in question. This written statement should be independent of the decision of the decision-maker as to whether to grant or refuse permission for the development.

**Planning Officer Comment:**

*Please see attached EIA Report.*



**Fergal O'Donnell**  
Assistant Planner

Signed:



**Stephane Duclot**  
A/ Senior Planner



**Donogh O'Donoghue**  
Acting Senior Executive Planner

Limerick City & County Council  
Viewing Purposes

**Planning Report**  
**Limerick City & County Council**

**File No:** 18/58  
**Applicant:** Patrick O'Connor  
**Location:** Rathcahill West, Templeglantine, Co. Limerick.  
**Dev. Description:** PERMISSION for construction of a broiler unit with all associated site works  
(an environmental impact statement has been furnished as part of the application)


---

It is noted that the environmental impact assessment carried out by the Planners and reported on in the reports dated 13/03/2018 & 12/02/2019 have been carried out giving full consideration to the environmental impact assessment report (EIAR) submitted with the application, all submissions and observations validly made in relation to the environmental effects of the development (and the views provided by the Planning Service of Northern Ireland – under section 174 of the Planning and Development Act 2000, as amended).

It is considered that the reports dated 13/03/2018 & 12/02/2019 contain fair and reasonable assessment of the likely significant effects of the development on the environment. Having regard to the character of the landscape in the area, the previous use on site it is considered that subject to conditions the proposal is acceptable.

In accordance with the EIS Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment dated December 2013, Stephane Duclot, A/Senior Planner, Limerick City & County Council has read the section of the Planners' Report titled "Environmental Impact Assessment Report" on the above application and has accepted the conclusions of the Planners.

Signed: \_\_\_\_\_

  
**Stephane Duclot**  
**A/ Senior Planner**  
**Limerick City and County Council**

Dated        day of February 2019

Limerick City & County Council  
Viewing Purposes Only

Limerick City & County Council  
Viewing Purposes Only!

Limerick City & County Council  
Viewing Purposes Only

**LIMERICK COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS, 2000 - 2012**

**NOTIFICATION OF GRANT OF PERMISSION**

Patrick J. O'Connor  
c/o William O'Regan  
Dromrahee  
Ardagh  
Co. Limerick

**PLANNING REGISTER NUMBER :** 13/366

**APPLICATION RECEIPT DATE:** 19/06/2013

---

Permission for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system at Rathcahill West Templeglantine

Further to the Order dated: 12/08/2013

---

A PERMISSION has been granted for the development described above subject to the 4 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 12/08/2013.

Signed on behalf of the said Council



(for) Director of Services  
Economic Development & Planning  
Date: 19/9/13

Please note that the provisions of Planning & Development Acts, 2000 - 2012 limits the duration of this planning permission to a period of five years from the date of the governing permission planning ref. 12/283 i.e. 19<sup>th</sup> September 2017.



**LIMERICK COUNTY COUNCIL**


**PLANNING AND DEVELOPMENT ACTS 2000-2012**

**NOTIFICATION OF DECISION TO GRANT**

Patrick J. O'Connor  
c/o William O'Regan  
Dromrahnee  
Ardagh  
Co. Limerick

**Planning Register Number:** 13/366  
**Valid Application Received:** 19/06/2013  
**Further Information Received Date:**

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick County Council has by Order dated **12<sup>th</sup> August, 2013** decided for the reason set out in the First Schedule hereto, to **GRANT PERMISSION** for development of land in accordance with the documents submitted namely: **-amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system at Rathcahill West Templeglantine** subject to the 4 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council   
for **DIRECTOR OF SERVICES**  
**PLANNING & DEVELOPMENT**

**Date: 12<sup>th</sup> August, 2013**

Under Article 20 of the Planning & Development Regulations 2001 - 2012 the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Acts 2000 - 2012 has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 - 2012.

If there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote).  
**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.**

**NOTE:**

An appeal against a decision of a planning authority under the provisions of the Planning & Development Acts, 2000-2012 may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the 2000 to 2012 Planning & Development Acts which are not accompanied by the correct fee will be invalid.

/P.T.O.

The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

Case Type	Appeal received on or after 5 <sup>th</sup> September 2011
<b>Planning Acts</b>	
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application included retention of development.	€4,500 or €9,000 if *EIS or **NIS involved
c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 <sup>st</sup> party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h)	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on [www.pleanala.ie](http://www.pleanala.ie)

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

**PLANNING REGISTER REFERENCE NUMBER: 13/366**

**FIRST SCHEDULE**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19<sup>th</sup> June 2013, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. This permission is subject to the terms of the governing permission, Planning Reference No. 12/283, except where departure from the terms of that permission, in respect of installation of a low pressure ventilation system, is hereby authorised by this permission. This permission and the governing permission expires on the 19<sup>th</sup> September 2017.

Reason - In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

3. The poultry house shall be used only in strict accordance with a management schedule submitted to the Planning Authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason - In order to avoid pollution and to protect residential amenity.

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
  - a. Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8 a.m. and 6 p.m.
  - b. Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur.
  - c. The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason - In the interest of public health and amenity.

