



An  
Bord  
Pleanála

## Inspector's Report 300957-18

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### Development

The construction of a pig house with all ancillary structures and associated site works including upgrading of existing entrance arising from the proposed development.

### Location

Walsh Island, County Offaly.

### Planning Authority

Offaly County Council.

### Planning Authority Reg. Ref.

17/270.

### Applicant

Stephen Fahy.

### Type of Application

Permission.

### Planning Authority Decision

Refusal of permission.

### Type of Appeal

First Party

### Appellant

Stephen Fahy.

### Observer

Martin F. Lyons.

### Date of Site Inspection

4<sup>th</sup> May 2018.

### Inspector

Derek Daly.

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Walsh Island in a rural area approximately 0.7 kilometres northeast of the village of Walsh Island and 10 kilometres north of Portarlington in County Offaly.
- 1.2. The appeal site is located off the R400 Rochfortbridge to Portarlington Regional Route and is access via a private road and through fields off the regional route and is approximately 700 metres west of the junction with the regional route.
- 1.3. The site which is relatively isolated from residential development in the general area is generally flat and currently in agricultural use. There is a disused dwelling located to the north of the site of the proposed development on the northern side of the hedgerow separating the applicant's land from the adjoining lands to the north.
- 1.4. The applicant's lands between the regional road and the site of the proposed development are in agricultural use. The lands to the north are a mature wooded area.

## 2.0 Proposed Development

- 2.1. The proposal as submitted to the planning authority on the 24<sup>th</sup> of July 2017 was for the construction of a pig house with all ancillary structures and associated site works including upgrading of existing entrance arising from the proposed development.
- 2.2. The proposal provides for the following;
  - The construction of a pig house. The building is a modern steel portal frame building with a length of 107.730 metres, a width of 22.400 metres and a roof ridge height of 5.597 metres.
  - The external finishes are plaster walls on the vertical walls and corrugated cladding on the roof with five air ventilation exhaust points on the apex of the roof. The building has an overall floor area of approximately 2990m<sup>2</sup>. Internally there are five rooms with slatted floors and a manure effluent tank 2.4 metres in depth under the floor with a slatted passageway along the length of the building to accommodate internal movement of livestock. There is also provision for a store and an office area.

- The development also provides for two meal grain silos approximately 9.3 metres in height located at the eastern side of the building with integrated feeding and water systems. It is indicated that a dry feeding system will be used.
- Water supply will be from a well located on the site to the north of the building and stored in tanks with a capacity of between 13 and 15 m<sup>3</sup>. Annual usage is estimated as c.4,000 to 5,000m<sup>3</sup>.
- The drawings also show provision for collection and disposal of surface water and also for separation of dirty water from roof water and other water with provision for leak detection systems.
- The level of manure produced and added soiled water is indicated as c.2,246m<sup>3</sup> per annum which will be subsequently spread on land by local farmers. The underground tanks have a capacity of c.6,312m<sup>3</sup> gross or 5,786m<sup>3</sup> net of the required 20mm freeboard which it is indicated equates to 30 months storage capacity.
- The upgrading of the service road at the junction with the R400 including the provision of parking strips inside of the entrance and the provision of drainage along the public road entrance frontage and signage.
- The pig house will accommodate an average of 1,800 pigs which as weaners with a weight of approximately 30 to 35 kg will be transported from a specialist pig breeding operation will remain on the site and fattened to sale weight of approximately 110 to 115 kg over a period of 12 to 14 weeks and then transported off the site. A weekly movement of one load of pigs to and from the site is stated.

### 2.3. Details submitted with the application include;

- The development occurs on an existing farm of circa 12.25 hectares.
- An overall description of the development.
- Details relating customers for the effluent for use as fertiliser.
- Drawings including sections relating to the current levels and levels a.

