



An  
Bord  
Pleanála

## Inspector's Report ABP-304833-19

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<b>Development</b>	Construct a pig house, ancillary structures and site works.
<b>Location</b>	Ballynabarny, Enniscorthy, County Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20190526
<b>Applicant(s)</b>	Healy Pigs Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Healy Pigs Limited
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Sinead/Jack Redmond</li><li>2. Marie Louise Forbes</li><li>3. An Taisce</li></ol>
<b>Date of Site Inspection</b>	21 <sup>st</sup> November 2019
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

1.1. The application site has a stated area of 0.1ha and is in use as a piggery. The application site is about 3kms northeast of Enniscorthy town centre. To the west is the Slaney River and then the N11 Wexford to Dublin route. To the east is the new M11 motorway and to the north is a new link between the M11 and the N80 with a new bridge over the Slaney. To the south and close to the entrance to the private access lane is a minor road which links the area to the R744 and Enniscorthy town centre. There are two existing pig houses and additional buildings on site. The site is accessed over a private lane which also provides access to two residential houses (the one on the southern side of the private lane closest to the application site is Rossagh House). Relying on the 25inch maps it appears that the application site was once part of the landholding of Ballinabarna House which is due south of the application site.

## 2.0 Proposed Development

2.1. The proposed development comprises the construction of a pig house and ancillary structures and associated site works at an existing pig farm at Ballynabarny, Enniscorthy, County Wexford.

## 3.0 Planning Authority Decision

3.1. **Decision – Permission Refused for 4 reasons as follows;**

- The additional and existing pig numbers require the submission of an EIAR and carrying out of an EIA.
- The proposed development gives rise to a risk of effluent release from the feed tanks into drains/water courses and may impact on the Slaney SAC.

- The proposed development in combination with existing development on site would negatively impact on the residential amenity of adjoining houses and may impact on wells in the area.
- The proposed development would give rise to additional traffic on a private laneway and endanger public safety by reason of traffic hazard.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

3.2.2. The planner's report recorded flies and odour on site with leaking pipes and rusted feed tanks with concerns for the SAC nearby and ground water quality. The application should be accompanied by an EIAR.

#### 3.2.3. Other Technical Reports

The **Environment Section** reported that the proposed development exceeded the threshold for triggering the submission of an EIAR. The site contained leaking storage tanks with consequent potential for ground water pollution. The existing development poses a threat to the Slaney River SAC.

## 4.0 **Planning History**

Under PL26.242390 permission was granted for the demolition of four existing pig rearing units and erection of two new pig rearing sheds with associated works at Ballynabarny, Enniscorthy, County Wexford.

## 5.0 Policy and Context

### 5.1. National Planning Framework

#### 5.2. National Policy Objective 23

5.3. Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.4. The **European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017** provides the relevant standards for the collection and disposal of farm yard manure to give effect to Ireland's Nitrates Action Programme for the protection of waters against pollution caused by agricultural sources.

5.5. **Environmental Impact Assessment (EIA) Guidance for Consent Authorities** regarding Sub-Threshold Development (DOEHLG 2003) provides advice in relation to circumstances in which a development within a class but not meeting a threshold may trigger a requirement for submission of an EIAR.

### 5.6. Development Plan

5.7. The Wexford County Development Plan 2013-2019 (life time extended) is the County Development Plan for the area. The Plan sets out a number of objectives in relation to environmental conservation;

#### 5.8. NH01

5.9. To conserve and protect the integrity of sites designated for their habitat/wildlife or geological/geomorphological importance and prohibit development which would damage or threaten the integrity of these sites, including SACs, cSACs, SPAs, NHAs, pNHAs, Nature Reserves, and Refuges for Fauna.

#### 5.10. NH03

5.11. To ensure that any plan or project and any associated works, individually or in combination with other plans or projects, are subject to Appropriate Assessment

Screening to ensure there are no likely significant effects on the integrity (defined by the structure and function) of any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where the plan/project is likely to have a significant effect on a Natura 2000 site it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where in the absence of alternative solutions, the plan/project is deemed imperative for reasons of overriding public interest, all in accordance with the provisions of article 6(3) and 6(4) of the EU Habitats Directive.