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

Limerick County Council

PLANNING AND DEVELOPMENT ACTS 2000-2012

Acting Director Planning & Development Order No: P.D.

554/13

Reference Number:

13/366

Name of Applicant:

Patrick J. O'Connor  
c/o William O'Regan  
Dromrahnee  
Ardagh  
Co. Limerick

Address:

Nature of Application

PERMISSION for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system

Location of Development:

Rathcahill West Templeglantine

Recommendation of S.E.P.

PERMISSION BE GRANTED for the above mentioned development subject to the 4 condition(s) set out in the Second Schedule hereto.

**ORDER:**

Whereas by County Manager's Order No. HR. 547/12 dated 20<sup>th</sup> December 2012, Conn Murray, County Manager, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Gerard Sheeran, with effect from the 2<sup>nd</sup> January 2013 the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Gerard Sheeran, Acting Director of Services, Limerick County Council, hereby decide, pursuant to the provisions of the Planning & Development Acts, 2000-2012 and the Planning & Development Regulations 2001-2012, for the reason set out in the First Schedule attached hereto, to **GRANT PERMISSION** for the above development in accordance with documents submitted, subject to the 4 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.

  
ACTING DIRECTOR PLANNING & DEVELOPMENT

DATED THIS 12<sup>TH</sup> DAY OF AUGUST, 2013

le

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

**PLANNING REGISTER REFERENCE NUMBER: 13/366**

**FIRST SCHEDULE**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 19<sup>th</sup> June 2013, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. This permission is subject to the terms of the governing permission, Planning Reference No. 12/283, except where departure from the terms of that permission, in respect of installation of a low pressure ventilation system, is hereby authorised by this permission. This permission and the governing permission expires on the 19<sup>th</sup> September 2017.

Reason - In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

3. The poultry house shall be used only in strict accordance with a management schedule submitted to the Planning Authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason - In order to avoid pollution and to protect residential amenity.

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
  - a. Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8 a.m. and 6 p.m.
  - b. Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur.
  - c. The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason - In the interest of public health and amenity.

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL



**Planning Report  
Limerick County Council**

**File No:** 13/366

**Applicant:** Patrick J. O'Connor

**Location:** Rathcahill West, Templeglentine,, Co. Limerick

**Proposal Description:** Permission for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system

**Description:**

Permission is sought for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system. There is a broiler unit on site. The site is located in close proximity to the village of Templeglentine. The site area is 1.51 ha. The lands are owned by the applicant's father.

**Planning History:**

12/283 - Patrick J. O'Connor - Permission for the construction of a broiler house, an Environmental Impact Statement has been submitted as part of the application – Granted

03/993 – Michael & Bridget O' Connor - construction of bungalow incorporating a granny flat with attic space over for future conversion with two gable windows fitted at first floor level, use existing entrance and installation of proprietary waste water treatment system and percolation area – granted

91/177 – Michael O' Connor - Erection of poultry house and boundary wall – granted

**Service:**

N/A

**Pre – Planning**

Meeting held with the undersigned and Stephane Duclot, SEP

**Reports:**

- Environment – no issues

**Screening for Appropriate Assessment**

**Description of project and site:**

<b>Site Location:</b>	Rathcahill West, Templeglentine,, Co. Limerick
<b>Application accompanied by an EIS</b>	No
<b>Site Size/land take:</b>	1.51ha

**Identification of the relevant NATURA 2000 Sites**

<b>Distance to NATURA 2000 site (s)</b>	With 500 km of the STACKS TO MULLAGHAREIRKS SPECIAL PROTECTION AREA
<b>Conservation objectives/quantifying interests of the site and the factors contributing to the conservation value of the site, which are taken from the NATURA 2000 site synopses</b>	The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for Hen Harrier. This SPA is a stronghold for Hen Harrier and supports the largest concentration of the species in the country. A survey in 2005 resulted in 40 confirmed and 5 possible breeding pairs, which represents over 29% of the national total. A similar number of pairs had

	<p>been recorded in the 1998-2000 period. The mix of forestry and open areas provides optimum habitat conditions for this rare bird, which is listed on Annex I of the E.U. Birds Directive. The early stages of new and second-rotation conifer plantations are the most frequently used nesting sites, though some pairs may still nest in tall heather of unplanted bogs and heath. Hen Harriers will forage up to c. 5 km from the nest site, utilising open bog and moorland, young conifer plantations and hill farmland that is not too rank. Birds will often forage in openings and gaps within forests. In Ireland, small birds and small mammals appear to be the most frequently taken prey.</p> <p>Short-eared Owl, also listed on Annex I of the E.U. Birds Directive and very rare in Ireland, has been known to breed within the site. Nesting certainly occurred in the late 1970s and birds have been recorded intermittently since. The owls are considered to favour this site due to the presence of Bank Voles, a favoured prey item. Merlin, a further E.U. Birds Directive Annex I species, also breeds but the size of the population is not known. Red Grouse is found on some of the unplanted areas of bog and heath – this is a species that has declined in Ireland and is now Red-listed.</p>
--	--