2.4. Further information was submitted on the 22<sup>nd</sup> of December 2017 in relation to the movement of pigs on the site and in particular within the building; information in relation to odour; a noise report; details relating to traffic generated in both the construction and operational phases of the development and drawings relating to surface water, roadside drainage, the proposed entrance and signage.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The decision of the planning authority was to refuse planning permission for the development. One reason was stated which refers to *“the proposed development is located on a locally important aquifer and that water quality may be compromised given the projected amounts of slurry to be land spread by the proposed development, as the land is highly susceptible to phosphorous contamination. Surface and groundwater may be compromised by the proposed development which pose a risk to nearby public water supplies. Accordingly, the proposed development would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area”*.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Report

The planning report dated the 7<sup>th</sup> of September 2017 refers to:

- Submissions received;
- An appraisal of the development;

3.2.2. Reference is made in the appraisal to the current provisions of the Offaly County Development Plan in relation to the agricultural development and that the development complies with the provisions of the plan.

- Issues in relation to the entrance are outlined and requiring clarification.
- The siting and design of the structure is deemed acceptable.
- Screening of the site in relation to AA and sub threshold development.
- Further information is recommended.

A subsequent planning report dated the 19<sup>th</sup> of January 2018 refers to the further information as submitted. Refusal of permission was recommended.

### 3.2.3. Other reports.

The roads report dated the 4<sup>th</sup> of August 2017 indicates no objection subject to maintenance of sightline visibility.

The area office report dated the 23<sup>rd</sup> of August 2017 recommends further information in relation to traffic generation arising from the development and surface water drainage.

The area office report dated the 15<sup>th</sup> of January 2018 in relation to the further information requested further clarification.

The environment water services report dated the 28<sup>th</sup> of August 2017 recommends further information in relation to storm water, noise levels and submission of an odour assessment.

The environment water services report dated the 12<sup>th</sup> of August 2018 considers the information submitted as unsatisfactory and recommends refusal and indicates that in general the land for spreading of slurry is unsuitable and susceptible to phosphorous and nitrate contamination and refers to issues in relation to protection of water supply. Reference is also made to the data submitted in relation to odour impact with reference to the levels indicated and norms outlined in guidance documents.

### 3.3. Other submissions.

Third party submissions were received, which refers to the failure to take all measures necessary to implement EU legislation in relation a EU Directives arising from ECJ case law and the application is therefore invalid; impacts on residential and business properties in the area arising from smell, adverse air quality, impact on value of property; the management of slurry; impact on groundwater; overdevelopment and inadequate screening of impacts arisen from the development.

## 4.0 Planning History

4.1. There is no planning history associated with the appeal site.

## 5.0 Policy Context

### 5.1. National Policy.

- 5.1.1. In relation to the housing and welfare of animals there are regulations which outline standards and specifications in relation to the construction of buildings including S.I. No 311 of 2010 the European Communities (Welfare of Farm Animals) Regulations 2010. and the Department of Agriculture Specification S123 in relation to buildings their construction and specification. There are also regulations in relation to protection of water arising from agricultural practice S.I. 605 of 2017 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
- 5.1.2. I would also refer to the EPA publication Odour impacts and odour emission control measures for intensive agriculture 2001 which outlines measure for good practice.

### 5.2. Development Plan

- 5.2.1. The current plan is the Offaly County Development Plan 2014-2020.
- 5.2.2. Chapter 2 of the plan refers to Economic and Enterprise Strategy and section 2.8.1 specifically to agriculture. There is strong presumption to supporting agriculture and taking a positive approach to applications for agricultural developments generally, subject to the protection of groundwaters, residential amenities, designated habitats and the landscape. Policies and objectives in relation to agricultural development reflecting these provisions include, RDP-01, RDP-03, RDP-05, RDP-06, RDP-07, RDP-11, RDP-15, RDO-01, RDO-03 and RDO-04.
- 5.2.3. Chapter 4 refers to Infrastructure and Environment Strategy. Water supply is referred to in section 4.8 with the overall aim to continue to ensure the provision of necessary infrastructural services to support development in accordance with the county's settlement hierarchy without compromising the quality of our natural environment. In section 4.10.1 referring to Water Supply it is indicated that the Council provides a monitoring and regulatory approach in ensuring the protection of groundwater supplies.
- 5.2.4. In relation to protection of the environment, in section 4.18 there is reference to ensure that environmental protection measures are taken to prevent environmental

pollution, in section 4.19.2 to the protection of groundwater as approximately 65% of water supplies in the county are derived from ground water reserve, to the protection groundwater and aquifers and taking a precautionary approach to development in Source Protection Zones which are defined in map 4.3.

