



An
Bord
Pleanála

Inspector's Report ABP-301749-18

Development	Construction of 1 no. pig house with slatted floor and slurry tank underneath (960sq/m), extension to existing pig house with slatted floor and tank underneath (305sq/m) and ancillary site works.
Location	Ballyglassin and Corry, Carrickboy, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	17267
Applicant(s)	DDS Brady Farms Ltd.
Type of Application	Permission.
Planning Authority Decision	To refuse.
Type of Appeal	First Party
Appellant(s)	DDS Brady Farms Ltd.
Observer(s)	None.
Date of Site Inspection	13 th March 2019.

Inspector

Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 4.23ha appeal site lies c.7km to the south west of Edgeworthstown, Co. Longford in the townland of Ballyglassin. The site is situated in a rural area approximately 1km to the north east of Carrickboy village. Access to the site is from a county road which joins the N55 c.100m to the south east of the site boundary. The nearest properties lie c.300m to the north east of it, c.600 m to the north and c.600m to the south.
- 1.2. The appeal site comprises an existing pig farm which consists a series of pig houses (through which the animals progress as they mature), site offices, above and below ground slurry stores etc. The appeal site lies to the rear (north-west) of the existing piggery on ground which currently comprises the surfaced perimeter access track/hardstanding within the site. At the time of site inspection there was a strong odour within the site. Noise from the piggery was quite modest. The buildings and yard appeared in good condition and internal roads and hard standings were clear of debris.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted in March 2018, comprises the construction of a new pig house (960sqm), with slatted floor and slurry tank under, and the extension of an existing pig house (305sqm), also with slatted floor and slurry tank under. The two pig houses will house 'weaner' pigs (a young pig, recently separated from its mother) and will provide for their feeding up to c.30kg live weight. Pig houses that currently house weaner pigs will be reconfigured to allow the further maturation of production pigs (i.e. those over 30kg to bring them to a sale weight of c.115kg). The development is proposed within the existing pig farm with a herd of 2,000 sows and their progeny (integrated unit)¹.
- 2.2. It is stated that the proposed development will provide (a) additional accommodation to meet current animal welfare regulations (spatial requirements per weight of

¹ i.e. where all progeny produced on site by the current breeding herd of sows are reared and fed on site to sale weight.

animal) and (b) cater for the increased progeny of the breeding herd. Overall size of the breeding herd will remain unchanged.

- 2.3. Water supply is proposed from existing connections (on site deep well and surface water streams and emergency connection to public supply). With the proposed development, annual water use would increase from c.45,000m³ to c.47,000m³. Clean storm water from roofs and yards will discharge into the existing on-site system which drains into the field drainage system to Lenamore stream and ultimately to the Inny and Shannon Rivers.
- 2.4. All pig manure, organic fertiliser and washwater will be collected and stored in the underground holding tanks (total capacity of proposed tanks 1,645sqm), pending dispatch to farmers for uses as fertiliser on their holdings (4.1% increase on current storage capacity). Use of the fertiliser materials is required to comply with the Good Agricultural Practices (GAP) Regulations 2014. Underground tanks will be built to comply with these standards. Estimated weekly output of pig manure/organic fertiliser from the existing site with the proposed development would be 624m³ or 32,440m³/pa (increase of c.2,000m³/pa). With the proposed development, underground tanks will have a storage capacity of 42,000m³ (64 weeks). These compare to the GAP Regulations storage requirement of 16,220m³ (26 weeks) (see Attachment 3, EIAR).
- 2.4.1. An Environmental Impact Assessment Report (EIAR) accompanies the application. Attachment 4 of the EIAR includes an Appropriate Assessment Screening Report. The development is also one which requires an industrial emissions licence (current licence no. IE P0408-01). The licence was first granted in 1999 and amended in 2013 (see attachments). It sets out certain controls, for example, in respect of noise, odour, surface and ground water and requirements in respect of monitoring.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 30th April 2018 the planning authority decided to refuse permission for the development for two reasons, in summary:

- i. The planning authority were not satisfied that the development, with the lack of specific detail in the EIAR, would not give rise to the risk of pollution, threat to public health or impact on the quality of ground and surface waters. The development would, therefore be contrary to policies ENV 1, ENV 2, ENV 10 and ENV 12 of the County Development Plan.
- ii. The planning authority considered the EIAR to lack specific details in its assessment of environmental impacts and that there was, therefore, insufficient information on file to carry out a full EIA of the development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 12th December 2017 – This report summarises the planning history of the site, the proposed development and submissions/observations made. It considers the merits of the application under a number of headings including environmental impact assessment and planning assessment. It considers that the EIAR is inadequate and recommends further information to address the matter and the issues raised in submissions/by third parties.
- 28th April 2018 – Considers that the response to the request for further information is unsatisfactory and that the EIAR lacks specific detail in its assessment of environmental impacts and mitigation measures. The report therefore recommends refusing permission for the development.

