



An
Bord
Pleanála

Inspector's Report ABP-302704-18

Development	Retention and Completion of extension(s) and alterations to existing slatted livestock house and to use for the purposes of a boar stud.
Location	Cornananta More, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18563
Applicants	Elite Sires Genetics Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Stephen Larkin
Date of Site Inspection	28 th January 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located in the townland of Cornananta More in east Galway, between Ballyforan and Ballygar, west of the River Suck, with the nearest small settlement being Ballinamore Bridge. Land in the area varies from fairly good quality farmland to bogland. The area drains west and then north towards the River Shiven, which in turn flows east to the River Suck. The site is on fairly good farmland and there is bogland on the opposite side of the public road. The site is well back from the road behind a hedge and is occupied by existing buildings of recent construction. The site is slightly elevated with reference to the public road. There is a two storey dwelling to the west which is part of the same landholding, and farther west a dwelling of recent origin. To the east there is an older dwelling.
- 1.2. The site is given as 0.2382ha, on a landholding given as 4.37ha.

2.0 Proposed Development

- 2.1.1. The proposed development is the retention and completion of extensions and alterations to existing slatted livestock house and to use for the purposes of a boar stud. The development as outlined in red on the application drawings is a building 19m x 15.5m x 5.35m high. It is joined to another building ('alterations to existing slatted livestock house') of 14m x 12m. The existing building has previously been used for livestock housing. The combined area will be used for the keeping of boars.
- 2.1.2. The application was accompanied by a report titled 'Proposed Development Description' and a 'Statement of Screening for Appropriate Assessment'.
- 2.1.3. The 'Proposed Development Description' includes:
 - The proposed and existing developments are to be used for the housing of pigs, specifically boars. The farm will operate as a dedicated boar stud with a maximum of 50 boars on site at any one time. Given the nature of the proposed development it needs to be located away from any existing pig farms to provide for adequate bio-security measures. Pigs are transported to the farm as mature boars. Breeding boars will be replaced on a rolling basis to maintain the health status and age profile, with approximately 25 boars being replaced each year. Additional space has been

proposed to allow for the washing and drying routines to be carried out. No ancillary heating will be required within the houses. All ventilation will be computer controlled mechanical ventilation, or automatically controlled natural ventilation. Water is to be supplied from the on-farm well. The process on-site involves feeding and housing boars specifically bred and selected for the production of AI and the subsequent collection and preparation of same for delivery to commercial pig farms.

- The volume of organic fertiliser (pig manure and soiled water) produced per annum, will be c. 171.6m³ which will be collected and stored in the underground manure storage tank and used by the applicant and /or adjoining customer farmers to replace chemical fertiliser.
- Pigs are/will be housed on slatted floors with a manure storage tank underneath, of mass concrete, with a storage capacity c400m³, or 342m³ net of the required 200mm freeboard. The slurry capacity will provide c24 months storage.
- Traffic will include: 1 part load of feed / fortnight; 2 loads of pigs/annum; staff once per day; collection of AI for delivery 3 times/week; organic fertiliser: none during the closed period 15 October to 15 January, up to 18 loads per annum if transported by road (tractor and 9.09m³ tanker).
- Fallen (dead) stock, minimal with mature stock, will be placed in a closed skip on the farm before being transported to a rendering plant.
- The organic manure will be allocated for use as a fertiliser source in accordance with the regulations set out in SI No 31 of 2014 for the purposes of efficient grass/crop production. All of the required information, to be maintained as outlined in SI No 31 of 2014, will be kept by the applicant, who will provide all required details to any farmer receiving the organic fertiliser. The applicant has c 4.25ha of land available for the receipt of organic fertiliser. The nutrient content of pig manure is (per SI No 31 of 2014) 4.2kg N/m³ and 0.8Kg P/m³, resulting in an average application rate of 40m³/ha or the equivalent of 169.58 Kg organic N/ha; inside the 170 Kg organic N/ha limit. This will also result in the application of 32 Kg P/ha. As the applicant proposes to have no additional livestock on the farm and sell 2-3 cuts of silage/annum, requiring 30-40 Kg P/annum, the proposed application rates are within the limits as prescribed by SI No 31 of 2014. Notwithstanding the above the applicant has 1 no. additional farmer looking to take slurry from the proposed

development. That farm extending to 30.73ha, identified on map, with a stocking rate of c 120Kg organic N/ha can accommodate an additional 372m² resulting in an overall capacity of >300%.