Agriculture is specifically referred to in the context of groundwater and water source protection and that the density of intensive pig units shall be carefully controlled, in order to minimise their impact, to prevent soil and ground water contamination and to protect rural amenities. It is indicated that “*developments involving intensive pig units shall be required to show compliance with the following requirements:*

- *The developer shall have all lands available and suitable for spreading in close proximity to the pig unit.*
- *Satisfactory arrangements for storage, management and spreading of slurries are provided.*
- *New units shall be well removed from existing settlements and development clusters”.*

Policies and objectives in relation to environmental protection and water protection include:

**EnvP-03** It is Council policy to protect groundwater sources in the form of Source Protection Zones. Proposals to develop within these zones will be required to demonstrate that adequate protection of groundwater quality will be put in place.

**EnvO-03** It is an objective of the Council to Protect and preserve the quality of surface water, ground water and drinking water in the county through the relevant legislative provisions.

**EnvO-07** It is an objective of the Council to protect the county’s waters from pollution

5.2.5. Chapter 7 refers to Heritage and Landscape. AHAP-01 is a policy in relation to the protection of the county’s areas of high amenity and these areas are identified in map 7.17 which identifies these areas of High Amenity. The site is not located within such an area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appellant c/o CLW Environmental Planners Ltd. in a submission dated the 13<sup>th</sup> of February 2018 refers to:

- The appellant refers to the site location and context.
- Given the nature of the development the site location needs to be located way from the existing farmyard structures to provide for adequate bio-security measures.
- It is for this reason located more than 500 metres from the closest inhabited dwelling.
- There is a change in the method of farming away from mixed farming to specialist and more intensive agriculture.
- The development will comply with all requirements in relation to the nitrates directive and other environment and animal welfare standards.
- The development is below the requirements for EIAR and a Licence from the EPA.
- The planning authority in their assessment considered EIS and the need for EIS and this not consider this was a requirement.
- Reference is made to S.I. 605 of 2017 which relates to the storage and management of organic fertiliser and under which the applicant and farmers have to operate.
- The applicant submitted maps in relation to lands for spreading as required by S.I. 31 of 2014 and which is now supplanted by S.I. 605 of 2017.
- There were no initial concerns raised in the planning report.
- The development provides for 30 months of storage capacity for effluent.
- The proposal replaces chemical fertiliser with organic fertiliser rather than being additional fertiliser in effect it is nutrient substitution and not addition and thus has no impact on the N and P application on the farms concerned.



- There is no supporting information submitted by the planning authority in relation to the reason for refusal and there is a failure to acknowledge that the greatest proportion of the land in question is of low vulnerability based on the information submitted by the applicant and compared to the more generalised statement of the local authority.
- The site is located outside of the outer protection area for the water supply referred to and circa 0.5 kilometres from the source in a moderately vulnerable area the second lowest category of vulnerability.
- A nutrient management plan was submitted in relation to land spreading which has 290% capacity.
- There is no external soiled water as all animals are indoors and there will be compliance with all DAFM construction specifications and adherence to S.I 605 of 2017.
- In relation to odour it is appreciated that the standard of 22.5OUE/S is generally applicable to production pigs but it is a theoretical figure and not measured under Irish conditions. It is indicated that the measured data as submitted to the planning authority has been deemed acceptable to the EPA. It is however contended that the contour as submitted in the data submitted is an overestimate of emission and the contour map does not require revision.
- Issues as raised in the roads requirements are considered but a number of the matters raised are beyond the scope of the applicant to address and a number of the measures referred to are excessive in the context of the scale of the development and the level of traffic anticipated to be generated. The applicant will be expected to contribute through the Development Contribution Scheme and some of these measures can be provided from this.
- This is an application for an agricultural development in an agricultural area.
- In relation to spreading reference is made to two ABP decisions PL02.240879 and PL.17.245907.
- The development will comply with all requirements and standards.

