Inspector's Report
ABP-308004-20

Development	Single storey extension to existing abattoir. This application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).
Location	Boheradurrow and Meenwaun, Banagher, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	19325
Applicant(s)	Banagher Chilling Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Desmond Kampff and Gwen Wordington.
Observer(s)	None
Date of Site Inspection	15th March, 2021.

Inspector	Stephen Kay

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1.0 Site Location and Description

1.1. The appeal site is located approximately 3km to the south east of Banagher in west County Offaly. The site is located at the junction of the R438 (Borrisokane to Colghan road) and a local road (L3010 that connects Banagher with Kinnity) that runs south east from Banagher and in the vicinity of a location referred to as Five Roads Cross or the Boheradurrow junction. Tullamore is located c.30km to the north east of the site and Birr is approximately 8km to the south east.

1.2. The site extends south eastwards from the junction of the R438 and the local road (Five Roads Cross) and has a frontage of approximately 615 metres onto the northern side of the local road. The main part of the site is located on the northern side of the road, though there is also a smaller area located to the south of the road with a road frontage of c.150 metres. The stated area of the overall site is 19.6 ha.

1.3. The general environs of the site are rural in character and there is a very limited amount of existing development in close proximity the site. The main development in the vicinity of the site is a nursing home (Eliza Lodge) that is located to the west of the Five Roads Cross, approximately 120 metres to the west of the appeal site at the closest point. Opposite the farmyard complex is located an unoccupied bungalow that is in poor condition. There is a house and farmyard located a short distance beyond the nursing home on the same side of the road. To the north east and south west, there are no houses located in close proximity to the site along the R438 while to the south east of the site on the L3010, the closest house is located in excess of 400 metres from the site boundary at the closest point.

1.4. The part of the site to the north of the L3010 is roughly L shaped and incorporates an existing farmyard approximately in the centre of the frontage to the L3010. There is also a non-operational abattoir building that is at the far southern end of the site. Information on file indicates that this abattoir building was constructed in the 1990s and originally operated by Ossery Meats before being purchased by the first party. Information on file also indicates that the facility ceased operation as an abattoir in 2016. The area on the northern side of the L3010 is relatively level, varying between 48 and 53 mAOD with a general slight fall from east to west, and the site bounds an area of woodland to the west and north west. The western boundary of the site is also marked by the Feeghroe stream that flows in a southerly direction towards Five

Roads Cross before crossing under the R438 and running west along the L3010 in the direction of Banagher. The Feeghroe Stream is a small watercourse that rises in Mullaghakaraun Bog approximately 1.2km to the north of the appeal site and the general character of ands at the northern end of the site are poorly drained and characterised by peat.

1.5. The frontage along the L3010 is characterised by a roadside drain that had water standing in it at the time of inspection and the lands on the norther side of the L3010 are characterised by mature field boundaries and boundary vegetation including along the boundary with the L3010.

1.6. The area of the site to the south of the L3010 is located at the southern end of the site and comprises two separate fields that are adjoined to the east, south and west by forestry.

1.7. To the east of the site and to the north of the L3010, a windfarm development has been undertaken with the closest turbine located approximately 180 metres from the site boundary. The development comprises a total of 4 no. large turbines with a tip height of c.170 metres.

2.0 **Proposed Development**

2.1. The application is advertised as an extension to an existing abattoir, however the scale of the proposed development is very much larger than may be envisaged by an extension of the existing relatively small scale abattoir building located on the site. The existing abattoir building that is proposed to be refurbished has a stated floor area of 749 sq. metres while the floor area of the new abattoir building has a stated floor area of 5,986 sq. metres.

2.2. The buildings on site are proposed to be located at the southern end of the site to the south of the existing farmyard complex. The existing abattoir building at the far southern end of the site is proposed to be retained and a new complex of buildings erected to the north west of this location.

2.3. The application states that the existing slaughter line in the existing abattoir building on site would be lengthened and modified within the existing abattoir building and the existing building would be extended to the west to provide for additional space to accommodate cattle chill areas, processing rooms, wash out rooms, offices, and staff facilities as well as a meat cutting, packing, blast freezing and cold storage facility. It is stated that the output of this meat processing facility would be approximately 40 tonnes per day. The proposed development would have the capacity to cater for 140 cattle per day and is therefore very significantly in excess of the c.100 cattle per week that was previously cater for at the existing abattoir on the site when it was operational.

2.4. To accommodate the animals proposed to be used in the process, the existing lairage building that is located to the north of the existing abattoir building is proposed to be retained and extended to the north. Tanks in this location for storage of effluent are also proposed to be retained and extended.