**Possible impacts arising from the proposed project**

Potential Impacts:	Impact:	Significance:	Duration
<b>Construction Phase:</b>	Potential – farm complex existing	Limited	Limited
<b>Operational Phase:</b>	Potential – farm complex existing	Limited	Limited
<b>Cumulative Impact of development – taken with other similar types of development in the designated site</b>	Unknown		

**Local Authority advice:**

<b>Comments of Heritage Officer</b>	None
-------------------------------------	------

**NPWS advice:**

<b>Advice received:</b>	None
-------------------------	------

**Screening Conclusion:**

<b>Conclusion</b>	
<b>(A) Is the project directly connected with or necessary to the nature</b>	

<b>conservation management of the site</b>	
<b>(B) No potential for significant effects therefore Appropriate Assessment is not required</b>	No potential for significant effects therefore Appropriate Assessment is not required
<b>© Significant effects are certain, likely or uncertain (in this situation seek a Natura Impact Statement from the applicant or reject the project, reject, if too potentially damaging or inappropriate</b>	

**Assessment:**

Permission is sought for amendments to condition no. 17 of planning reference no. 12/283 to include installation of a low pressure ventilation system. There is a broiler unit on site. The site is located in close proximity to the village of Templeglentine. The site area is 1.51 ha. The applicant indicates that he is the landowner.

**Objective ED O19: Agricultural developments**

The Council will normally permit development proposals for agricultural development where:

- (a) they are appropriate in nature and scale to the area in which they are located;
- (b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;
- (c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;
- (d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and
- (e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

**10.8 Agricultural Development**

Agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) while accepting the need to be functional, are required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and should avoid breaking the skyline.

Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green. The grouping of agricultural buildings will be encouraged and use of existing landscaping in order to reduce their overall impact in the interests of visual amenity.

Some agricultural developments are exempt from planning control. However, no new building or structure on a farm is exempt from planning permission unless it has adequate effluent storage facilities. The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. Developers are required to adhere to the Department of Agriculture Guideline entitled 'Guidelines and Recommendations on the Control of

Pollution from Farmyard Wastes' and the following Slurry Storage and Slurry disposal/recycling requirements:

- All effluent storage tanks should be constructed to Department of Agriculture and Food specifications.
- The capacities of all slurry, effluent and soiled water tanks and all other tanks for pollutants shall comply with the current Department of Agriculture Guidelines and any subsequent documents/guidelines.
- The applicant may be required to demonstrate that sufficient lands of suitable nutrient status are available within a reasonable distance for the disposal/recycling of organic waste from a proposed agricultural development.

#### **10.8.1 Intensive Pig and Poultry Units**

In assessing an application for intensive pig or poultry units, the Planning Authority will consider and require information on the following:

- Depending on the size of the unit, an E.I.S. may be required. In addition an Integrated Pollution Control licence may be required from the Environmental Protection Agency.
- Scale and intensity of operations including the cumulative impact of similar type developments.
- Waste management including frequency and location of disposal relative to pig and poultry units. In addition, the applicant will be required to demonstrate that there is a stable, secure, sustainable outlet for all slurries and manures from the proposed development. All slurry and effluent shall be stored in concrete tanks constructed in accordance with S123 'Minimum Specification: Slatted livestock units; Reinforced Concrete tanks' (DAFF 1994) or other types of structures approved by the Planning Authority.
- Air pollution arising from housing units and effluent storage, transportation and spreading. The control of odour is another important consideration.
- Proximity of development to aquifers and watercourses.
- Units should be located a minimum of 400 metres from the nearest dwelling other than the applicants dwelling. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlement because of the impacts on residential amenities.
- Animal housing units in terms of design, and associated activities such as cleaning, ventilation and heating.
- Landscaping of site - a comprehensive landscaping plan should be submitted as part of the planning application.

*Under the Planning and Development Regulations 2001, Schedule 5, Part 1 (17)*  
*Installations for the intensive rearing of poultry or pigs with more than-*

- (a) 85,000 places for broilers, 60,000 places for hens,*
- (b) 3,000 places for production pigs (over 30 kilograms),*
- (c) 900 places for sows.*

*However under the Planning and Development Regulations 2001, Schedule 5, Part 2*

- e) (i) *Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.*
- (ii) *Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.*

However, on the advice of the Department of Environment, Community, Local Government, (DoECLG) they point to the interaction between Part 1 and Part 2 of Schedule 5 is such that the thresholds are 40,000 poultry places, irrespective of type of bird. In effect, the EIS Regulations Schedule 5 Part 2 ref to 40,000 poultry places trumps the Part 1 ref to 85,000 broilers and 60,000 hens because, in referring to "any other poultry projects of a type not covered in Part 1", it covers all poultry projects, including broiler/hen units up to say 84,999 broilers and 59,999 hens. DoECLG Planning Info Leaflet PL6 copper fastens the interpretation. It speaks about a mandatory threshold for EIA of 40,000 poultry places.