## 6.2. Response to the Grounds of appeal

### 6.3. **Planning Authority Response.**

6.3.1. The planning authority in a response dated the 16<sup>th</sup> of March 2018 indicates that it has no further comments to make and requests the Board support its decision.

### 6.4. **Observer Submission**

6.4.1. Martin F. Lyons on behalf of residents in the area in a submission dated the 11<sup>th</sup> of March 2018 refers to;

- The observer supports the decision of the planning authority.
- The site is in an area where there is a local aquifer which supplies water to the Walsh Island Group Water Scheme and the observer believes the water scheme will be compromised by the proposed development.
- The original source of the scheme was polluted by slurry from an outdoor pig farm in the 1990s and Offaly County Council had no alternative but to relocate to another source for the supply.
- The proposed development is located approximately equal distance from the old source and the new current source.
- Owing to the composition of the local limestones all rainwater easily transfers to the local aquifer and there are underground rivers and continuous water movement.
- There are also a large number of local wells which could be polluted.
- The area is dependent on the local aquifer as there is no surface river or lake to provide a water source.
- If the current source is polluted it is difficult to see where an alternative source would be found.
- The past pollution of the original water source is factual evidence of the sensitivity of the land to pig effluent pollution.
- The observer could find no evidence in relation to PL17.245907 stated in the grounds of appeal.
- The area where it is proposed to spread slurry has no drainage area which is indicative of underground water movement.

- The site is located in an area identified by the EPA as being of “extreme groundwater vulnerability” meaning there is a high risk to groundwater contamination from pig slurry.
- Reference is made to a steel water tank located underground at the entrance to the proposed site the purpose of which is not clear.

## 7.0 **Assessment**

7.1. Having regard to the submissions received and the documentation submitted the primary issue in relation to this appeal relates to the acceptability of the nature of the development and the reason for refusal as stated by the planning authority. The following assessment covers my planning considerations on the key issues and also encapsulates my consideration of the application. I consider that those key issues which arise in this appeal case are as follows:

- Principle of the Development;
- Impact on Residential Amenity;
- Traffic issues;
- Impact on water sources and slurry spreading;
- Design, siting and visual issues;
- Appropriate assessment.

7.2. Principle of the Development.

7.2.1. The proposal to develop this agricultural enterprise is located in a rural area which is not part of any existing farm yard complex and it is in effect a standalone agricultural development. The site is in an area which is overwhelmingly agriculture and forestry. The proposed development complies with Development Plan in relation to the policies and objectives to promote agricultural development and agricultural enterprise and the promotion of agricultural diversification I am therefore satisfied that the development is in line with the stated policy and objectives of the current Offaly County Development Plan.

7.2.2. I consider that having regard to the nature of the appeal site, which is an active farm, and its location in the open countryside outside any designated settlement that the

proposed development would be acceptable in principle and would not be out of character with the surrounding area.

7.2.3. I would, however, note that although acceptable in principle there are other policies in the plan which require agricultural development to comply with requirements in relation to the protection of the environment and residential amenities.

### 7.3. Impact on Residential Amenity.

7.3.1. The appeal site is located in the open countryside removed from the nearest settlement/village of Walsh Island located over 700 metres to the southwest and there are no individual houses in close proximity. The site is also removed a considerable distance from the road network.

7.3.2. I note reference in submissions to the planning authority in relation to odour but the development as proposed is to be constructed in accordance with the Department of Agriculture specification 123 which includes provision for odour control and leakages out of the building.

7.3.3. The applicant has highlighted that the facility will incorporate a number of measures to address and reduce the risk of odour nuisance. The pigs will be housed internally in a fully contained system with odour abatement systems designed into that system. There will be adequate hygiene/washing routines between batches, provision of adequate manure storage capacity, minimisation of movement and agitation of slurry and optimum ventilation control to keep temperature and humidity at required levels. The slurry tanks will be located underground below the pig houses themselves and this will help to contain odours. I am therefore satisfied that odour can be addressed with good management. I am also satisfied, given the rural setting, where agriculture is the predominant use of lands, that the impact on residential amenity in terms of odour will be low.