2.1.4. The Statement of Screening for Appropriate Assessment includes:

- SI 605 of 2017 The European (Good Agricultural Practice for Protection of Waters) Regulations 2017 provides a set of measures to ensure the protection of waters, including drinking water sources, against pollution caused by nitrogen and phosphorus from agricultural sources, with the primary emphasis being on the management of livestock manures and other fertilisers. The purpose of these regulations is to give effect to Ireland's Nitrates Action Programme. This directive outlines measures that must be followed during the land-spreading of manure. Prior to its implementation, SI 605 of 2017 was subjected to AA and SEA screening at draft stage when it was referred to as Ireland's Fourth Nitrates Action Programme (NAP). The draft NAP was assessed in terms of the likely significant effects of the programme and where it would adversely affect the integrity of European Sites. The NIS identified that the existing and proposed measures would be predominantly positive for European Sites. The measures of the NAP were influenced to avoid, as appropriate, measures that would have an adverse effect upon the integrity of the European sites. Any project falling under the requirements of the NAP will be required to conform to the mitigation measures contained within the NIS prepared and to further regulatory provisions aimed at preventing pollution or other environmental effects. The applicant is fully aware of his obligations under SI 605 of 2017 and will meet all the requirements under this Directive.

- There is an extensive network of bogland drains to the north which drain to the Shiven River 900m to the north; a tributary of the R Suck 5.47km north east. The Shiven has been defined as of good ecological status; The R Suck at its confluence with the Shiven River is of moderate ecological status. Its overall status varies from good to moderate over most of its course.

- Seven Natura Sites within 10km of the site are listed: River Suck Callows SPA site code 004097 / NHA , 2.9km north east; Ballygar (Aghrane) Bog SAC, site code 002199 / NHA, 6.1 km north; Four Roads Turlough SPA, site code 004140, 7.8km north-east; Four Roads Turlough SAC, site code 001637, 7.8km north-east;

Carrownagappul Bog, SAC site code 001242, 8km west; Aughrim (Aghrane) Bog SAC, site code 002200 / NHA, 8km north; and Curraghlehane Bog SAC, site code 002350, 9.6km north-west.

- There are no individual elements of the proposed project that are likely to give rise to negative impacts on the sites. There is an adequate distance between the proposed site and designated areas to ensure that no direct impacts will occur. There are other agricultural activities ongoing close to the current application site, therefore cumulative impacts arising from the operation of these farms together were considered. All farms, regardless of whether licensed by the EPA or not, are required to operate within the legislation defined in SI 605 of 2017 regarding manure storage, minimisation of soiled water and general good agricultural practice etc. Therefore cumulative impacts arising from the combined operation of these activities with the proposed operation of the pig farm will be negligible. The land spreading of the manure produced at the proposed facility has also been considered. Records for the distribution and movement of all the manure produced, will be kept on site and presented to the Department of Agriculture, Food and Marine, if needed. All organic fertiliser will replace the use of chemical fertiliser, therefore there will be no overall increase in the amount of nutrients spread. All farmers that receive the manure from the proposed farm will do so under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014, SI 605 of 2017. Upon the receipt of the manure they will be informed of their obligation under this legislation. Compliance with these regulations will minimise cumulative impacts as well as any impacts upon water quality.

- The statement concludes with a finding of no significant effects, and that it does not need to proceed to Stage 2.

2.1.5. The floor area is given as 274.9 sq m.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. The planning authority decided to grant permission subject to 8 conditions, including:

4) All liquid effluent and other contaminated run-off generated by the proposed development in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or other contaminated run-off shall discharge or be allowed to be discharged to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

6) (i) The proposed piggery enterprise shall run in strict accordance with the details submitted with the application, as received on 3rd May 2018 and the 17th August 2018, and in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

(ii) A minimum of 18 weeks slurry storage must be provided.

(iii) Under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, no slurry spreading shall be carried out in the three month period between October 15th and January 15th.

(iv) All slurry and silage effluent shall be disposed of by land spreading in accordance with the Code of Good Agricultural Practice, to ensure the protection of ground and surface waters.