3.3. Prescribed Bodies

- TII (3rd November 2017 and 23rd March 2018) – Refer the planning authority to national guidelines, DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, in relation to development on/affecting national roads.
- HSE (21st November 2017) – No information in EIAR to establish baseline conditions of groundwater quality in locality. Outlet drainage points from surface water collection system not clearly identified. Limited discussion on impacts on soils, geology and hydrogeology from possible leaks, spillages etc. during construction and operation and insufficient mitigation measures.

Inadequate information on staff welfare facilities (39 full time and 10-part time staff). No information on cleansing procedures (construction and operation). No information on pest control. Noise sensitive dwellings are located c.600m from site. A system of compliance monitoring for noise emissions should be requested. EIA inadequately addresses odour issues that may arise from the expansion of the facility. All relevant records in respect of EU (Good Agricultural Practices for Protection of Waters) Regulations, 2014 for slurry storage/disposal should be maintained.

- HSE (16th April 2018) – Outlet drainage routes and eventual convergence with the Lenamore Stream have not been identified, limited discussion/information remains in respect of potential impacts on soils, geology and hydrogeology, staff facilities, rodent/pest control, odour and noise control.
- Westmeath County Council, Environment Section (11th December 2017 and 17th April 2018) – No objections.

3.4. Third Party Observations

3.4.1. There are two third party observations on the application, made by Environmental Action Alliance Ireland and Ballyglassin Environmental Action Group. In summary matters raised relate to the following:

- EIA - The proposed development (and previous development) violates the ECJ judgement in cases C-50/09 and C-215/06. No environmental impact assessment has been carried out for any of the development consents granted to the applicant for the pig rearing installation. PA refs. 94/12485, 98/547 and 04/1205 were all development consents granted for retention of unauthorised developments. The unauthorised developments at the site were included in the Commissions' Reasoned Opinion for Case C-215/06. The applicant should apply to the Board for substitute consent under section 177B of the Planning and Development Act, 2000 (as amended).
- Non-compliance with the permission regulations - Any decision to grant permission on the grounds that an EIAR was prepared in accordance with the EIA Directive 2014/52/EU would be unlawful as the Directive has not been

transposed into Irish law. To do so would violate the ruling in ECJ case C-50/09. The planning authority should not have accepted or validated the application, as it was clearly not in accordance with the present permission regulations.

- Non-compliance with the European (Nitrates) Directive - Inadequate information to show compliance with the Nitrates Directive (91/676/EEC) or the Habitats Directive, with regard to the spreading of pig manure on lands by third parties. EIA should include an assessment of the environmental effects of the whole project, which include spreading of pig slurry arising from the development on agricultural land.
- Failure to implement the European Court of Justice Ruling in Case C-50/90 - The applicant fails to provide information specified in Directive 2011/92/EU, including description and assessment of effects arising from whole development (including slurry spreading), forecasting method, mitigation and non-technical summary, and prevented public participation in decision making process (absence of information/NTS). The EPA has not been consulted on the application for the proposed development, which also requires an industrial emissions licence and the regulation of waste. As a result, the integrated prevention and pollution of cannot be considered.
- Non-compliance with Industrial Emissions Directive 2010/75/EU - The proposed development involves two activities listed in Annex I of the Directive, disposal or recycling of animal carcasses or animal waste and the intensive rearing of pigs. Slurry produced by the facility is a waste, listed in the European Waste Catalogue, 020106. The European Court has ruled that pig slurry does not fall outside of the scope of the Waste Directive (Case C-113/12). The EPA has not issued the applicant with an IPC licence and waste disposal/recover operations should not be carried out until this is issued.
- Question why the application continues to be withdrawn and re-submitted. EIA is little different from the previous version submitted in 2016.
- Address given is inaccurate and refers to two different locations.

- Assessment is not objective and does not address concerns raised by the EPA (including waste water entering the water system/surface water, disposal of hazardous waste, storage of carcasses) or the effects of disposal of slurry or impacts on climate.
- Inadequate assessment of alternatives (e.g. lower animal numbers).
- No consultation with those affected by the plant.
- Impact of pig farm on surrounding properties.
- Impact on tourism (e.g. Center Parks, Longford).
- History of non-compliance with industrial emissions licence.
- Impact of air and water pollution on tourism.