*Having EPA Guidance on Integrated Pollution Control Licensing – Batneec Guidance Note for the Poultry Production Sector, indicates "Poultry units should be sited a distance of preferable not less than 400 metres from the nearest neighbouring dwelling and all operations on site shall be carried out in a manner such that air emissions and/or odours do not result in significant impairment of or significant interference with amenities or the environment beyond the site boundary".*

There are 40,000 birds on site at present; the proposal will include 34,000 birds. This site will be IPPC licensable by the EPA at this point. The applicants submitted an EIS which was assessed under planning reference 12/283; the planning authority attached a condition to install a bio filter/bio scrubber in Condition No. 17.

The EPA state in the draft Guidelines that:

"Experience has shown that the biggest single complaint from the public concerning the development of new (or expanded) intensive animal production facilities is the potential for odour, and the consequent impact on material asset values of nearby properties."

The 400 metre separation distance would seem however to be a fairly rough "guideline" re odour dispersal as the same standard is used in relation to the suggested separation distance for a 300 sow unit on non-gley soils in the EPA "BATNEEC Guidance Note For The Pig Production Sector". In odour terms, 300 sows would probably have a much greater impact assuming equal compliance with BATNEEC standards etc. On the basis of a Dutch Study the applicant in the E.I.S. indicates that a 6,000 hen unit is equivalent to 10% approximately of the odour output of a 100 sow integrated pig production unit. The EPA has produced a fairly comprehensive report entitled "Odour Impacts and Odour Emission Control Measures for Intensive Agriculture" (2001). This report examines amongst other issues "set-back" distances as applied in Germany, The Netherlands and New Zealand which are themselves subject to various qualifying parameters.

The prevailing wind in this area is from the south-west and south so that a number of dwellings including the closest to the poultry house would experience limited odour nuisance from the development. On the basis of the insights provided, it has been concluded that in the semi rural/agricultural environment at which this site is located, the separation distance between the proposed poultry house and that of the nearest dwelling is satisfactory. Subject to feed and manure management, tree planting etc., the development as presented would not seriously injure the amenities or depreciate the value of residential property in the vicinity.

**Contribution:**

N/A – amendment to 12/283

**Part V:**

N/A

**Recommendation:**

In light of the information submitted and nature of the proposal, I recommend a grant of planning permission as follows:

**Schedule 1**

Grant permission

**Schedule 2**

1. Std. 1 – 19/06/13
2. Std. 8 .....12/283 ..... installation of a low pressure ventilation system.....19/09/17
3. The poultry house shall be used only in strict accordance with a management schedule submitted to the planning authority. The management schedule shall comply with the requirements of an IPPC Licence.

Reason: In order to avoid pollution and to protect residential amenity

4. In relation to the collection and transportation of poultry manure off-site, the following shall apply:
  - a) Cleaning of the poultry unit shall not be carried out on Saturdays, Sundays or on public holidays and shall take place between the hours of 8am and 6pm
  - b) Residents within 400 metres of the poultry house shall be informed when emptying of the storage facility is to occur
  - c) The transport of poultry manure shall be in suitably contained leak proof vehicles.

Reason: In the interest of public health and amenity.

Signed

Executive Planner

Date

*Van Zonke*  
31/7/13

Signed:

Senior Executive Planner

Date

*[Signature]*  
12/08/2013

M 13/366

**LIMERICK COUNTY COUNCIL**

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

**NOTIFICATION OF GRANT OF PERMISSION**

Patrick J. O'Connor  
c/o William O'Regan  
Dromrahee  
Ardagh  
Co. Limerick

**PLANNING REGISTER NUMBER :** 12/283

**APPLICATION RECEIPT DATE:** 12/04/2012

---

Permission for the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application) at Rathcahill West Templeglantine .

Further to the Order dated: 13/08/2012

---

A PERMISSION has been granted for the development described above subject to the 17 condition(s) set out on the Schedule which accompanied the Notification of the Council's Decision dated 13/08/2012.

Signed on behalf of the said Council

  
\_\_\_\_\_  
(for) Acting Director of Services  
Planning & Development  
Date: 20/09/2012

Please note that the provisions of Planning & Development Acts, 2000 - 2011 limits the duration of this planning permission to a period of five years from the date hereof.

**LIMERICK COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000-2011**

**NOTIFICATION OF DECISION TO GRANT**

Patrick J. O'Connor  
c/o William O'Regan  
Dromrahnee  
Ardagh  
Co. Limerick

**Planning Register Number:** 12/283  
**Valid Application Received:** 12/04/2012  
**Further Information Received Date:** 21/06/2012

In pursuance of the powers conferred upon them by the above-mentioned Act, Limerick County Council has by Order dated **13<sup>th</sup> August, 2012** decided for the reason set out in the First Schedule hereto, to **GRANT PERMISSION** for development of land in accordance with the documents submitted namely: **the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application) at Rathcahill West Templeglantine** subject to the 17 condition(s) and the reasons for the imposition of the said condition(s) as set out in the Second Schedule.

Signed on behalf of said Council AM  
for ACTING DIRECTOR OF SERVICES  
PLANNING & DEVELOPMENT

Date: **13<sup>th</sup> August, 2012**

Under Article 20 of the Planning & Development Regulations 2001 - 2012 the applicant shall remove the site notice in respect of the application following notification of the Planning Authority's decision.

