

APPLICATION NO.	19/06379
APPLICANT	Kieran O'Regan
DESCRIPTION	Agricultural development consisting of 4 no. broiler houses to house 50,000 broilers per house, waste storage shed incorporating biomass burner, office and changing facilities, service yard and storage shed, staff accommodation with waste water treatment system and all associated site works. An Environmental Impact Statement accompanies this application. This application relates to development which comprises or is for the purpose of an activity requiring an Integrated Pollution Prevention and Control Licence. Extension of Duration of Permission granted under Planning Ref: 14/4342 and An Bord Pleanála Appeal Ref: 04.244440.
LOCATION	Knockbrown Bandon Co. Cork
DECISION DUE DATE	08/01/2020

Assessment

Report of Senior Executive Planner

I have inspected the site and note the assessment and report of the Area Planner.

This is a S42 application which seeks to extend the duration of the permission granted on this site under PL. 04.244440 and Plan Ref 14/4342 for an agricultural development consisting of 4 no. broiler houses to house 50,000 broilers per house, waste storage shed incorporating biomass burner, office and changing facilities, service yard and storage shed, staff accommodation with waste water treatment system and all associated site works.

This application seeks to extend the duration of the governing permission by a 5 year period.

This application has been made under subparagraph (ii) (I) of Section 42 (1)(a) of the Planning and Development Act, 2000 (as amended), i.e. that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development or the carrying out of substantial works. In this regard, the applicant has cited economic reasons and the uncertainty regarding the potential impact of Brexit on the food and agri sectors as reasons under Section 42 (1) (a) (ii) (I) of the Planning and Development Act, 2000 (as amended).

The applicant was asked to submit details on works carried out to date on the site, through a request for further information (issued on the 22/11/2019). The applicant's response indicates that site drainage and site preparation works have taken place on the site at a cost of €35,000 which represents approximately 1.18% of the overall budget of the project at €2,950,000. Having regard to the level of works carried out to date on the site and the equivalent financial outlay, and following discussions with the Senior Planner, I am satisfied that substantial works pursuant to the planning permission have not taken place on site.

Assessment

- i. **That there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission?**

The applicant has made a case on economic grounds. The Planning Authority is satisfied that considerations of a commercial, economic or technical nature beyond the control of the applicant substantially militated against the carrying out of substantial works pursuant to the planning permission.

- ii. **That there have been no significant changes in the development objectives in the development plan or in regional development objectives for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area,**

It is considered that there have not been significant changes in either the development plan objectives or regional development objectives for the area since the date of the permission which would render the development inconsistent with the proper planning and sustainable development of the area.

- iii. **That the development would not be inconsistent with the proper planning and sustainable development of the area having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section.**

It is considered that having regard to any guidelines issued by the Minister under Section 28, the development would not be inconsistent with the proper planning and sustainable development of the area.

- iv. **Where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.**

Development has commenced on the site.

The original planning application was accompanied by an EIS which was assessed before permission was granted.

The applicant submitted a screening statement for appropriate assessment with the original planning application. The screening exercise for Appropriate Assessment

which was carried out before permission was granted, screened out impacts on any Natura 2000 sites.

Has the application been made in accordance with S42 (1)(a) and (b) (c) & (d) (relating to compliance with regulations – timing of application).

It is considered that the application has been made in accordance with the S42 (1)(a) and (b), (c) and (d). The application was made prior to the end of the appropriate period.

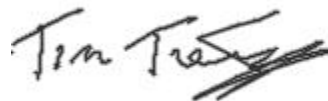
Conclusion

The proposal accords with Sections 42(1)(a)(ii)(I),(II), (III), (IV) & (b),(c) & (d) of the Planning and Development Act 2000 (as amended) and it is considered acceptable to extend the duration of the permission granted under PL 04.244440 (Planning Reference 14/4342) for an additional 5 year period.

Conclusion

Grant Application

Conditions/Reasons



Tim Twomey
Senior Executive Planner
07/01/2020