4.0 Planning History

4.1. Reference is made to the following planning applications made in respect of the appeal site;

- PA ref. 78/5916 – Permission granted for erection of piggery.
- PA ref. 79/7114 – Permission granted for pig fattening houses.
- PA ref. 89/10967 and PL14.79481 – Permission granted by the Board for two no. pig fattening units.
- PA ref. 93/12485 and PL14.093541 – Permission granted the erection of pig breeding and finishing units, retention of farrowing house, weaning house and slurry tank with proposed fattening house. Condition no. 1 restricted the development to accommodate no more than 2000 sows.
- PA ref. 94/12530 – Permission granted for machinery shed (storage only).
- PA ref. 95/13275 and PL14.098144 – Permission granted for replacement of prefabricated pig houses with a permanent building. Condition no. 1 restricted the development to accommodate no more than 2000 sows.
- PA ref. 96/13547 – Permission for office accommodation.

- PA ref. 99/78 – Permission granted for 5 no. meal bins and shed to accommodate meal mixing, pumping equipment and other farm equipment to service existing pig breeding and rearing house.
- PA ref. 04/1205 and PL14.212342 – Permission granted for two pig houses to accommodate weaners, the extension of three fattening houses and the extension of one dry sow house and the retention of farm office staircase enclosure, underground feed storage/mixing tank, screen wall around a carcass receptacle and pig fattening rooms. Condition no. 2 of the permission states that the stocking rate at the facility for sows (and other pigs) shall not be increased over and above existing permitted levels as stated in the application documentation.
- PA ref. 06/288 – Permission granted for removal of pig weaner house and erection of pig sow house on same site to facilitate redistribution of existing herd within existing pig unit.
- PA ref. 15/176 – Permission refused for 1 pig house with slurry tank under, extension to existing pig house with slurry tank under, site works and augmentation of condition no. 2 to permission granted under PA04/1205 and PL14.212342. Reasons given were (i) the planning authority were not satisfied that the development would give rise to risk of pollution and pose a threat to public health and to quality of ground and surface waters, and (ii) insufficient detail in EIS to carry out environmental impact assessment.
- PA ref. 17/216 – Application for 1 pig house with slurry tank under and an extension to existing pig house with slurry tank under was withdrawn.
- PA ref. 17/182 – Application for the same development as above, with EIS and NIS, was withdrawn.

4.2. The following relate to development on adjoining land:

- PA ref. 94/12531 – Permission granted for loose shed (for suckling cows).
- PA ref. 98/547 – Permission granted for retention of walled concrete manure storage area, ancillary works and effluent tank.
- PA ref. 04/349 – Permission granted for single storey meal (animal feed) store.

- PA ref. 08/261 – Permission granted for storage shed and ancillary site works.

5.0 Policy Context

5.1. Longford County Development Plan 2015 to 2021

- 5.1.1. Policies in respect of agricultural development are set out in Section 4.4 of the Plan. These recognise the importance of the agricultural industry to the economy of the County and support the development of the industry, subject to environmental safeguards (e.g. AGR 1 and AGR 2). Intensive pig rearing units are specifically dealt with in Policy AGR 10. This policy states that in assessing applications for such developments the planning authority will have regard to the Good Agricultural Practice for Protected Waters Regulations (as amended), and will require, depending on unit size an EIS, Appropriate Assessment, information on cumulative impacts, waste management, odour control, air pollution from housing units, effluent storage, transportation and spreading, proximity to aquifers and water courses, proximity to nearby population and cleaning, ventilation and heating of animal houses.
- 5.1.2. Policies for the conservation and preservation of the environment are set out in section 6.1. These include:
- ENV 1 – To encourage/promote environmental awareness and practices in agriculture (and other activities).
 - ENV 2 – Assessment of applications for planning permission of its impact on existing adjacent developments, land uses and/or surrounding landscape.
 - ENV 10 – To control and manage any point and/or diffuse sources of pollution with a view towards improving and maintaining good water quality.
 - ENV 12 – To ensure that all developments are operated in a manner that does not contribute to the deterioration of air quality.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is removed from designated sites of nature conservation interest. Nearest sites are:

- Glen Lough pNHA (site code 001687) and SPA (site code 004045), c. 6km to the east of the appeal site.
- Royal Canal, pNHA (site code 002103), c. 7km to the south of the site.
- Derrymore Bog, pNHA (site code 000447), c.7km to the north west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal is against the planning authority's decision to refuse permission for the development. Grounds are as follows:

- The application is for a relatively modest extension to an existing piggery. The increase in floor area is required for the increased number progeny (weaner and production pigs) relative to the number born annually into the 2,000 sow breeding herd when first established and to feed production pigs for longer to higher bacon weight.
- The development is necessary for the economic and technical efficiency and viability of the enterprise (employs >40 staff).
- The list of planning applications referred to in the Planning Officer's report wrongly refers to developments which were not associated with the piggery (PA refs. 94/12530; 98/547; 04/349 and 08/261). The first application for a pig house was made under PL78/5916 and subsequently in 1979 (PA ref. 79/7114). Under PA ref. 93/12485 (PL14.09351) the size of the herd was capped at 2000 sows. PA ref. 04/1205 was also confirmed by the Board under PL14.212342.
- There is no information in relation to wastewater treatment on site because there is no wastewater from treatment arising from the development. All washwater will be collected in the proposed slurry tanks.
- The EIAR is not deficient such that an EIA cannot be carried out. Acknowledge that a table on interactions was omitted (attached to appeal).
- No major negative environmental effects are identified in the EIAR because potential impacts will be well controlled and mitigated by good management

and controls and practices that will comply with licence conditions and relevant legislation in force.

- Query why and how the planning authority can justify, by reference to environmental policies of the County Development Plan, refusing permission for a relatively modest extension to a long established and licenced pig rearing activity. The site has had few specific complaints about any adverse environmental impacts within the last 15 years. Concerns about compliance with policies of the Plan in relation to the IE licenced site are matters for control by conditions of the IE licence (P0408-01), which will be reviewed by the EPA before the extra pig housing can be occupied/used.
- The planning authority has had too much regard to the third-party submissions on file. The planning system should not be used to for reduction in a permitted and established 2,000 sow breeding herd or forced to sell pigs prematurely and at a lighter weight than the market demands.
- Pig manure will continue to be lawfully placed on the market as provided for in Regulation (EC) No. 1069/2009 (which gives effect to Directive 91/676/EEC) and will be lawfully transferred to customers as provided for in the Regulations.
- The submissions by Environmental Action Alliance Ireland focus on pig manure and its management and disposal as if it is discarded 'waste'. The Judgement in the case Donal Brady v Environmental Protection Agency (3rd October 2013), referred to by the Alliance, was the basis on which all conditions referring and relating to slurry as waste or to third party customer farmers and their lands were deleted from Licence P0408-01. The deletion was confirmed by an Order of the Supreme Court of Ireland (copy attached to appeal).
- Refer the Board to the Inspector's report and their previous decision under PL14.212342 which related to a similar development.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. The EPA makes the following observations on the appeal (correspondence to the Board dated 11th January 2019):

- The Industrial Emissions (IE) Licence for DDS Brady Farms Limited is currently under review (Register: P0408-02) in order to bring the licence into compliance with new legislation introduced since the existing licence was issued.
- All matters to do with emissions to the environment from the proposed development will be considered and assessed by the Agency. Where the Agency is of the opinion that the activities, as proposed, cannot be carried on, or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity.
- Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.
- The IE licence review application identifies that the site boundary only relates to the site of the pig rearing and directly associated activities which occur within that defined site boundary. Activities beyond the site boundary, such as the management and use of organic fertiliser etc. cannot be controlled by a condition of an IE licence. The recipient of organic fertiliser is responsible for the management and use of the organic fertiliser in accordance with the applicable regulations (European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 and Animal By-Products Regulations (Regulation (EC) No. 1069/2009)).

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. Having regard to the first party appeal, the submissions and responses on file, development plan policy and my inspection of the site, I consider that the key matters for this appeal relate to:

- Principle.
- The context for the development and need for environmental impact assessment.
- The adequacy of the EIAR.
- The likely environmental effects of the development (environmental impact assessment).

7.2. Other matters raised during the course of the application are as follows, which I comment on briefly:

- Implementation of European Court Rulings – This matter is not strictly relevant to this planning application, as it is adjudicated on within a national legal framework which as regard to European Directives, but for the legal system.
- Planning history and substitute consent – Matters arising in respect of development previously carried out on the site lie largely outside the scope of the appeal system. The provisions of the Part XA of the Planning and Development Act 2000 (as amended) in respect of substitute consent relates to development for which permission was previously granted. Its arrangements are therefore not strictly relevant to the proposed development.
- Compliance with the Nitrates Directive – This matter is addressed principally by other codes and is not strictly relevant to the proposed development. However, I do address the matter of waste arising on site in my assessment.
- Compliance with the Industrial Emissions Directive and Industrial Emissions Licence are matters for the EPA, given that the development is one which requires an industrial emissions licence.
- Consultation with the EPA – I note that the EPA were consulted by the planning authority on the proposed development (see file), but no response

was received. As set out above, in the course of the appeal the EPA were invited to comment on the appeal and a submission was made to the Board.