In deciding the planning application, the Planning Authority, in accordance with Section 34(3) of the Planning & Development Acts 2000 - 2011 has had regard to submissions/observations received (if any) in accordance with the Planning & Development Regulations 2001 - 2012.

If there is no appeal to An Bord Pleanála a grant of permission shall be issued as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal (see footnote).

**THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS GRANTED.**

**NOTE:**

An appeal against a decision of a planning authority under the provisions of the Planning & Development Acts, 2000-2011 may be made to An Bord Pleanála at any time before the expiration of the appropriate period and on payment of the appropriate fee, by an applicant for permission or any person who made submissions or observations in writing in relation to the planning application. An appeal by a person who made submissions or observations must be accompanied by the acknowledgement of receipt of the submissions or observations from the planning authority. Any such appeal must be made in writing and received by the Board within 4 weeks beginning on the date of the making of the decision by the planning authority. The appeal must be fully complete from the start otherwise it will be invalid. It is very important to note that any appeal referrals under the 2000 to 2011 Planning & Development Acts which are not accompanied by the correct fee will be invalid.

/P.T.O.



The scale of fees payable to An Bord Pleanála in respect of appeals is set out hereunder:

Case Type	Appeal received on or after 5 <sup>th</sup> September 2011
<b>Planning Acts</b>	
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved.	€100,000
b. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application included retention of development.	€4,500 or €9,000 if *EIS or **NIS involved
c. Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€1,500 or €3,000 if *EIS or **NIS involved
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to retention of development, other than an appeal mentioned at (b) or (c) (non-commercial development).	€660
e. 1 <sup>st</sup> party appeal solely against contribution condition(s) – (2000 Act Section 48 or 49).	€220
f. Appeal other than an appeal mentioned at (b), (c), (d) or (h)	€220
g. Application for leave to appeal.	€110
h. Appeal following a grant of leave to appeal.	€110
i. Referral.	€220
j. Reduced fee (payable by specified bodies).	€110
k. Submissions or observations (by observer) on strategic infrastructure development applications, appeals and referrals.	€50
l. Request from a party for an oral hearing.	€50
*EIS - Environmental Impact Statement	
**NIS - Natura Impact Statement	

Submissions or observations on appeals made by third parties must be received by the Board within 4 weeks from the receipt of the appeal by the Board and the fee in this case is €50. Development consisting of the provision of two or more dwellings is classed as commercial development for the purposes of an appeal.

Should you wish to make an appeal, the following documents are available on [www.pleanala.ie](http://www.pleanala.ie)

- A Planning Appeal Form/Checklist and
- A Guide to making a Planning Appeal.

Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1.

**PLANNING REGISTER REFERENCE NUMBER: 12/283**

**FIRST SCHEDULE**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 12<sup>th</sup> April 2012, as amended by the further plans and particulars submitted on the 21<sup>st</sup> June 2012, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. No sound trees or hedgerows on the site shall be removed unless their removal is necessitated by a condition of this permission.

Reason - In the interest of amenity.

3. All farming activities shall be carried out in accordance with requirements of The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (S.I. No. 610 of 2010) also known as the "Nitrates Regulations" or any replacement or further amendment thereof including S.I. No. 125/2011 - European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2011.

Reason - In the interest of environmental protection & in particular the prevention of pollution of ground or surface waters.

4. Roof covering/sidings shall be a dark colour PVC coated steel or shall be painted in a dark colour e.g. dark green, dark grey, dark brown, dark red.

Reason - In the interest of visual amenity.

5. Wash-water from poultry houses shall be stored in concrete tanks (minimum 10-day holding capacity) constructed in accordance with Department of Agriculture & Food Specification S123: "Minimum Specification for Bovine Livestock Units & Reinforced Tanks (March 2006)" or other type of structure approved by the Planning Authority.

Reason - To avoid pollution and nuisance in the interest of the proper planning and development of the area.

6. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority. Details of the disposal means and final destination of the litter of each turnover of birds shall be submitted for the agreement of the planning authority prior to the removal of the litter.

Reason - In the interest of public health and amenity.

7. The temporary on site storage of carcasses shall be in sealed containers.

Reason - In the interest of public health and amenity

8. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason - In the interest of public health and amenity.

9. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written approval of the planning authority.

Reason: In the interest of public health and amenity.

10. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900-0800 Monday to Friday or at any time during Saturday, Sunday or Public Holiday.

Reason - In the interest of public health and amenity.

11. The developer shall maintain on site, at his expense, a register for each calendar year for which shall be available for the inspection of Limerick County Council at all reasonable times and which shall include a record of times and dates of transportation of chicken litter, volumes of litter transported, names of authorised litter disposal contractors and final destination of the litter.

Reason - In the interests of public health and pollution control.

12. Prior to the commencement of development on site, the applicant shall submit details for the volume of wash-water generated during clean-out operations for the written agreement of the Planning Authority. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

Reason - In the interest of orderly development.

13. No litter shall be stored outside the poultry houses, on removal of litter from the houses; all litter shall be removed and transported off site, in accordance with details submitted on the 21<sup>st</sup> June 2012.

Reason - In the interest of orderly development and residential amenity.

14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the Planning Authority prior to commencement of development on site.