2.5. The floor area of the main elements is given in section 2.4 of the EIAR and can be summarised as follows:

- New buildings at ground floor level 5986 sq. metres.
- First floor facilities (food processing) 2299 sq. metres
- Security building 23 sq. metres
- ESB electrical plant room 168 sq. metres
- Waste water treatment plant building 30 sq. metres
- Water treatment plant building 72 sq. metres.

The overall proposed gross floor area of new development is 8,578 sq. metres

2.6. The proposed waste water treatment plant is detailed in Paragraph 2.4.3 of the EIAR. The system comprises primary treatment including the use dissolved air flotation system, biological treatment and tertiary treatment comprising use of a sand filter and then discharge of the treated effluent to a five cell constructed wetland area. The constructed wetlands comprises four cells that range in size between c.7,000 and 9,600 sq. metres and a total area of c.40,000 sq. metres or 4 ha. The

design of the system uses a cascading flow with variations in levels of each of the cells and the use of gravity to achieve flow through the system. Significant new planting is proposed in the area of the constructed wetlands, particularly in cell 5 immediately prior to discharge from the site to the Feeghroe stream. The final discharge from the constructed wetland area is proposed to be to the Feeghroe Stream to the west of the site.

2.7. Water supply is proposed to be via an onsite supply to be sourced from a bored well. Initial geological and geophysical investigations have identified two potential locations for this supply, one to the north of the extended abattoir building and a second in the north west corner of the site. The anticipated water demand for the development is stated to be 150 – 200 cubic metres per day.

2.8. The development would lead to the generation of a number of waste streams. These include the following:

- Screenings from the waste water treatment plant and sludge from the lairage areas that would be disposed of off-site,
- Animal wastes (Cat 1 and 3) would be stored in trailers in the yard area to the rear (north) of the abattoir and food processing buildings and would be disposed of to registered contractors off site,
- Blood would be stored in a tankage area in the storage yard and would be disposed of off-site.

2.9. Traffic from the development is proposed to access the site via a new entrance located on approximately the midpoint of the site frontage to the L3010. A total of 165 no. onsite parking spaces are proposed and to accommodate the additional traffic the L3010 is proposed to be widened to 6.0 metres between the entrance and the junction with the R438 to the west. In addition to the works to the L3010 in the vicinity of the site entrance, on foot of a request for further information issued by the Planning Authority, works are also proposed to be undertaken in the vicinity of the R438 / L3010 junction and along a section of the R438 to the south of this junction where there is a crest in the road that restricts forward visibility.

2.10. To the rear of the buildings, the main service areas are proposed to be located, comprising waste storage, gas storage tanks, waste water treatment plant, water treatment plant and ESB substation (168 sq. metres). A truck wash area is also proposed in this location.

2.11. An outline construction and environmental management plan is submitted with the application.

2.12. The anticipated construction period for the development is stated to be 18 months.

3.0 Planning Authority Decision

3.1. Further Information and Clarification of Further information

Prior to the issuing of a Notification of Decision, the Planning Authority requested further information and clarification of further information. The following is a summary of the main issues raised in these requests and the information / alterations to the proposed development submitted on foot of these requests:

3.1.1. Further Information

Request for Further Information

A total of 25 no. items of further information were requested, a full list of which is on the appeal file. The following items are particularly noted:

- Confirmation as to whether an IPC / IED licence is required from the EPA.
- Demonstration that breeding birds and particularly birds that are protected, will not be negatively impacted by the development. A breeding bird survey is required.
- Request that the applicant contact Irish Water to confirm the viability of the proposed well water supply in close proximity to the Clontotan well which supplies Banagher.

- Clarification regarding apparent anomalies between the effluent discharge set out in the VESI report (drainage report submitted with the application) and the assimilative capacity of the Feeghroe Stream and how compliance with the Water Framework Directive and the Surface Water Regulations would be ensured.
- Measures to ensure containment of any issues that arise in the onsite wwtp.
- Clarification regard the layout of the entrance and routes for traffic and confirmation of the use of the existing site access (abattoir).
- Submission of a swept path analysis and details regarding sightlines and roadside features / drainage.
- Submission of a letter of consent from the landowner to the south east of the Five Roads Cross / Boheradurrow junction consenting to any works required in this location to improve visibility.
- Further details regarding the movement of livestock throughout the site.
- Clarification regarding further phases of development as referenced in the Planning Report prepared by Carey Associates.
- Clarification regarding the proposed use of the part of the site in the southern side of the road.