7.3. Principle

- 7.3.1. Policies of the current Longford County Development Plan recognise the importance of the agricultural industry to the economy of the County and support the development of the industry, subject to environmental safeguards
- 7.3.2. The proposed development comprises the construction of a new pig house and the extension of an existing pig house on a site where there is a long-established history of pig production. In total, the floor area of the proposed development is c.1,300sqm on a site where the built development for the piggery extends to a stated area of 2.3ha. It therefore comprises a relatively small increase in production area. Further, it is situated to the rear of the existing site and would not be visible from the public road passing it. Subject to compliance with appropriate environmental safeguards (see below), I consider that the proposed development is acceptable in principle on the appeal site.

7.4. Environmental Impact Assessment – Context and Need

- 7.5. The proposed development comprises the extension of the existing integrated pig farm, with its herd of 2,000 breeding sows. It is, therefore, a type of development which falls within Class 17, Part 1, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), for the purpose of environmental impact assessment:

- Class 17, Part 1, '*Installations for the intensive rearing of poultry or pigs with more than-*
(b) 3,000 places for production pigs (over 30 kilograms), or
(c) 900 places for sows'

- 7.6. Class 21, Part 1, requires environmental impact assessment of any changes or extensions to projects listed in the Annex, where the change of extension in itself meets the thresholds set out in the Annex. Class 13, Part 2 of Schedule 5 of the P&D Regulations 2001, also requires environmental impact assessment of any change or extension of development which would result in the development being of

a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of the Schedule and results in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold, whichever is greater.

- 7.7. It is stated by the applicant, in the appeal submission, that the proposed development is required to re-organise and extend accommodation to:
- (a) Accommodate an increased number of progeny (weaner and production pigs) relative to the number born annually into the 2,000 sow breeding herd that was first established, and
 - (b) To feed the production pigs for longer to the higher bacon weight demanded by the market.
- 7.8. It is not clear from the application documentation how the proposed development effects the total number of animals on site (e.g. from greater number of progeny or an increase in production pigs from keeping animals on site for longer), or therefore, if the number of production pigs will increase by >3,000 or >50% of the threshold of 3,000 for production pigs i.e. by >1,500. These figures seems quite high. However, literature from Teagasc (attached) (https://www.teagasc.ie/media/website/publications/2018/Teagasc_Pig_Herd_Performance_Booklet_2017.pdf) indicates that the average number of pigs produced per sow per year in the national pig herd in 2017 was c.27 (taking into account likely mortalities). On this basis, a herd of 2,000 breeding sows, could give rise to a conservative 54,000 production pigs per annum. It is possible therefore that the increase in progeny referred to by the applicant and attainment of greater market weight could quite readily result in an increase in the number of production pigs kept on site in excess of the 1,500 threshold set out in Class 13 of the Schedule 5.
- 7.9. Consistent with the above analysis, the applicant has submitted an Environmental Impact Assessment Report. However, the rational for the EIAR is not indicated and the nature of the proposed development, as it relates to the existing piggery (the 'whole project') is unclear. Consequently, there is a lack of transparency regarding the incremental development of the piggery as a whole.

7.10. Environmental Impact Assessment Report - Adequacy

7.10.1. The applicant's EIAR was submitted with the planning application in October 2017. It therefore predated the Regulations transposing Directive 2014/52/EC (amending the EIA Directive 2011/92/EU), which came into effect on the 1st September 2018. However, in May 2017, the Department of Housing, Planning and Local Government advised planning authorities and the Board to consider applying the requirements of Directive 2014/52/EU (circular 1/2017, 15th May 2017). Consequently, my assessment of the adequacy of the EIAR is based on the requirements of Directive 2014/52EC.

7.10.2. Article 94 of the Planning and Development Regulations 2001 (as amended) requires an EIAR to contain:

- The information specified in Paragraph 1 of Schedule 6,
- Any additional information specified in Paragraph 2 of Schedule 6 relevant to the specific characteristics of the development or type of development concerned and to the environmental features likely to be affected, and methods of assessment,
- A summary in non-technical language of the information required under paragraphs (a) and (b),
- A reference list detailing the sources used for the descriptions and assessments included in the report, and
- A list of the experts who contributed to the preparation of the report.