(v) No spreading of slurry shall take place within 50m of any domestic well, 10m of any stream or drain, or within 20m from lakes or any main river channel or tributaries or on lands subject to or likely to flood.

(vi) All solid waste, waste bedding material to be disposed of by land spreading in accordance with Good Agricultural Practices and without risk to ground or surface waters.

(vii) Under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, no slurry spreading of such waste (solid waste/ waste bedding/ farmyard manure) shall be carried out in the period between November 1st and January 15th.

(viii) All slurry spreading must be carried out in strict accordance with the applicant's Nutrient Management Plan/Fertiliser Plan and only on the lands identified for landspreading on the maps received by the Planning Authority on the 17th August

2018 and shall also be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

(ix) Land spreading shall not take place on any lands with less than 1m of soil.

Reason: In the interest of proper planning and the protection of public health.

7) The waste shall not be land spread proceeding, during or immediately after periods of unusual heavy rainfall, on frozen ground, on lands subject to flooding or at any time during which there would be heavy run-off surface water.

Reason: To protect public health and to avoid pollution.

8) The adjacent public road shall be maintained in a clean manner with all effluent retained on site and where off-site spreading of slurry effluent is undertaken, any wheel borne mud/spillages from the tank shall be cleaned by the applicant/operator.

Reason: In the interests of residential amenity.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Other Technical Reports

Environment Section

Further information to be requested:

- Submit details of the number and type of animals on this farm.
- Submit evidence that there is adequate storage available for all agricultural effluent to be produced on this arm. This information should include clear details (including dimensions) of all tanks used to hold agricultural effluent. This evidence should also comply with the Good Agricultural Practice Regulations, 2014 (SI 3 of 2014).
- Submit details of land banks which will be used for spreading slurry and other agricultural effluents from this farm. Appropriate clear scaled maps showing the fields which will be landspread need to be provided.

3.2.2. Planning Reports

3.2.3. There are two planning reports on the file, the first, recommending further information on 4 points, includes:

- The site is located in an area that is in or adjacent to a possible flood plain. This does not necessarily mean that it is liable to flooding. The site is located in an area designated as Landscape Sensitivity Class 1 (where class 1 is the least sensitive and class 5 the most sensitive). The site is located in an area designated as Rkc, regionally important conduit karst aquifer, development potential limited. The area is drained by the Suck River.
- Following examination of the relevant GIS information in relation to flood risk assessment, the site of the proposed development is adjacent to a flood risk area (fluvial & groundwater) associated with Cornananta More Turlough, no flood risk assessment has been submitted. Furthermore, no lands have been clearly demonstrated as available for spreading where the planning authority and environment section can assess their suitability.
- 15 Natura Sites are within 15 km of the subject site. The site is located approx. 3km south-west of the River Suck Callows SPA. The Screening report for AA reached a finding of no significant effects. Having regard to the spreading associated with the development and the location adjacent to an area of potential fluvial flooding associated with the recurring turlough, the submission of a flood risk assessment is required.
- EN17/169 – case relating to an unauthorised agricultural shed. This application was lodged to retain and complete extension(s) and alterations to existing slatted livestock house and to utilise same for the purposes of a boar stud. The applicant states that they carry out existing bovine farming and intend to replace with porcine livestock.

3.2.4. Recommending the FI request which issued.

3.3. Further Information was requested on 4 items:

- 1)a) Submit details of the number and type of animals on this farm.
- b) Submit evidence that there is adequate storage available for all agricultural effluent to be produced on this farm. This information should

include clear details (including dimensions) of all tanks used to hold agricultural effluent. This evidence should also comply with the Good Agricultural Practice Regulations, 2014 (SI 3 of 2014).

c) Submit details of land banks which will be used for spreading slurry and other agricultural effluents from this farm. Appropriate clear scaled maps showing the fields which will be landspread need to be provided.

d) Confirmation that the Nutrient Management Plan supporting this planning application complies with SI No 65 of 2018 European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2018, and SI No 605 of 2017 European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2017.

If this planning application forms part of a farm partnership, both nutrient management plans should be included and assessed on their impacts on European sites. the nutrient management plan(s) should account for buffer zones along the water bodies in the local area for slurry application and contain a plan for organic and chemical fertilizer combined.

The land identified for the spreading of slurry must not be liable to flooding or include areas of designated European sites.