7.3.4. In relation to noise, given its location and distance from residential properties noise during the operational stage will be low. Given the separation distance from houses I do not anticipate that significant noise will be generated during the construction period which will be temporary / short term duration. I do not consider that noise issues will be significant.

- 7.3.5. Having regard to the management practices proposed and the separation distances to the nearest dwellings, I consider that the proposed development which is in an established rural area will not therefore injure residential amenities.
- 7.4. Traffic issues.
- 7.4.1. The proposed development provides for the upgrading of the service road at the junction with the R400 including the provision of parking strips inside of the entrance and the provision of drainage along the public road entrance frontage and signage.
- 7.4.2. In relation to traffic generated by the development the information as submitted indicates that there will be a movement of one load of pigs to and from the site and 1 delivery of feed per week. Additional traffic will arise from seasonal collection of slurry from the site by tractors and slurry tankers of 4 loads a week in the period of January to October.
- 7.4.3. The R400 at the point of access is a straight section of road with adequate sightline visibility. I do not consider that impacts in relation to traffic arise in relation to the proposed development in relation to traffic hazard or in relation to capacity of the public road network to accommodate the development.
- 7.5. Impact on water sources and slurry spreading.
- 7.5.1. This issue is central to the reason for refusal as stated by the planning authority as one reason was stated which refers to *“the proposed development is located on a locally important aquifer and that water quality may be compromised given the projected amounts of slurry to be land spread by the proposed development, as the land is highly susceptible to phosphorous contamination. Surface and groundwater may be compromised by the proposed development which pose a risk to nearby public water supplies. Accordingly, the proposed development would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.*
- 7.5.2. Central to the decision to refuse planning permission is the report of the environment water services report dated the 12<sup>th</sup> of August 2018 which considered the information submitted as unsatisfactory and recommended refusal indicating that in general the land for spreading of slurry is unsuitable and susceptible to phosphorous and nitrate contamination and refers to issues in relation to protection of water supply.

- 7.5.3. In note that in third party submissions and also the observer submission of Martin F. Lyons on behalf of residents in the area in a submission dated the 11<sup>th</sup> of March 2018 the issue of water supply is central to the objection to the scheme noting that the site is in an area where there is a local aquifer which supplies water to the Walsh Island Group Water Scheme and that the water scheme will be compromised by the proposed development. Reference is made to the original source of the scheme was polluted by slurry from an outdoor pig farm in the 1990s and Offaly County Council had no alternative but to relocate to another source for the supply and that the proposed development is located approximately equal distance from the old source and the new current source.
- 7.5.4. It is also indicated that the area is dependent on the local aquifer as there is no surface river or lake to provide a water source for the public scheme and wells in the area and if the current source is polluted it is difficult to see where an alternative source would be found. The past pollution of the original water source is factual evidence of the sensitivity of the land to pig effluent pollution.
- 7.5.5. In the grounds of appeal, the appellant contends that the development will comply with all requirements in relation to the nitrates directive and other environment and animal welfare standards. Reference is made to S.I. 605 of 2017 which relates to the storage and management of organic fertiliser and under which the applicant and farmers have to operate.
- 7.5.6. The applicant/appellant has submitted maps in relation to lands for spreading as required by S.I. 31 of 2014 and which is now supplanted by S.I. 605 of 2017 and the proposed development provides for 30 months of storage capacity for effluent.
- 7.5.7. In relation to increased fertiliser application it is indicated that the proposal in effect replaces chemical fertiliser with organic fertiliser rather than being additional fertiliser that it therefore in effect it is nutrient substitution and not addition and thus has no impact on the N and P application on the farms concerned.
- 7.5.8. It is also indicated that there is no supporting information submitted by the planning authority in relation to the reason for refusal and a failure to acknowledge that the greatest proportion of the land in question is of low vulnerability based on the information submitted by the applicant and compared to the more generalised statement of the local authority.