7.10.3. In summary, Paragraph 1 of Schedule 6 requires a description of the proposed development, its likely significant effects on the environment, features and measures to mitigate environmental impacts and a description of the reasonable alternatives studies. Paragraph 2 essentially provides for the amplification of the information required in paragraph 1, as necessary.

7.10.4. I have read the applicant's EIAR, as amended by the further information submitted. For the reasons stated in my assessment, below, I am concerned that it does not provide sufficient information on the nature of the proposed development, baseline environmental condition or evidence to support the conclusions reached in respect of the absence of significant environmental effects. Information on professional

competencies is also limited. Consideration of alternatives, within the context of the existing site seem reasonable (page 14 EIAR). A Non-Technical Summary is provided.

7.11. Environmental Impact Assessment

7.12. Population and Human Health

- 7.12.1. The proposed development is quite modest in scale compared to the existing facility but has the potential to give rise to environmental effects on the local population and human health, during construction and operation.
- 7.12.2. Construction of the development is stated to take place over 4 months and will generate c. 100 deliveries by lorries over this period. There is no information on the management of the construction phase of the development, e.g. of traffic, construction noise, surface water etc. However, subject to the adoption of good construction practices, impacts are unlikely to be significant.
- 7.12.3. Environmental effects arising during the operation of the proposed development, may arise from the increase in animals on site, including greater requirement for water and additional noise, odour and waste emissions. Traffic impacts are unlikely to be substantial based on the small predicted increase in vehicle trips (0 extra cars, <2 lorry movements on weekdays).
- 7.12.4. As stated, there is no information on file on the likely increase in animals on site and, as detailed below, the EIAR provides little baseline environmental information on relevant environmental parameters include noise and odour at the existing piggery and limited information on the water sources and discharge water bodies. There is also limited information on/analysis of the likely cumulative effects of the proposed development on these environmental parameters. There is, therefore, limited information to support the applicant's conclusions that no adverse effects population and human health will arise.

7.13. Biodiversity.

- 7.13.1. The proposed pig houses will be constructed on an area of the site that comprises a hardstanding/access route for vehicles and land take would not extend beyond the

existing sited boundary. Consequently, there would be no direct impacts on habitats or species. Indirect and cumulative effects (with the existing pig farm) may arise from the discharge of wastes from the site during construction and operation.

7.13.2. During construction contaminated surface water could be released from the site and adversely affect adjoining watercourses. However, as stated above, the proposed development is quite modest in scale and construction impacts could be controlled through the adoption of appropriate construction methodology.

7.13.3. During operation, impacts on biodiversity may arise principally from the discharge of pig manure, waste water from the site and emissions to air.

7.13.4. The applicant states that the additional 2,000m³ of slurry that will be produced per year (pre-development annual slurry generation is c.32,000m³/year) will be housed on site in slurry tanks, designed to meet the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014 and Department of Agriculture Food and Marine specifications. Further, waste will be sold, removed from site and transferred for use in fertilising farmland in circumstances where the customers use is regulated under the same Regulations. I would accept, therefore, that the environmental effects of the use of slurry on land outside of the appeal site is therefore matter which is outside the scope of this appeal.

7.13.5. Within the site, there is a lack of clarity regarding the management of soiled water and discharge of surface water (see below) and a risk of pollution of local water bodies with consequential effects on biodiversity. Impacts on flora and fauna as a result of air pollutants are unlikely to be significant due to the dispersion effects away from the site.

7.14. Land, Soil, Water, Air and Climate

7.14.1. The proposed development will occupy a relatively small site within the existing pig farm. Impacts on land will therefore be negligible. On page 11 the EIAR states that soil that is removed from the site will be deposited elsewhere for landscaping or on the boundary of the site. No details are given but this matter could be addressed by condition and impacts are unlikely to be significant.

7.14.2. During construction, potential impacts on water quality arise from, for example, the discharge of polluted water from the site to nearby watercourses. This matter is not

addressed in the EIAR, but given the scale of the project, again could be addressed by condition.