2) Please submit a revised site layout map to show the existing and proposed arrangements for the disposal of uncontaminated surface waters (roof water) and contaminated soiled water (hardstand areas & farm structures) generated by the existing and proposed development on site.

3) The location of the subject site including slatted shed is partially situated within an indicative fluvial flood risk area associated with the adjoining turlough. Therefore the applicant is requested to engage the services of a suitably qualified person with hydrological expertise to prepare a flood risk assessment of the application site in accordance with the Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009). The Flood Risk Assessment is also required to examine the indicative fluvial and historical flood risk to the associated land available for the spreading of slurry.

4) In accordance with the requirements of Article 22 (2) (b)(i) (ii) & (iii) of the Planning and Development Regulations 2001 (as amended), please submit

a revised site location map, that identifies the subject site outlined in red, lands under the control of the applicant/landowner outlined in blue, which adjoins, abuts or is adjacent to the land to be developed.

3.3.1. FI response

1) a) 50 boars.

b) The tank subject to retention is c18.45m long by c 14.6m wide (internally) with a 1m deep manure storage tank incorporated in same; storage capacity net of 200mm freeboard is 215.5m³.

c) The original is c 15m long by 3.5m wide with a 3.5m deep tank. Storage capacity net of 200mm freeboard c115.5m³. Combined 331m³. Estimated manure (incl soiled water) production has previously been calculated as 171.6m³ thus giving >23 months storage capacity (well in excess of the 6 months required).

e) Details of revised lands for the receipt of organic fertiliser enclosed.

d) Confirmation that the accompanying NMP complies with SI 605 of 2017 as amended. The third party farmer name and herd number are retained on site in line with GDPR requirements.

e) The proposed development is not connected with any other farming enterprise.

f) The lands proposed for the application of organic fertilizer are not liable to flooding and are not within any designated area. There is a small section of the farmland close to the adjacent watercourse that may be susceptible to flooding however same will be excluded from any spreading.

2) Revised drawings. The stock will be housed continuously. The potential for generation of soiled water is effectively eliminated.

3) Report enclosed. The lands previously identified for the receipt of organic fertiliser located adjacent to the proposed development site have since been replaced.

4) Drawings enclosed.

The Site Specific Flood Risk Assessment (SSFRA) concludes that the site is not at significant risk of fluvial, coastal, groundwater or direct pluvial flooring and falls within flood zone 'C'.

3.3.2. The second planning reports recommending permission subject to 8 conditions, includes:

- 3.3.3. The applicant has fully responded to the FI request, no further outstanding matters.
- 3.3.4. Having regard to the history of agricultural practice at the subject site and the availability of on site storage and lands for spreading within the applicant's control, combined with the attachment of conditions relating to the satisfactory operations on site, it is considered that the proposed development is appropriate at this rural location with low level housing in the area and where agricultural developments are supported by the policies and objectives in the Galway County Development Plan 2015-2021, set out in chapter 11 and in particular objective AFF1 sustainable agriculture, AFF2 – rural diversification, AFF 4 – intensive agriculture developments, AFF5 compliance with the EU Habitats Directive, and DM Standards 33 and 34.

3.4. Third Party Observations

- 3.4.1. Third party observations to the planning authority have been read and noted.

4.0 Planning History

17/1767 to convert existing substantially completed agricultural storage shed to slatted livestock house, together with all ancillary structures (to include meal storage bins) and associated site works arising from the above proposed development, gross floor space 274.9 sqm.

The structure to be converted is of A roof design c 18.45m long by c 14.9m wide (internally) with an overall height of c 5.35m with a 1m deep manure storage tank incorporated in same. The building is of a form, design, colour and materials that are sympathetic to their surroundings. The existing slatted shed is c14m long by 12m wide with a 2.4m deep tank. The structure is steel portal frame which will incorporate a mass concrete tank. Automated feeding and drinking systems are to be incorporated into the house operation. Deemed invalid due to description.

5.0 Policy Context

5.1. Development Plan

The Galway County Development Plan 2015-2021, is the operative plan, relevant provisions include:

Chapter 11 and in particular objective AFF1 - support for sustainable agriculture, AFF2 – support for rural diversification including specialist farming practices e.g. specialised animal breeding, equine facilities, poultry, mushroom growing, vegetable and fruit growing; AFF5 Compliance with the EU Habitats Directive, and DM Standards 33 and 34.