5.12. In relation to agriculture **Objective ED18** states that;

5.13. To promote and encourage food producers and processing to provide associated activities by permitting the expansion and development of existing businesses, subject to complying with normal planning and environmental criteria and the development management standards in Chapter 18.

#### 5.14. **Natural Heritage Designations**

Not relevant.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- There are two pig rearing houses on site which house about 1,700 pigs. This application proposes an additional slatted livestock house for 1,600 production pigs. Ancillary buildings include feed silos, water storage tanks, and admin building.
- The existing number of pigs (1,700 production pigs) and proposed pigs (1,600 weaners) will not exceed the threshold of 3000 production pigs which would trigger the requirement for an EIAR.
- The pigs are treated in a manner consistent with the EC (Welfare of Farmed Animals) Regulations 2010.

- The pig house will be on steel reinforced concrete tank with a leak detection system in line with Department of Agriculture, Food and Marine specifications.
- The proposed development is an operational pig farm located in rural area, outside any designated settlement on a site that is currently used for agriculture and will not impact on the residential amenity of residential uses.
- The additional traffic movements arising from the proposed development will comprise 2 lorries per month. The proposed development will not give rise to traffic hazard.

## 6.2. Planning Authority Response

- The planning authority stated that it had no further comment.

## 6.3. Observations

6.4. Observations were received from An Taisce, Sinead and Jack Redmond of Rossagh House, Ballynabarny, Enniscorthy and Marie Louise Forbes of Ballinabarna House, Ballynabarny, County Wexford. The matters raised in these submissions may be summarised as follows;

- The proposed development breaches condition number 1 of the permission granted under PL26.242390 that limited the pig numbers of 1700 production pigs. Not all water is being disposed of within the site as required by condition 2 of the Board's decision in PL26.242390. The proposed development may impact on adjoining wells.
- Inadequate lay-bys have been provided as required by condition 11 of the decision in PL26.242390.
- The existing piggery already negatively impacts on the residential amenity of nearby houses through smells, flies, slurry disposal.
- The applicant has another piggery at Little River Pigs Limited about 1 mile from the application site. The observer has made complaints previously in relation to the impact on their property arising from the existing development on site.

- The observer's well (Ballinabarna House) has been contaminated by the existing piggery. Ultraviolet treatment has had to be installed.
- Outdoor pig production is a more sustainable method of pig rearing and would reduce the odour impacts on nearby property.
- The application should have been accompanied by an NIS.

## 6.5. Further Responses

6.6. The Board required the applicant to publish a notice of submission of a NIS with the applicant's appeal and allowing time for observations. The time for observations expired on the 25<sup>th</sup> November 2019. A further observation was received from Sinead and Jack Redmond. The submission may be summarised as follows;

- The notice of the application did not comply with the regulations and the appeal by the applicant should have been dismissed.
- The proposed development will negatively impact on the amenity of nearby houses. A number of houses are within 100m of the application site.
- The piggery is clearly visible from the local road network.
- The proposed development allows feed to leak from un-bunded storage tanks.

## 7.0 EIA Screening

7.1. The Planning and Development Regulations 2001-2019 Schedule 5 Part 1 Class 17 (b) provides that an EIAR shall be submitted for developments for 3,000 places for production pigs (over 30 kg) or Class 17 (c) 900 places for sows. Schedule 5 Part 2 Class 1 (e)(ii) requires the submission of an EIAR for installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.

7.2. The application is for a new shed accommodating 1,600 weaners (below 30kgs). The proposed development therefore is not one to which Class 17 (b) Part 1 Schedule 5 applies. Since the combined existing and proposed development within the redline



boundary of the site included in the application will not provide places for more than 2,000 production pigs (over 30kgs) the proposed development does not trigger the requirement for an EIAR under Class 1 (e)(ii) Part 2 Schedule 5.