- 7.14.3. The existing pig farm, during operation, interacts with the water environment principally in two ways, it has a requirement for water (e.g. for the animals, wash down of areas etc) and it gives rise to waste water e.g. surface water from roofs/hard surfaces and from water used within the piggery e.g. wash down of areas. (There is no proposed increase in staff facilities). Cumulative environmental effects may arise from the additional requirements of the proposed development (e.g. increase in abstraction of water, increase in discharge of waste water).
- 7.14.4. It is stated that water for the proposed development will be come from existing sources (on site deep well to the office, stream sources² and back-up emergency connection to a public supply). The current facility uses 45,000m³/year and the proposed development would require c. 2,000m³/year. This is a modest increase but there is no information on the adequacy of these water sources or the effect of the increase in demand on this supply.
- 7.14.5. The applicant states that surface water will continue to discharge to the field drainage system, to the Lenamore Stream and ultimately the Inny and Shannon Rivers. The existing on-site surface water management system is shown in the Site Layout Plan (Drawing No. P01) and it is evident that the drainage system comprises a perimeter set of drains which discharge to field drains to the south and north of the site. However, the route of these field drains to the Lenamore Stream is not indicated and from OS mapping, seem quite convoluted (see attachments).
- 7.14.6. With regard to soiled water, the applicant states:
- There is very little soiled area in or around the existing development, tanks are managed to prevent overflow and yard surfaces maintained in a clean condition, so preventing any significant release of polluting matter from tanks and yards to surface or groundwater.
 - The risk of accidental leakage or spillage of polluting liquids is controlled by careful management of operations, for example, with spill kits at loading locations and that all dead animals (c.120 tonnes/year) are stated to be

² Lenamore stream is stated on page 19 of the EIAR.

stored in watertight and covered containers pending regular transfer to an authorised rendering installation.

- Any soiled wash water that arises is and will be directed to the manure tanks on site.

7.14.7. In principle these arrangements seem acceptable, but there is little detail to support the statements made or evidence of compliance with environmental management systems (I note that the 'carcass' storage location is omitted from the Site Layout Plan). In particular, I note that one of the applicant's mitigation measures, page 13 of EIAR, proposes the provision of such a drainage system, '*to properly collect any effluent or soiled water and divert it to the nearest manure tank*'. However, this system should be evident in the planning application, to demonstrate in principle that soiled water can be appropriately managed.

7.14.8. As stated, the existing piggery is subject to an Industrial Emissions Licence, first granted in 1999 and amended in 2013. It requires annual monitoring of the groundwater well on site (for nitrate, total ammonia and faecal coliforms) and quarterly monitoring of surface water at four discharge points (for COD or BOD) and quarterly monitoring of Lenamore Stream at two points (also for COD or BOD) upstream and downstream of the development.

7.14.9. Monitoring information accompanying the proposed development, provides data for the ground water well on site over four years (page 1, RFI) and indicates no significant contamination.

7.14.10. The applicant indicates in the EIAR that monitoring of surface water on-site will take place at three locations, SW1, 2 and 3 (see Site Layout Plan, Drawing P01). At the time of site inspection only one inspection chamber was evident, SW1 (see photographs). At SW2 an open chamber may indicate the location of the inspection point and at SW3 there was no evident inspection chamber, just a pipe discharging into the boundary ditch/watercourse. Locations of outfalls from SW1 and SW2 are not evident, from the application documentation or on-site.

7.14.11. Monitoring information for on-site surface water is also given for four years, 2014 to 2017, but it is not clear which surface water location the data refers to and it is not consistent with the Annual Environmental Reports made to the EPA (see

attachments). Notwithstanding this, the data presented does not indicate substantial pollution by organic matter.

- 7.14.12. No information is presented regarding monitoring of Lenamore Stream upstream and downstream of the site (as per the requirements of the IE licence). However, EPA data is referred to (page 2, RFI) in respect of two downstream water quality monitoring points, at Ballyglassin Bridge and Lenamore Bridge, c.600m and 2km from the appal site respectively (see attachments). Water quality for the EPA monitoring station at Ballyglassin ranges from High (1988) to Good (1992 to 2014) and at Lenamore from Moderate to Good over the same period.
- 7.14.13. The applicant states that there is no substantial pollution of the river and whilst I would agree with this at these points of measurement, there is a lack of clarity regarding how/where the field drains discharge into Lenamore stream, the distance of this downstream of the site, and no baseline information on the effect of the discharge from the site on waterbodies in the immediate vicinity of it. This together with the lack of clarity regarding where on-site surface water monitoring has taken place, provides an inadequate assessment of the current baseline condition of surface water on and in the vicinity of the site.
- 7.14.14. With regard to the effects of the development on air, environmental effects are likely to arise during construction and operation. Construction effects may give rise to very localised and short-term impacts on air quality (e.g. noise and dust) and will not be significant. Additional stock may give rise to cumulative impacts on odour and possibly noise. The EIAR provides no measurement of existing levels, prediction of likely levels of cumulative effects with the proposed development or details of measures to mitigate impacts. The conclusion of the EIAR of no significant effects are therefore unsubstantiated. With regard to noise, the existing piggery did not present a particularly noisy environment. However, again there is an absence of baseline information and no evidence to support the conclusion of no significant impacts.
- 7.14.15. Page 12 of the EIAR deals with impacts of the development on climate. It states that that emissions of methane and ammonia could increase by c.3%. There is no information to indicate how this is calculated or the significance of/context for this impact.