Reason - In the interest of orderly development.

15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the Planning Authority.

Reason - In the interest of orderly development.

16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>).

Reason - In the interest of protection of ecology importance of the area.

17. A biofilter/bioscrubber shall be installed prior to occupation of the poultry house with the first flock of birds, full details of the design, operation, functionality and efficiency of the system shall be submitted for the written agreement of the Planning Authority.

Reason - In the interest of residential amenity.

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

Limerick County Council

PLANNING AND DEVELOPMENT ACTS 2000-2011

Director Planning & Development Order No: P.D. 625/12

Reference Number: 12/283

Name of Applicant: Patrick J. O'Connor  
Address: c/o William O'Regan  
Dromrahnee  
Ardagh  
Co. Limerick

Nature of Application PERMISSION for the construction of a broiler unit (an Environmental Impact Statement has been submitted as part of this application)

Location of Development: Rathcahill West Templeglantine

Recommendation of A/S.P. PERMISSION BE GRANTED for the above mentioned development subject to the 17 condition(s) set out in the Second Schedule hereto.

**ORDER:**

Whereas by County Manager's Order No. HR. 131/12 dated 9<sup>th</sup> April 2012, Gerard Behan, Limerick County Manager, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, delegate unto Gerard Sheeran, effective from the 9<sup>th</sup> April 2012 the functions within the meaning of the Local Government Act, 2001 as set out therein.

NOW THEREFORE pursuant to the delegation of the functions aforesaid, I, Gerard Sheeran, Acting Director of Services, Limerick County Council, hereby decide, pursuant to the provisions of the Planning & Development Acts, 2000-2011 and the Planning & Development Regulations 2001-2012, for the reason set out in the First Schedule attached hereto, to **GRANT PERMISSION** for the above development in accordance with documents submitted, subject to the 17 condition(s) set out in the Second Schedule attached hereto.

Notification of decision to grant to issue forthwith and notification of the grant of PERMISSION to issue as soon as may be but not earlier than 3 working days after the expiration of the period for making of an appeal.

  
ACTING DIRECTOR PLANNING & DEVELOPMENT

DATED THIS 13<sup>TH</sup> DAY OF AUGUST, 2012

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

**PLANNING REGISTER REFERENCE NUMBER: 12/283**

**FIRST SCHEDULE**

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application on the 12<sup>th</sup> April 2012, as amended by the further plans and particulars submitted on the 21<sup>st</sup> June 2012, except as may otherwise be required in order to comply with the following conditions.

Reason - In order to clarify the development to which this permission applies.

2. No sound trees or hedgerows on the site shall be removed unless their removal is necessitated by a condition of this permission.

Reason - In the interest of amenity.

3. All farming activities shall be carried out in accordance with requirements of The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (S.I. No. 610 of 2010) also known as the "Nitrates Regulations" or any replacement or further amendment thereof including S.I. No. 125/2011 - European Communities (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2011.

Reason - In the interest of environmental protection & in particular the prevention of pollution of ground or surface waters.

4. Roof covering/sidings shall be a dark colour PVC coated steel or shall be painted in a dark colour e.g. dark green, dark grey, dark brown, dark red.

Reason - In the interest of visual amenity.



5. Wash-water from poultry houses shall be stored in concrete tanks (minimum 10-day holding capacity) constructed in accordance with Department of Agriculture & Food Specification S123: "Minimum Specification for Bovine Livestock Units & Reinforced Tanks (March 2006)" or other type of structure approved by the Planning Authority.

Reason - To avoid pollution and nuisance in the interest of the proper planning and development of the area.

6. Poultry litter shall be disposed of, and detailed records shall be maintained with regard to litter disposal, in a manner to be agreed with the planning authority. Details of the disposal means and final destination of the litter of each turnover of birds shall be submitted for the agreement of the planning authority prior to the removal of the litter.

Reason - In the interest of public health and amenity.

7. The temporary on site storage of carcasses shall be in sealed containers.

Reason - In the interest of public health and amenity.

8. The transport of poultry manure shall be in suitably contained, leak proof vehicles.

Reason - In the interest of public health and amenity.

9. Any alteration to the disposal method for litter and casualty birds shall only be implemented with the prior written approval of the planning authority.

Reason: In the interest of public health and amenity.

10. Cleaning of the poultry units and removal of spent litter shall not occur during the hours 1900-0800 Monday to Friday or at any time during Saturday, Sunday or Public Holiday.

Reason - In the interest of public health and amenity.

11. The developer shall maintain on site, at his expense, a register for each calendar year for which shall be available for the inspection of Limerick County Council at all reasonable times and which shall include a record of times and dates of transportation of chicken litter, volumes of litter transported, names of authorised litter disposal contractors and final destination of the litter.

Reason - In the interests of public health and pollution control.

12. Prior to the commencement of development on site, the applicant shall submit details for the volume of wash-water generated during clean-out operations for the written agreement of the Planning Authority. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

Reason - In the interest of orderly development.

13. No litter shall be stored outside the poultry houses, on removal of litter from the houses; all litter shall be removed and transported off site, in accordance with details submitted on the 21<sup>st</sup> June 2012.