7.3. Class 13 (a) of Part 2 of Schedule 5 provides for changes to projects. A change that would bring a proposed development into Part 1 of Schedule 2 or paragraph 1 to 12 of Part 2 would trigger the requirement for an EIAR. Having regard to the requirement that the proposed development must accommodate sows and the 3,000-sow threshold in Class 17 (b) Part 1 Schedule 5 the change proposed in this application does not bring the development into that class. Alternatively, a change to an existing development that would increase the size by 25% or more or be equal to 50% of the appropriate threshold whichever is the greater would trigger the requirement for an EIAR. Having regard to the nature of the pigs being housed (weaners not production pigs) it may be concluded that the proposed development would not trigger the requirement for an EIAR under Class 13 (a)(ii) Part 2 of Schedule 5.

7.4. Section 1 of Schedule 7 to the Regulations lists the characteristics of a proposed development which may require EIAR. These are;

- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard to substances or technologies used.

7.5. Of these characteristics the size of the proposed development and cumulation with other developments is significant since the proposed 1,600 weaners will generate manure effluent in combination with the existing 1,700 production pigs on site. Additionally, I consider that there is a risk of water pollution arising from the combined development included within the red-line development boundary included in the application.

- 7.6. The environmental sensitivity of the site and nearby areas should be considered under the headings of;
- the relative abundance, quality and regenerative capacity of natural resources in the area,
  - the absorption capacity of the natural environment, paying particular attention to the following areas:
    - (a) wetlands,
    - (b) coastal zones,
    - (c) mountain and forest areas,
    - (d) nature reserves and parks,
    - (e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
    - (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
    - (g) densely populated areas,
    - (h) landscapes of historical, cultural or archaeological significance

7.27. Of these characteristics the location of the application site within the catchment of the Slaney River and the Slaney River SAC is significant. The application does not detail the final disposal location of the effluent arising within the application site which leaves unclear if there might be a risk of water pollution of the Slaney River or other water courses at a distance from the application site but at or close to the location of the lands proposed for disposal of effluent.

7.28. The characteristics of potential impacts which may trigger the requirement for an EIAR are:

- The extend of the impact (geographical area and size of the affected population).

- The trans-frontier nature of the impact,
- Magnitude and complexity of the impact,
- Probability of the impact, and
- The duration, frequency and reversibility of the impact.

7.29. While the area of the site is small the lack of information in relation to the extent and location/sensitivity of lands required for land spreading prevents a conclusion in relation to the extent of potential significant impacts. The magnitude of impact is significant if pollution enters water courses or ground water and the reversibility of significant effects on an aquifer is limited should it occur.

7.30. Recommendation in Relation to EIAR

7.31. Having regard to the foregoing I recommend that the Board seek an EIAR in accordance with Article 103(1)(b)(iii).

7.32. In the event that the Board decides not seek an EIAR a planning assessment is set out below.

## **8.0 Planning Assessment**

### **8.1. Traffic Hazard.**

8.2. The planning authority's reason number 4 states that the proposed development would endanger public safety by reason of traffic hazard because two vehicles cannot pass on the private shared access lane serving the proposed development. The grant of planning permission under PL26.242390 required under condition 11 that upgrading works should be undertaken on the shared private lane serving the proposed development in the interests of traffic safety. The lane is included within the application site in both applications and serves two houses Rossagh House and another dwelling and the existing and proposed piggery. The appeal (see top page 13 in the grounds of appeal) states that upgrade works have been carried out on this lane, but no drawings have been submitted to illustrate this and following a site inspection I consider that this access lane remains inadequate to accommodate passing vehicular traffic.

- 8.3. The appeal makes the point that the proposed development will give rise to a net increase of two truck movements per week.
- 8.4. The access lane is a permitted access and the test for traffic hazard arising from the proposed development would require a conclusion that the proposed development would give rise to a materially different pattern of traffic movements over and above that which could be anticipated under the permitted piggery on site.
- 8.5. Having regard to material submitted with the application and appeal I conclude that the proposed development would not materially alter the traffic loading on the access lane or public road network in a manner as to endanger public safety by reason of traffic hazard.
- 8.6. **Impacts on Residential Amenity.**
- 8.7. The planning authority's refusal reason 3, *inter alia*, references impact on residential amenity. The planning reports on file and the observations submitted to the Board make the point that there is a negative impact on residential amenity arising from smells and flies related to the existing development on site. My site inspection was carried out in winter and these concerns were not evident at that time.
- 8.8. The site comprises a permitted working pig farm. The area is un-zoned in the County Development Plan and the dominant land use is agriculture. It may be anticipated that in rural areas there will be impacts associated with agricultural uses which are inimical to residential amenity. However, the proposed development proposes underground slurry tanks not open effluent storage tanks; this arrangement is a reasonable mitigation measure to minimise odour and flies.
- 8.9. Having regard to the foregoing I consider that the proposed development would not seriously injure the amenity of residential property in the vicinity.
- 8.10. **Water Pollution**
- 8.11. The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended, sets out a general obligation (article 8) to ensure that the capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dungsteeds, farmyard manure pits, silage pits or silage clamps on a holding shall be adequate to provide for the storage of all such substances as are likely to require storage on the holding for such period as