7.15. **Material Assets and Cultural Heritage and the Landscape**

7.15.1. There are generally no material assets or features of cultural heritage significance in the vicinity of the appeal site. Further, the proposed development is situated to the rear of the existing pig farm and will not be demonstrably visible from the public road. Significant effects on these environmental parameters are unlikely to arise. With regard to tourism, I would accept that cumulative impacts on air quality (odour) arising from the development are likely to have a negative impact on air quality (a natural resource of economic value). However, such effects would be limited to the immediate area of the site and its surroundings and are unlikely to be significant.

7.16. **Interactions**

7.16.1. Interactions of impacts are not addressed in the EIAR, but in response to the appeal (see attachment 1). Key interactions are likely to relate to the following during construction and operation:

- people/emissions to air/traffic, and
- water/biodiversity

7.16.2. These impacts have been addressed above.

7.17. **Environmental Impact Assessment - Conclusion**

7.17.1. In summary, I would accept that the proposed development is a modest extension of the existing pig farm and that significant effects may not arise. However, I am concerned that the level of information that is provided is generally deficient and fails to support the conclusions drawn, notably in respect of the description of the whole project development, baseline environmental conditions and the assessment of the cumulative effects of the development with the existing pig farm. Consequently, I do not consider that there is sufficient information on file to demonstrate the absence of significant environmental effects or to carry out environmental impact assessment.

8.0 **Appropriate Assessment**

8.1. Attachment 4 of the EIAR comprises an appropriate assessment screening report. The report identifies the nearest Natura 2000 site, c.6km east of the appeal site as

Glen Lough SPA, site code 0040045 and the conservation interest of the site as Whooper Swan. The screening report considers that no adverse effects on the conservation interests of the site will arise principally due to the absence of polluting material from the site to surface or ground water, its distance from the appeal site and the absence of threat to Whooper Swan from ammonia and methane (air pollutants).

- 8.2. It would appear from the information on file that the surface water arising on site discharges into the field drainage system leading the Lenamore Stream. This water course discharges to the Inny which outfalls into Lough Iron >10km to the south east of the appeal site. Lough Iron is an SPA (site code 004046) and its conservation interests are Whooper Swan, Wigeon, Teal, Shoveler, Coot, Golden Plover, Greenland White Fronted Geese and Wetland and Waterbirds.
- 8.3. I would accept as the appeal site is substantially removed from the nearest European sites, direct effects will not arise and indirect effects from methane and ammonia are highly unlikely due to dispersion. A potential pathway exists connecting the site to Lough Iron. There are no details regarding construction methodology or how watercourses near the site would be protected. However, at this distance from Lough Iron, significant effects are highly unlikely. As stated, there is no information on water quality monitoring upstream and downstream of the appeal site. Notwithstanding this, having regard to the distance of the appeal site from the water body (>10km downstream) significant effects on the conservation interests of European sites seem highly unlikely.

Screening Conclusion

- 8.1. Whilst the applicant's appropriate assessment screening report is quite limited, having regard to the distance of the appeal site from downstream European sites to which the site is connected, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. site code 0040045 (Glen Lough SPA) and 004046 (Lough Iron SPA) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

9.1. In summary, I recommend, therefore, that permission for the proposed development be refused for the reasons and condition set out below.

10.0 Reasons and Considerations

The proposed development comprises the extension of a substantial piggery. It is considered that the EIAR submitted lacks sufficient detail in its description of the development, baseline environmental information and evidence to identify and assess potential effects. It is considered that there is (a) therefore insufficient information for the Board to carry out environmental impact assessment, and (b) a risk of significant environmental effects arising from emissions from the site. The proposed development would, therefore, be contrary to policies ENV 1, ENV 2, ENV 10 and ENV 12 of the Longford County Development Plan, 2015 – 2021 and the proper planning and sustainable development of the area.

Deirdre MacGabhann

Planning Inspector

1st April 2019.