Chapter 11 Natural Heritage and Biodiversity - policies NHB1, NHB4 in relation to nature conservation. Policy NHB 1 – Natural Heritage and Biodiversity - it is the policy of Galway County Council to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites, that form part of the Natura 2000 network, the protection of Natural Heritage Areas, proposed Natural Heritage Areas, Ramsar Sites, Nature Reserves, Wild Fowl Sanctuaries and Conamara National Park (and other designated sites including any future designations) and the promotion of the development of a green/ ecological network within the plan area, in order to support ecological functioning and connectivity, create opportunities in suitable locations for active and passive recreation and to structure and provide visual relief from the built environment.

Policy NHB 2 – Non-Designated Sites - Recognise that nature conservation is not just confined to designated sites and acknowledge the need to protect non-designated habitats and landscapes and to conserve the biological diversity in the County.

Policy NHB 4 – Water Resources - Protect, conserve and enhance the water resources of the County, including, rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species and seek to protect and conserve the quality, character and features of inland waterways by controlling developments close to navigable and non-navigable waterways.

- 5.2. **SI 31 of 2014 The European (Good Agricultural Practice for Protection of Waters) Regulations 2014**, these regulations were revoked by SI 605 of 2017

5.3. **SI 605 of 2017 The European (Good Agricultural Practice for Protection of Waters) Regulations 2017**

Regulations, which give effect to Ireland's 4th Nitrates Action Programme, provide statutory support for good agricultural practice to protect waters against pollution from agricultural sources and include measures such as:

- periods when land application of fertilisers is prohibited
- limits on the land application of fertilisers
- storage requirements for livestock manure, and
- monitoring of the effectiveness of the measures in terms of agricultural practice and impact on water quality.

The Regulations give further effect to several EU Directives including Directives in relation to protection of waters against pollution from agricultural sources ("the Nitrates Directive"), dangerous substances in water, waste management, protection of groundwater, public participation in policy development and water policy (the Water Framework Directive).

5.4. **SI 65 of 2018 The European (Good Agricultural Practice for Protection of Waters) Regulations 2018**

These amend SI 605 of 2017 including correcting minor typographical errors and the addition of Part 7 'Implementation of Commission Decision'.

"Commission Decision" means the Commission Implementing Decision of 8 February 2018 on granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources, (to allow intensive farmers a higher stocking rate of livestock manure, subject to them complying with strict rules that are overseen by the Department of Agriculture, Food and the Marine).

5.5. **Natural Heritage Designations**

- 5.5.1. The nearest Natura site is the River Suck Callows SPA, site code 004097, located c2.9km from the subject site.

5.6. Environmental Impact Assessment

- 5.6.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal by Stephen Larkin against the planning authority's decision to grant permission. The grounds includes:

- Spreading of effluent – danger to environment/water/smells.
- Boar stud – noise detrimental impact on recreational and rural amenity.
- Issues set out in this objection to the planning authority.

6.2. Applicant Response

- 6.2.1. CLW Environmental Planners Ltd have submitted a response on behalf of the applicant, which includes:

- The applicant notes the contents of the appeal and is of the opinion that same has been substantially addressed in correspondence to Galway Co Co.
- Spreading of effluent – the spreading of organic fertiliser on land as a replacement for chemical fertiliser is a widespread agricultural practice on all livestock farms and a significant number of tillage farms. The practice, once carried out in accordance with SI 605 of 2017 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended, will not result in an adverse environmental impact, a pollution threat to sources of potable water, water courses, aquifers or ground water and/or significant adverse odour impact.

- In addition to limits on nutrient application rates SI 605 of 2017 dictates the requirements for the storage and application of organic fertiliser, including specific application rates (both hydraulic and nutrient) and buffer zones from sensitive features. The restrictions included in SI 605 of 2017, in relation to timing and manner of applications, weather and ground conditions at the time of application, nutrient and hydraulic loadings etc, put in place a comprehensive suite of measures to specifically protect ground and surface waters from pollution from agricultural sources and should allay the fears of the authors of the objection.
- Noise – the proposed development will result in the accommodation of 50 pigs. This stocking number is very small in the context of pig production, with requirements for EIA and EPA licence not required until one crosses 2,000 production pigs.
- There is only one third party residence located within 350m and same is located c150m+ from the proposed development.
- Given the extremely limited nature of the proposed development and also the fact that this site is / was an existing agricultural farmyard with livestock thereon, it is not anticipated that the development will cause an adverse noise impact outside the site boundary and /or adversely impact on any third party location.