are required in the regulations in order to avoid pollution. Table 1 Schedule 2 of the Regulations sets out the required storage capacity for piggeries. The application (see especially paragraphs 2.1.6 and 2.1.7 of the application covering report by CLW Environmental Planners) sets out the calculations of the required storage capacity with a freeboard of 200mm for covered tanks as specified by the regulations. However, it is not apparent from the submitted drawings that the underfloor tank has been sized in accordance with the submitted calculations. Additionally, apart from a written annotation on the drawings that all clean storm water to be directed to an appropriately sized attenuation tank, it is not clear that soiled water from any hard surfaces will be distinguished from clean surface water nor is it clear how the capacity of any attenuation tanks is calculated.

- 8.12. The application further states that additional agricultural land has been identified which can be used for land spreading of the effluent arising from the proposed development. The location and absorption/infiltration characteristics of such additional land and its relationship to any water courses or sensitive ecological sites is not specified in the application. The Board is precluded by article of 5 the European Communities Environmental Objectives (Surface Water Regulations) 2009 from undertaking its functions in manner that knowingly causes or allows a deterioration in the chemical or ecological status of a body of surface water.
- 8.13. The observations submitted to the Board make the point that wells in the area have been polluted by effluent from the application site. The planning authority documents referenced leaking storage tanks on site. During my site inspection such leaking tanks were not evident.
- 8.14. A similar point arises in relation to ground water as to surface water. The application states that underground attenuation tanks will be constructed for surface water. However, there is reference in the application discharge from such tanks to surface water courses and infiltration of surface water into the ground on site but insufficient detail as to the volume or nutrient loading which will arise on site, the infiltration characteristics of the site and its capacity to absorb such clean or soiled surface water.
- 8.15. Having regard to the foregoing I conclude that the Board cannot be satisfied that the proposed development would not give rise to a risk of ground or surface water

pollution either within the application site or on lands where manure spreading is proposed to take place.

#### 8.16. **Visual Impact.**

8.17. The proposed development is located in an area designated as 'lowlands' in the landscape character assessment set out in the County Development Plan (map number 13). The Plan describes such areas as generally comprising gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture.

8.18. There is good screening to the south although the proposed development will be visible over a considerable area to the north nevertheless this is not a particularly sensitive landscape. The proposed development, when visible, will read as another element in a working agricultural context and I do not consider that it will seriously injure the visual amenity of the area.

### 9.0 **Appropriate Assessment.**

9.1. The planning authority refused planning permission because, *inter alia*, the application was not accompanied by a NIS and an appropriate assessment could not be undertaken. The applicant submitted a NIS to the Board with the appeal, the Board required the publication of a notice of receipt of the NIS and one submission was received on foot of the publication of that notice from Sinead and Jack Redmond who had previously made an observation to the Board. The Board sought the comments of the NPWS but no comment was received.

9.2. The NIS identifies three Natura 2000 sites as with potential for impact – the Slaney River Valley SAC 000781, the Wexford Harbour and Slobbs SPA 004076 and the Screen Hills SAC 000708.

9.3. The NIS screened out the Screen Hills SAC concluding that there are no potential impacts on this site due to its distance (14.6kms) from the proposed development. The NPWS has published a site synopsis for this SAC which describes it as the area just north of the Wexford slobbs characterised as type of glacial landscape known as

“kettle and kame”, a term which refers to kettlehole lakes found in hollows between small hills. The lakes, which are mostly small, mark the positions of former ice blocks in an acidic, sandy moraine. I conclude that there is no hydrological or other pathway connection between this SAC and the application site and agree that the Screen Hills SAC can be screened out of further consideration.

