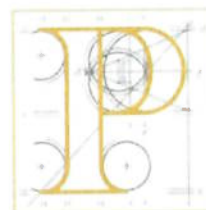


Our Case Number: ABP-321395-24

Planning Authority Reference Number: 2460311



An
Bord
Pleanála

Laois County Council
Áras an Chontae
James Fintan Lalor Avenue
Portlaoise
Co. Laois
R32 EHP9



Date: 09 December 2024

Re: Extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works. This application is accompanied by a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR).
Graigue, Ballinakill, County Laois.

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). **You are requested to submit these pilot digital planning application documents to An Bord Pleanála electronically. The documents are to be uploaded on our digital portal as agreed with the training from the LGMA.**

Please upload, within a period of 2 weeks beginning on the date of this letter, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,

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Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same, (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Contingency Submission

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Ríomhphost

Tel (01) 858 8100
LoCall 1800 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
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5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to **(ABP-321395-24)** the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,

PP Lauren Murphy

Dillon Corcoran
Administrative Assistant
Direct Line: 01-8049313

Digital BP07-Xmas

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Tel
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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

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Dublin 1
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PETER SWEETMAN
Wild Ireland Defense CLG

11 APPEAL 2460311 LAOIS COUNTY COUNCIL

REG.NO.	2460311
DESCRIPTION	extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works. This application is accompanied by a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR)
ADDRESS	Graigie, Ballinakill, County Laois, R32 FX31

As this development is less than 50m from of the
River Barrow and River Nore SAC (002162)
Appropriate Assessment under Article 6.3 of the Habitats Directive is required.

1. *The threshold for screening for Appropriate Assessment is set out in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) which states at 26*
26. There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s.1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process which is well explained by Advocate General Sharpston in Case C-258/11 Sweetman at paras 47-49:
"47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.

This point is further explained in the CJEU decision In Case C-323/17, People Over Wind and Peter Sweetman v Coillte Teoranta which states;

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The threshold the any decision to grant permission must pass in this context is explained in paragraph 44 of CJEU Case 258/11

"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

This is a strict standard and the Planning Authority does not have legal jurisdiction to give permission if it is not met.

Fourthly the development must be assessed for compliance with the requirements of the Water Framework Directive.

On those grounds, the Court (Second Chamber) hereby rules:

1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision, even if those activities, in so far

AN BORD PLEANÁLA

LDG- 076619-24

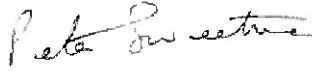
ABP- _____

06 DEC 2024

Fee: € 220.00 Type: cheque

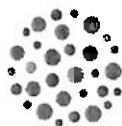
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as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.



**Peter Sweetman, Director
Wild Ireland Defense CLG
PO Box 13611 Bantry Co Cork**

Laois County Council Planning Authority, Viewing Purposes Only



THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

Laois County Council

PLANNING APPLICATION REFERENCE No: 2460311

A submission/observation in writing, has been received from PETER SWEETMAN on 25/06/2024 in relation to the above planning application.

The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Yours faithfully,
Laois County Council

IS DOICIMÉAD TÁBHACHTACH É SEO

COINNIGH AN DOICIMÉAD SEO SLÁN. BEIDH ORT AN ADMHÁIL SEO A CHUR AR FÁIL DON BHORD PLEANÁLA MÁS MIAN LEAT ACHOMARC A DHÉANAMH IN AGHAIDH CHINNEADH AN ÚDARÁIS PHLEANÁLA. IS É SEO AN tAON FHIANÁISE AMHÁIN ATÁ ANN A NGLACFAIDH AN BORD PLEANÁLA LEIS GUR CUIREADH AIGHNEACHT FAOI BHRÁID AN ÚDARÁIS PHLEANÁLA MAIDIR LEIS AN IARRATAS.

Laois County Council

UIMHIR THAGARTHA AN IARRATAIS PHLEANÁLA: 2460311

Maidir leis an iarratas pleanála thuasluaite fuarthas aighneacht/tuairim i scríbhinn ó PETER SWEETMAN ar 25/06/2024.

Íocadh an táille chuí de €20. (Ní chaithfidh comhlachtaí forordaithe aon táille a íoc)

Tá an aighneacht/tuairim ag teacht leis na forálacha cuí atá i Rialacháin Phleanála agus Forbartha 2001 agus cuirfidh an tÚdarás Pleanála sin san áireamh agus é ag déanamh cinneadh ar an iarratas pleanála.

Is mise le meas,
Laois County Council