6.3. Planning Authority Response

- 6.3.1. The planning authority has not responded to the grounds of appeal.

6.4. Prescribed Bodies

- 6.4.1. The Board notified the Heritage Council, An Taisce, and the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht of the appeal. The applications Unit of the Department of Culture, Heritage and the Gaeltacht, responded in relation to Nature Conservation, which response includes:

- The proposed development is located in an area of moderate to high groundwater vulnerability adjacent to Cornananta More turlough, an undesignated site.
- The proposed development is situated within the sub-catchment of the River Suck, upstream of the River Suck Callows SPA, River Suck Callows NHA, Middle Shannon Callows SPA, and River Shannon Callows SAC. The Board is advised to assess and ensure that no risk arises to species, habitats and downstream designated sites from this development either on its own or in combination with other developments, in particular eutrophication arising from the development itself, the vulnerability of the groundwater, the risk of flooding and the nature of the proposed spread-lands.
- Unsuitable development would be contrary to policies for natural heritage contained in the Galway County Development Plan (2015-2021). Policies NHB1, NHB4 are cited.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, natural heritage/water pollution, residential amenity and traffic, and the following assessment is dealt with under those headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. **Natural Heritage / Water Pollution**

- 7.3.1. The third party has concerns regarding danger to environment and water. In the submission to the planning authority concern is expressed in relation to the group water supply scheme source.

- 7.3.2. The site is located close to a Cornananta More turlough and close to an area which is identified as at risk of flooding. In response to the request for further information a site specific flood risk assessment has been submitted which confirms that the site itself is not located within the area at risk of flooding, but part of the field within which the site is located, i.e. the southern end, is identified as being at risk of groundwater flooding. The further information response identifies other lands in the vicinity available for land spreading.
- 7.3.3. The Department of Culture, Heritage and the Gaeltacht, have responded to the Board's notification of appeal stating that the proposed development is located in an area of moderate to high groundwater vulnerability adjacent to Cornananta More turlough, an undesignated site. They further advise that the proposed development is situated within the sub-catchment of the River Suck, upstream of the River Suck Callows SPA, River Suck Callows NHA, Middle Shannon Callows SPA, and River Shannon Callows SAC. They advise the Board to assess and ensure that no risk arises to species, habitats and downstream designated sites from this development either on its own or in-combination with other developments, in particular eutrophication arising from the development itself, the vulnerability of the groundwater, the risk of flooding and the nature of the proposed spread-lands.
- 7.3.4. The effluent will be stored in sealed tanks and therefore the only risk which arises is in relation to land spreading.
- 7.3.5. The application and the further information provided refer to the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, (S.I. No. 605 of 2017), and the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2018, (S.I. No. 65 of 2018), in relation to landspreading practice, which they are required to follow. Additional spreadlands proposed are adjacent to the Shivnan river, which drains to the River Suck and the Natura areas River Suck Callows SPA and River Suck Callows NHA, and onwards to the River Shannon where there are further designations. The spreadlands are shown to exclude areas close to the river.
- 7.3.6. The above regulations and the conditions as drafted by Galway County Council will ensure that no risk to groundwater or surface water will arise.

- 7.3.7. As pointed out by the first party in relation to groundwater impact, all other farmers are bound by the same regulations in relation to storage and spreading of organic fertiliser, therefore cumulative impacts will not arise.
- 7.3.8. In my opinion the management and spreading of organic fertiliser from the proposed development, in accordance with S.I. No. 605 of 2017, and S.I. No. 65 of 2018, and the conditions as drafted, will not give rise to surface water or ground water pollution or to negative impact on the natural environment.