9.4. The overall aim of the Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The NPWS has set out specific conservation objectives for the qualifying interests which comprise habitats and species for which the Slaney River Valley SAC (000781) has been designated. The species that are qualifying interests are;

- Freshwater Pearl Mussel
- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Twaite Shad
- Atlantic Salmon
- Otter
- Harbour Seal

9.5. The habitats that are qualifying interests are;

- estuaries,
- mudflats and sandflats not covered by seawater at low tide,
- water courses of plain to montane levels with floating river vegetation,
- old sessile oak woods
- alluvial forests.

9.6. The NIS identifies 6 possible future impacts on the two remaining Natura 2000 sites, these are; water pollution caused by soiled surface water run-off during construction works, water pollution during operational phase, atmospheric emissions, water pollution from land spreading of manure, impact on species and cumulative impact with other/proposed development.

9.7. Mitigation measures to prevent soiled water escaping during the construction phase will be:

- Compliance with the EU (Good Agricultural Practice for the Protection of Waters) Regulations 2017,
- Buildings will comply with the Dept of Agriculture's Farm Building and Structures Specifications with appropriate leak detection technology.
- Site preparation and construction must be confined to development site and adhere to standard best practice. Excavation and construction should be avoided in wet weather.
- Soil disturbed during construction be reused within the site or be removed by a licensed contractor.
- Fuel oils/greases hydraulic fluids should be held in bunded areas well away from water courses.

9.8. Mitigation measures during operational phase will include;

- Surface water run-off from impermeable surfaces should be directed to soak pits or if this is not practical run-off should be directed to watercourses through sediment and oil traps.
- Only clean surface water should be directed to water courses.
- Watercourse verges should not be damaged during construction or operation.
- New technologies for reduction of emission to air should be employed, slurry cooling should be considered to limit atmospheric emissions.
- Manure will be spread only on existing mature grasslands in accordance with a nutrient management plan, stocking should be kept within the 170kg/ha/year, no manure will be spread where bedrock occurs at the surface, a buffer zone of 20m should be maintained from water courses within 1km of a Natura 2000 site and 3m of open field drains. Lands unsuitable (wet or water logged, steeply sloping and frozen or snow covered) should be avoided.



- Spreading close to hedgerows/field margins should be avoided and new technologies that minimise emissions should be considered.

9.9. The NPWS has set out specific conservation objectives for the qualifying interests which comprise habitats and species for which the Wexford Harbour and Slobbs SPA (004076) has been designated. The conservation objective for both habitat and species is the maintenance of habitats and species within Natura 2000 sites at favourable conservation condition which will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. Wetlands is the only habitat of qualifying interest. The species that are qualifying interests are;

- Little Grebe *Tachybaptus ruficollis* wintering
- Great Crested Grebe *Podiceps cristatus* wintering
- Cormorant *Phalacrocorax carbo* wintering
- Grey Heron *Ardea cinerea* wintering
- Bewick's Swan *Cygnus columbianus* wintering
- Whooper Swan *Cygnus cygnus* wintering
- Light-bellied Brent Goose *Branta bernicla hrota* wintering
- Shelduck *Tadorna tadorna* wintering
- Wigeon *Anas penelope* wintering
- Teal *Anas crecca* wintering
- Mallard *Anas platyrhynchos* wintering
- Pintail *Anas acuta* wintering
- Scaup *Aythya marila* wintering
- Goldeneye *Bucephala clangula* wintering
- Red-breasted Merganser *Mergus serrator* wintering
- Hen Harrier *Circus cyaneus*
- Coot *Fulica atra* wintering

- Oystercatcher *Haematopus ostralegus* wintering
- Golden Plover *Pluvialis apricaria* wintering
- Grey Plover *Pluvialis squatarola* wintering
- Lapwing *Vanellus vanellus* wintering
- Knot *Calidris canutus* wintering
- Sanderling *Calidris alba* wintering
- Dunlin *Calidris alpina* wintering
- Black-tailed Godwit *Limosa limosa* wintering
- Bar-tailed Godwit *Limosa lapponica* wintering
- Curlew *Numenius arquata* wintering
- Redshank *Tringa totanus* wintering
- Black-headed Gull *Chroicocephalus ridibundus* wintering
- Lesser Black-backed Gull *Larus fuscus* wintering
- Little Tern *Sterna albifrons* breeding
- Greenland White-fronted goose *Anser albifrons flavirostris*

9.10. The NIS concludes that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Slaney River Valley SAC or the Wexford Harbour and Slobs SPA.

