



An
Coimisiún
Pleanála

Commission Order
ABP-321181-24

Planning and Development Act 2000, as amended

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2412

Appeal by Wild Ireland Defense CLG on behalf of Peter Sweetman of PO BOX 13611, Bantry, County Cork against the decision made on the 7th day of October, 2024 by Tipperary County Council to grant subject to conditions a permission to Michael Ahern care of Joseph Barry, Architectural, Technician and Surveyor of Castleconnell, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a farm building and the construction of a new farm building consisting of cattle pens, a calf house, a fodder and machinery shed and an underground slurry storage tank at Ballymackeogh, Newport, County Tipperary.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the Existing Farm Buildings and farming activity on site and the policies and objectives of Tipperary County Development Plan 2022-2028 including Policy 10-3 with regard to agricultural development, it is considered that subject to compliance with the conditions set out below, the proposed development would, therefore, be in accordance with the development plan and with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission requested technical advice from the Commission's Ecologist, having considered the Ecologist's assessment and conclusion, the Commission did not concur with the Inspectors reasons for refusal. Based on the Ecologist's conclusion that there is no surface water pathway to the Lower River Shannon Special Area of Conservation, the Commission concurred with the planning authority and is satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European Site Lower River Shannon Special Area of Conservation and its conservation objectives.

The Commission considered that the proposed development would not have a detrimental impact on the water quality of the Newport River as there is no surface water pathway, and subject to good farm practices, the Commission was satisfied that the proposed development would not result in a risk of deterioration of any water body or jeopardise any water body in reaching Water Framework Directive objectives and consequently the proposed development can be excluded from further assessment.

Appropriate Assessment Screening

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lower River Shannon Special Area of Conservation (Site Code: 002165) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Lower River Shannon Special Area of Conservation (Site Code: 002165) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (iii) mitigation measures which are included as part of the current proposal, and
- (iv) the technical report prepared by the Commission's Ecologist.

In completing the Appropriate Assessment the Commission accepted and adopted the Appropriate Assessment carried out by the planning authority and the Commission's Ecologist's conclusion in respect of the potential effects of the proposed development on the aforementioned European Site.

Proper Planning and Sustainable Development

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of August 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

4. Uncontaminated surface water runoff from roofs and clean paved areas within the farmyard shall be collected separately from farmyard materials (slurry, silage effluent, milking parlour washings and contaminated surface water) and shall be disposed of directly in a sealed system to adequate stone filled soakpits. The necessary intercepting drain (gridded drain) shall be constructed between the entrance piers and drained to soakaways on the site.

Reason: In the interest of orderly and sustainable development and to minimise the volume of farmyard waste generated.

5. Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the preparation of Resource and Waste Management Plans for the construction and demolition projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and resources) pursuant to be agreed RWMP shall be available for inspection at the site office at all times.

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

6. All oxidisable and galvanised surfaces of the development shall be painted a dark green matt colour or similar dark matt colour and shall be so maintained in perpetuity.

Reason: In the interest of visual amenity.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, and noise, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.



Mary Henchy

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 19th day of Dec-1 2025.