7.4. Residential Amenity

- 7.4.1. Impact on residential amenity from smell and noise is referred to in the grounds of appeal. In the submission to the planning authority the view is expressed that this is a commercial development and not normal farming activity.
- 7.4.2. The first person response states that the proposed development will result in the accommodation of 50 pigs, representing very small stocking in the context of pig production; there is only one third party residence located within 350m and same is located c150m+ from the proposed development; and given the extremely limited nature of the proposed development and also the fact that this site is / was an existing agricultural farmyard with livestock thereon, it is not anticipated that the development will cause an adverse noise impact outside the site boundary and /or adversely impact on any third party location.
- 7.4.3. The proposed development is a farming activity. The development plan supports 'rural diversification including specialist farming practices e.g. specialised animal breeding.' The details accompanying the application explain that the development needs to be located away from any existing pig farms to provide for adequate bio-security. The applicant proposes to change from bovine livestock farming to rearing boars for the production of semen. The proposed accommodation of 50 adult pigs does not represent an intensive stocking rate. It is stated that the pigs will be held indoors; no ancillary heating will be required within the houses; and all ventilation will be computer controlled mechanical ventilation, or automatically controlled natural ventilation.
- 7.4.4. It should be noted that the applicant's house is the nearest dwelling. The third party appealant's house is 155m distance.

7.4.5. In my opinion the proposed development will have no significant impact on residential amenity arising from smell or noise.

7.5. **Traffic**

7.5.1. In third party submission to the planning authority refers to the issue of traffic on this quiet rural road, that there are no formal passing areas in the lead up to the development, and that the existing road is not suitable.

7.5.2. This road is a tertiary local road which serves mainly agricultural land and a few isolated houses. Land in the area is in agricultural use. The application details include the availability of 2.4 x 70m sightlines in both directions. The details of the operational phase traffic are given as: 1 part load of feed / fortnight; 2 loads of pigs/annum; staff once per day; collection of AI for delivery 3 times/week; up to 18 loads of organic fertiliser per annum between mid January and mid October, by tractor and 9.09m³ tanker, if transported by road. In my opinion the traffic generated will not exceed the type or volume of traffic which would be generated by any other form of farming enterprise carried on at this location and traffic should not be a reason to refuse permission.

8.0 **Recommendation**

8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 **Reasons and Considerations**

The site is located in a rural area where agriculture is the predominant land use. The proposed development involves a change in farming enterprise to specialist farming, which diversification is supported by the County Development Plan. The proposed development would not unduly impact on the amenities of property in the vicinity; would not cause traffic congestion or hazard; would not be subject to flooding or adversely impact on the quality of groundwater or surface water; and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 17th day of August 2018, 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. All foul effluent and other contaminated run-off generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities for holding prior to its application to land in accordance with The European (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 605 of 2017) as amended.

Reason: In the interest of protecting the environment.

3. 6 (i) The proposed piggery enterprise shall operate in strict accordance with the details submitted with the application, as received on 3rd May 2018 and the 17th August 2018, and in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.
 - (ii) A minimum of 26 weeks slurry storage must be provided.
 - (iii) Under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, no slurry spreading shall be carried out in the

three month period between October 15th and January 15th.

(iv) All slurry and silage effluent shall be disposed of by land spreading in accordance with the Code of Good Agricultural Practice, to ensure the protection of ground and surface waters.

(v) No spreading of slurry shall take place within 50m of any domestic well, 200m of any group water supply source, 10m of any stream or drain, or within 20m from lakes or any main river channel or tributaries or on lands subject to or likely to flood.

(vi) All solid waste, waste bedding material to be disposed of by land spreading in accordance with Good Agricultural Practices and without risk to ground or surface waters.

(vii) Under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, no spreading of such waste (solid waste/ waste bedding/ farmyard manure) shall be carried out in the period between 15th October and January 15th.

(viii) All land spreading must be carried out in strict accordance with a Nutrient Management Plan/Fertiliser Plan.

(ix) Land spreading shall only take place on lands with a consistent minimum thickness of 1m of soil/subsoil.

Reason: In the interest of protecting the environment.

4. The waste shall not be land spread preceeding, during or immediately after periods of unusually heavy rainfall, on frozen ground, on lands subject to flooding or at any time during which there would be heavy run-off of surface water.

Reason: In the interest of protecting the environment.

5. The adjacent public road shall be maintained in a clean manner, any wheel borne mud/spillages arising shall be cleaned by the applicant/operator to the satisfaction of the planning authority.

Reason: In the interests of orderly development and environmental protection.

Planning Inspector

8th February 2019

Appendix 1 Photographs

Appendix 2 Extracts from the Galway County Development Plan 2015-2021