- 7.5.9. There is no external soiled water as all animals are housed indoors and there will be compliance with all DAFM construction specifications and adherence to S.I 605 of 2017. In relation to spreading reference is made to two ABP decisions PL02.240879 and PL.17.245907.
- 7.5.10. Specific to the issue of slurry generated and storage provided the applicant has estimated the facility will result in a total manure production of 2246m<sup>3</sup>. This is based on the lowest water: meal ratio of 2.0:1 - Table 1 (Slurry storage capacity required for sows and pigs) of Schedule 2 (Criteria as to storage capacity and nutrient management) of SI No.31 of 2014 (European Union Good Agricultural Practice for Protection of Waters) Regulations 2014. A storage tank of 6,312m<sup>3</sup> net of freeboard is proposed which the applicant states provides a 30 month storage capacity.
- 7.5.11. The regulations require a minimum of 6 month storage capacity for pig manure so I am satisfied that sufficient storage is proposed on site for the manure and wash waters.
- 7.5.12. In relation to spreading a management plan in relation to organic fertiliser is submitted in the documentation received with the application. It is indicated that potential customer farmers with a land area available of in excess of 312 hectares which can accommodate c.290% of the proposed organic fertiliser production of the pig production unit.
- 7.5.13. The maps accompanying the fertiliser plan are copies of DAFM scheme maps and not specific land spread maps. Having reviewed the DAFM scheme maps and the areas presented, it is evident that the figures generated are based on gross areas claimed for DAFM scheme(s) without considering any exclusion of buffer areas proximate to surface water, boreholes or houses for manure spreading or vulnerability of groundwater.
- 7.5.14. Based on my review of the information submitted, I consider the actual areas available for land spread would be somewhat lower than the 290% stated. It is however impossible to define specifically the actual lands available and whether the holdings in question will be available and for what period they will be available. It is likely that demand will vary and the customer base will also vary of time.
- 7.5.15. However, I note that the applicant has stated he will comply, and is required to comply with the requirements set out in S.I. 31 of 2014 (European Union Good

Agricultural Practice for the Protection of Waters) Regulations 2014. These Regulations are very prescriptive in relation to capacity storage requirements and facilities for pig manure and nutrient management including application of slurry onto farmlands.

- 7.5.16. I note that in previous appeals specifically in relation to landspreading, in PL PL17.245907, PL PL02.244342 and PL02.240879 it would not be appropriate for a planning decision to attempt to regulate matters where there is a separate specific regulatory requirement established by statute.
- 7.5.17. I have no issue with this position in relation to the general regulatory position for landspreading. The issue in this appeal is more specific as it relates to a risk to nearby public water supplies.
- 7.5.18. In relation to the public water supply it is indicated by the appellant that the site is located outside of the outer protection area for the water supply referred to and circa 0.5 kilometres from the source in a moderately vulnerable area the second lowest category of vulnerability. In relation to impacts of land spreading a nutrient management plan was submitted in relation to land spreading which has 290% capacity which as I have already indicated may be a lower capacity but it is difficult to determine an actual capacity and the scale of capacity is likely to be fluid but the excess storage does permit accommodation of variables in relation to demand for slurry and lands available.
- 7.5.19. The issue of impact on public water supply did not arise in the initial environment and water section report which requested further information but the subsequent report of the environment water services report dated the 12<sup>th</sup> of August 2018 prepared after further information was submitted was very emphatic in setting out an objection to the proposed development referring to a number of matters including vulnerability of an aquifer; susceptibility of surface water to phosphorous contamination; susceptibility of ground water to nitrate contamination; proximity to a borehole and the absence of an appropriate assessment of the potential activity to this borehole; an absence of documentation to show the P and N index of the spread lands; there are streams within and adjacent to the application site; the duty of public authorities protect the status of groundwater and as a consequence there is an absence of confidence that surface and ground water would be protected from the activity and



the proposed facility may pose a risk to public supply. Mapping in relation aquifers, water quality, nitrate levels and phosphate levels are also indicated.