9.11. The application site is on a high point overlooking the valley of the Slaney River. An old private lane bisects the site and runs east out of the application site to a stream which flows north at the end of the old private lane. This stream joins a larger stream which in turn enters the River Slaney 500/600m to the north east of the application site. Given the elevation of the application site and proposed piggery, the fall of the land to the east/northeast and the network of water courses in the area I conclude that surface water arising within the site has the potential to drain towards water courses which feed the Slaney which is an SAC with water dependent habitats and species which have been identified as qualifying interests. The potential for direct

and indirect effects of the projects should be considered having regard to the source-pathway-receptor model.

- 9.12. The NIS makes the point that surface water arising within the site may be able to be treated through infiltration within the site or released through silt and hydrocarbon interceptors to local water courses. I consider, in this context, that the application should establish the infiltration capacity of the site, the direction of flow of ground water, map local water courses and set out an assessment of the potential for ground water contamination and potential for such groundwater to reach surface watercourses which feed into The Slaney River SAC. This connection between ground and surface water is recognised in the NIS (see “Deterioration in Water Quality in the SAC Post Construction/Operation” – page 39) but statements that mitigation measures need to be taken are insufficient to allow for the conclusion that the proposed development would not adversely affect a Natura 2000 site.
- 9.13. Where the NIS concludes that some or all of the surface water arising within the site cannot be disposed of on-site the application (including the NIS) must set out details of the soiled surface water collection system, soiled water holding capacity of any tanks required and detailed measures to prevent the exit of soiled water from the site so as to allow for the conclusion that no adverse effect will result for Natura 2000 sites. Assertions that measures will be undertaken in accordance with Guidelines are insufficient to allow for the conclusion that the proposed development would not adversely affect a Natura 2000 site.
- 9.14. The other major source of contamination where pathways may exist to receptors in the form of Natura 2000 sites is the disposal of manure arising from the proposed development. The planning report submitted with the application (see especially paragraph 2.3 of CLW Environmental Planners report submitted with application) makes the point that additional effluent will be spread on agreed lands but does not map these lands or provide any assessment of their suitability for land spreading. The NIS does not calculate the amount of effluent arising from the proposed development, set out the amount of land required to accommodate the land spreading of this effluent, identify the location of the land or provide for alternative methods of disposal. There is no assessment of the potential effect of effluent disposal on other Natura 2000 sites within the catchment of any lands on which manure spreading may take place. I conclude therefore that the NIS is so deficient

in the information provided as to not allow for the conclusion that the proposed development would not adversely affect a Natura 2000 site.

- 9.15. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the Slaney River Valley SAC 000781, the Wexford Harbour and Slobs SPA 004076 in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting planning permission.

## 10.0 Recommendation

- 10.1. I recommend that permission be refused.

## 11.0 Reasons and Considerations

1.	On the basis of the information provided with the planning application and the appeal, including the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Slaney River Valley Special Area of Conservation (Site Code: 000781) the Wexford Harbour and Slobs SPA (Site Code 004076), in view of the site's conservation objectives and, therefore, is precluded from granting planning permission.
2.	The documentation submitted with the planning application and appeal has not demonstrated that sufficient storage capacity is proposed for the effluent likely to arise from the housing of farm animals and the availability of sufficient land for spreading the amount of effluent calculated to arise from the proposed development, in a manner which complies with the EU (Good Agricultural

	<p>Practice for the Protection of Waters) Regulations 2017, as amended. In the absence of such information and having regard to article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, as amended, which requires that a public authority, in the performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water, it is considered that the proposed development would constitute a threat of water pollution and would be contrary to the proper planning and sustainable development of the area.</p>
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Hugh Mannion  
Senior Planning Inspector

20<sup>th</sup> January 2020