Reason - In the interest of orderly development and residential amenity.

14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the Planning Authority prior to commencement of development on site.

Reason - In the interest of orderly development.

15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the Planning Authority.

Reason - In the interest of orderly development.

16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>).

Reason - In the interest of protection of ecology importance of the area.

17. A biofilter/bioscrubber shall be installed prior to occupation of the poultry house with the first flock of birds, full details of the design, operation, functionality and efficiency of the system shall be submitted for the written agreement of the Planning Authority.

Reason - In the interest of residential amenity.

VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

**Planning Report**  
**Limerick County Council**

**File No:** 12/283

**Applicant:** Patrick J. O'Connor

**Location:** Rathcahill West, Templeglentine,, Co. Limerick

**Proposal Description:** Permission for the construction of a broiler house, an Environmental Impact Statement has been submitted as part of the application

---

**Assessment:**

See previous planners report in which further information was requested as follows:

The applicants are advised that the Planning Authority have concerns with regard to the generic nature of the Environmental Impact Statement submitted, the failure to deal with site specific issues and the ambiguity in dealing with relevant issues, in order to determine the file, please submit the following further information:

The applicant shall submit a letter of consent from the landowner consenting to seek planning permission.

**Details submitted and acceptable**

The odour management plan submitted is not site specific and doesn't address the 'at risk targets' in the form of residential dwellings, which could be particularly vulnerable to odour nuisance from the facility. Potentially sensitive receptors in Templeglentine Village, in terms of the Hotel, Shop/Post Office, School, Church and residential development have not been identified and are deemed a critical omission.

**The HSE have indicated that there are 11 stand alone houses and 22 residential units in the Council Estate within 400 metres of the site, the Devon Inn falls just outside this outside the 400 metres area, the HSE have raised issue with the fact that this is as hospitality setting and a sensitive receptor. Dwelling houses identified as 6, 7, 8 and 9 are particularly vulnerable as they are within 100 metres of the site. Furthermore the development is in close proximity to the village of Templeglentine and potentially a much higher density of sensitive receptors, which are marginally outside the 400 metre radius.**

Provide specific details of the proposed heating, ventilation, dust management and drinking systems to demonstrate that Best Available Techniques\* will be employed. This shall be certified by a suitably qualified person to meet "Best Available Technology" criteria.

**The applicants indicate that the water and feed system is dependent on the supplier of the poultry house, the major suppliers of poultry houses employ the same system, the drinkers will be low flow nippers with a drip cup to reduce spillages onto the litter. The feed system will be a low pan for easy access to the feed. The large feeding surface offers optimal eating comfort to 360 degree feeding keeps the pan full of feed. The special grill design keeps young birds out of the pan from 10 days onwards thus avoiding spillages. The applicant will install the best available feed and watering systems as shown in the attached. The applicants propose to install the best available feed and watering system and associated infrastructure to meet BAT requirements. The applicants are willing to install a biofilter/bio scrubber of odour generated from the operation cannot be managed.**

The proposal submitted doesn't specify the proposed method of disposal/recovery for

- a. Soiled waters generated on site
- b. Poultry litter generated on site

In this regard, the applicant is requested to submit a detailed Nutrient Management Plan in accordance with the provisions The European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010.

- (a) In the event of poultry litter been and soiled water been applied to land as a fertiliser, there is a requirement for the intensive agriculture to demonstrate recovery capacity for nutrients generated
- (b) The Nutrient Management Plan shall identify the available nutrients of the poultry manure and soiled waters, the nutrient requirements of the receiving lands and the crop(s) grown thereon.
- (c) The location, name and addresses along with Ordinance Survey Maps of the proposed land parcels to be utilised shall be submitted
- (d) Letter of consent form such landowners (that the consent to spreading poultry manure shall be submitted by the applicant.

NOTE – It will not be permitted to land spread poultry litter in Co. Limerick unless soil samples have been taken for proposed spread lands. The plan shall include details in relation to storage of poultry litter during the “closed period” (15<sup>th</sup> October to 15<sup>th</sup> January)”.

**Litter disposal will be disposed of to Gavin Owens, Straw Chip Limited, Ballycullane, Athy, Co. Kildare, no litter will be spread in Co. Limerick, soiled water is proposed to be land spread in fields in the ownership of the applicants family, in the vicinity of the site, letter attached from Michael Noel O' Connor. During the closed period, the soiled water will be disposed of at Cremins Farm Compost facility, letter attached.**

Details shall be provided for the volume of wash-water generated during clean-out operations. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

**5 – 10 cubic metres of wash water, the proposed tank will hold 16 cubic metres of wash waster**

The Environmental Impact Statement suggests that “In Mr. O' Connors proposed poultry operation the litter will be removed and placed in a trailer for off site recovery”, the applicant shall clarify the location and detail of such on site arrangements. Litter removed from rearing facilities at the end of a production cycle shall be stored dry and in such a manner as to prevent nuisance arising from dust, odour and run – off contamination. Best practice would indicated that on – site storage facilitates should be covered and sited at a distance of in excess of 400 metres from residential properties.