- 7.5.20. The applicant contends that many of the statements in the environment and water report do not have supporting documentation to support the position stated and that the documentation as submitted by the applicant which provides for a management plan for spreading, has major excess capacity, is replacing current nutrients spreading with organic manure rather than providing an additional level of nutrients addresses the issues of concerns.
- 7.5.21. I attach with the report site information in relation to the Walsh Island PWS which has as its source of supply a single borehole at Coolagarry northeast of the village of Walsh Island between the appeal site and the village with a zone of contribution based mainly on abstraction and recharge. Risk assessment is diffuse with nitrates recorded as typical contaminants. The general area in relation to groundwater vulnerability rates from extreme to high to moderate.
- 7.5.22. As a single borehole source the water supply is therefore totally dependent on the single source maintaining a safe status in relation to water quality and source protection is therefore of vital importance. It is very difficult to determine to what degree if any land spreading would impact on the water supply source and it is reasonable to assume that spreading rates would comply to regulatory standards. The maps supplied with documentation are not clear in relation to precise areas of spreading and whether movement of groundwater to the recharge zone and the zone of contribution would occur but the local authority have not expressed a confidence that it would not occur.
- 7.5.23. In considering this matter there is an obligation to protect ground water in a wider sense and sources of public water supply in a particular sense. There are policies and objectives in the current county development plan in relation to environmental protection and water protection including, EnvP-03, EnvO-03 and EnvO-07, and I consider in the absence of a definitive position based on the documentation submitted the precautionary principle to protect public water supply sources must be applied and on this basis the stated reason for refusal is I consider reasonable.
- 7.6. Design, siting and visual issues.

- 7.6.1. In relation to siting and design the proposed structure is a standard modern agricultural building which is located away from the public road and dwellings. It has a backdrop of trees when viewed from the public road and I would have no objections in relation the development.
- 7.7. Appropriate Assessment.
- 7.7.1. A screening report was submitted which concluded that there would be no adverse impacts on a Natura 2000 site.
- 7.7.2. The site is not within a Natura site and there is no reduction or loss of a designated site.
- 7.7.3. The report identifies the nearest Natura site as the River Barrow and River Nore SAC (site code 002162) approximately 9.6 kilometres to the south of the appeal site. The River Barrow and River Nore SAC covers a vast area consisting of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal reaches of both rivers. The qualifying interests include terrestrial and aquatic habitats and species. There is no hydrological link between the appeal site and the Natura site or any other Natura site.
- 7.7.4. In relation to Annex 1 habitats and species none of the listed species are proximate to the site and the potential for direct impact would not appear to arise.
- 7.7.5. The screening report assesses potential impacts arising from the development including in relation to spreading of slurry. The site is considered too distant from a Natura site to create any effect and impact on surface and ground water.
- 7.7.6. There is potential to impact ground water from land spreading but there are regulations in relation to the spreading rates and periods of spreading which it is indicated will be adhered to.
- 7.7.7. Impacts (direct or indirect) of the project alone and in combination with other projects I consider can be reasonably ruled out on the basis of objective scientific information and the distance from the site to the Natura site.
- 7.7.8. In conclusion, therefore, having regard to the scale, nature and operation of the development, the absence of defined connectivity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed

development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1. It is recommended that permission for the development be refused.

## **9.0 Reasons and Considerations**

The proposed development is located on a locally important aquifer which is the source of public and private water supplies in the area. Having regard to the need to provide for the protection of water supply sources, the need to maintain a high standard of water quality in particular in relation to groundwaters and the stated provisions as stated in the Offaly County Development Plan 2014-2020 to protect groundwater sources, to preserve the quality of surface water, ground water and drinking water and to protect the county's waters from pollution as stated in policies and objectives EnvP-03, EnvO-03 and EnvO-07; based on the information submitted there is insufficient evidence to indicate that water quality and sources of water supply may not be compromised by the proposed development. Accordingly, the proposed development would be prejudicial to public health and would also be contrary to the proper planning and sustainable development of the area.

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Derek Daly  
Planning Inspector

14<sup>th</sup> September 2018