**Litter disposal will be disposed of to Gavin Owens, Straw Chip Limited, Ballycullane, Athy, Co. Kildare**

The applicant shall clarify the existing and proposed water supply on site, and clarify the meaning of “low quality” as identified in the Environmental Impact Statement.

**Main supply is from Local Authority supply, only use well on site, if there is an issue with the mains supply**

The applicant shall identify all residential properties on a suitable scaled site location map, within 400 metres of the site.

## Details submitted

A report was also received from the Department of Arts, Heritage and the Gaeltacht, concerns raised in relation to the proximity of the site to the Lower River Shannon Special Conservation Area, the possibility of a badger sett on site and removal of hedgerow.

The HSE maintain concerns with regard to the high density of dwellings and commercial properties in close proximity to the site of the proposed development, notwithstanding the existing development on site, they consider the proposal as an intensification of the operation on site. However they conclude by stating "submission references a commitment on behalf of applicant to install a biofilter/bioscrubber, if odour generated from the operation cannot be managed, however no detail or specification is provided in respect of design, operation, functionality or efficiency of such a system. In the absence of same, the public health concerns of this office have not been adequately addressed". The planning authority have considered the location, the existing operation on site and the details submitted and consider that the proposal is acceptable subject to the installation of a biofilter/bioscrubber.

Report from the Environment Section of LCC states:

Prior to any grant of Planning Permission Mr. O' Connor should be asked for clarification on the following further:

- Nutrient Management Plan for Poultry Wash Water – Explain why it is necessary to use Mr. Cremin's lands for spreading of poultry washings / Provide full Nutrient Management Plans (in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 & 2011 for both Michael O' Connor & for Maurice Cremins. Include Single Farm Payment Details, Clear maps of spread lands, N&P Statements and soil samples where available. NOTE – Where soil sample results are not currently available Index 3 for Phosphorus can be assumed provided a revised plan is submitted when samples have been taken next Winter.

The applicants are proposing to spread litter on Michael O' Connors lands, details submitted and to bring the remainder to the Cremins processing facility, which is acceptable

- Soiled Water Tanks – Provide calculations showing volume of washings arising from cleaning of sheds and for the yard area over which soiled water flows. Show gross volume of proposed tank and net volume (i.e. net of freeboard and rainfall).

Condition to be attached

- Is poultry litter stored on the farm? Mr. O' Connor should be asked to clarify what is meant by the statement "*The litter produce on-site will be placed in trailers for disposal to Gavin Owens, Straw Chip Limited*" (contained in submission from Trevor Montgomery dated 10<sup>th</sup> June 2012). Where litter is stored on the farm adequate storage facilities for same must be demonstrated.

Condition to be attached

- Provide details of bio-filter / bio-scrubber referred to in submission from Trevor Montgomery dated 10<sup>th</sup> June 2012.

Condition to be attached

**Part V:**

N/A

**Contribution:**

N/A

**Recommendation:**

In light of the information submitted and the nature and location of the site, I recommend a grant of planning permission as follows:

**Schedule 1**

Grant permission

**Schedule 2**

1. Std. 1 – 12/04/12 and 21/06/12
2. Std. 9
3. Std. 167
4. Std. 168
5. Std. 171
6. Std. 172
7. Std. 173
8. Std. 174
9. Std. 175
10. Std. 177
11. Std. 178
12. Prior to the commencement of development on site, the applicant shall submit details for the volume of wash-water generated during clean-out operations. A yard sketch shall be included showing flow-paths of all such effluents. The sketch should clearly show the area of all soiled yards. Calculations shall be provided to demonstrate that the effluent collection facility is adequately sized to meet the requirements of the above Regulations.

Reason: In the interest of orderly development

13. No litter shall be stored outside the poultry houses, on removal of litter from the houses; all litter shall be removed and transported off site, in accordance with details submitted on the 21/06/12.

Reason: in the interest of orderly development and residential amenity

14. Appropriate mitigation measures shall be put in place to ensure no derogation of water quality of the stream located alongside the site, during construction on site, full details shall be agreed in writing with the planning authority prior to commencement of development on site.

Reason: In the interest of orderly development

15. The proposed development shall be screened from the national road, with screen planting on the northern and western boundaries of the site, planting

PLANNING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL

for the  
written  
agreement of  
the PA

shall be mature indigenous trees, prior to the commencement of development details of the type, age and location of the proposed trees shall be agreed in writing with the planning authority.

Reason: In the interest of orderly development

16. No hedgerows shall be removed or altered on site, if any works are required to site to facilitate development, these works shall be carried out, outside the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>).

Reason: In the interest of protection of ecology importance of the area


17. A biofilter/bioscrubber shall be installed prior to occupation of the poultry house with the first flock of birds, full details of the design, operation, functionality and efficiency of the system shall be submitted for the written agreement of the planning authority.

Reason: In the interest of residential amenity

Signed  
Executive Planner  
Date

  
9/8 /12

Signed:  
Acting Senior Planner  
Date

  
09/08/12

VIEWING PURPOSES  
LIMERICK COUNTY  
COUNCIL

PA 12/283



VIEWING PURPOSES ONLY  
LIMERICK COUNTY  
COUNCIL