Response to Request for Further Information

The most significant information and revisions to the proposed development submitted as part of the response to further information can be summarised as follows:

- Confirmed that based on the number of animals proposed to be slaughtered that a licence will be required from the EPA. (It is not specified exactly what type of licence, IPC or IED).
- A Breeding birds appraisal for the site was submitted (FIR 3.1) which concludes that the habitat on site is not suitable for hosting breeding birds.

- An odour management plan prepared by Panther Environmental Solutions submitted (FIR 4.1).
- E mail correspondence submitted from Irish Water which sets out how the site is located outside of the zone of contribution of the Banagher Irish Water scheme.
- The proposed discharge limits / limit values from the constructed wetland area have been amended to ensure that the good status of the Feeghroe Stream is maintained. A report on the ICW (constructed wetlands) prepared by Vesi is attached at Appendix FIR6.2 and a report on the assimilative capacity of the stream provided at RFI 6.1.
- Measures submitted for the containment of the proposed waste water treatment plant in the event of a failure.
- Revised entrance layout drawing (Drg. No. 1806-31-FI) submitted and clarified that the existing abattoir entrance would only be used for emergency access.
- Appendix 12 of the RFI sets out a Construction Management Traffic Plan which includes a drawing showing the location of the proposed construction compound and site entrance.
- Swept Path Analysis of the proposed layout submitted (Appendix 13 prepared by Trafficwise) and shown on Drg. No.03119/RFI-01.
- Clarified that the existing farm buildings are to be retained but access is to be provided from the internal development roads and existing access to the local road (L-3010) closed.
- Appendix 15 to RFI contains an assessment of car parking requirements and compliance with development plan standards.
- Letter of consent from the owner of the lands to the south east of the Boheradurrow junction consenting to works that may be required in this area.

- Stated that the facility has been designed to allow for possible future extensions and that any such extensions would be the subject of applications for permission. No details regarding future plans or potential extensions / increases in capacity are provided.
- Four additional photomontages / viewpoints submitted that correspond with the locations identified in the request – primarily local views from the L-3010. .
- Stated that there is no signage proposed for the development that would require planning permission.
- Details of external finished to the proposed buildings submitted.

3.1.2. **Clarification of Further Information**

Request for Clarification of Further Information

A total of 9 no. items of clarification of further information were requested, a full list of which is on the appeal file. The following items are particularly noted:

- Clarification whether it is intended to apply to the EPA for an IPC / IED licence.
- Applicant requested to consult with Offaly County Council regarding the layout / design of the main site access.
- Applicant requested to consult with the Road Design section of Offaly County Council regarding the works proposed at the junction of the R638 / L3010 and measures to improve visibility in this area.
- Drawings submitted as part of response to further information show a connection to the public water main. Clarification on this issue is required.
- Revisions to parking layout required including increase in number of spaces to 165 no. and provision of spaces for disabled permit holders and electric charging points.
- Revised photomontages as requested in the RFI.

Response to Clarification of Further Information

The most significant information and revisions to the proposed development submitted as part of the response to clarification of further information can be summarised as follows:

- Stated that it is intended to apply to the EPA for an IPC / IED licence. Still not specifically clarified which licence type it is intended to apply for.
- Stated that consultations regarding the site entrances were undertaken with the council and that it is agreed that the existing site entrance is safe. Report from Trafficwise submitted which addresses the issue of site access in more detail.
- That the details of the proposed works to the R-438 / L-3010 junction are acceptable, and details are submitted in a report from Trafficwise.
- Confirmed that the source of water to the development will be from a well on site and the connection to the public water supply indicated on the drawings is an error. Revised drawing 1806-06-CFI-R9 submitted showing this connection omitted.
- That the number of cycle spaces proposed is 55 no. and is indicated on revised drawing 1806-06-CFI-R9.
- That the site layout submitted with the application and the revised site layout submitted as part of the FI response clearly indicates a total of 161 no. car parking spaces. The most up to date layout shows 165 no. spaces as requested which is significantly in excess of the predicted employment number of 110. These spaces are proposed to comprise 139 no. space to the front of the proposed building, 23 no. spaces in the rear yard behind the building, and 3 no. space at the security hut. 17 no. e charging locations / spaces are proposed and 12 no. spaces for disabled drivers.
- Additional photomontages showing the development from the local road (longitudinal view) and also view from the R438 / local road junction submitted.

- Clarified that there is no signage proposed that would require permission and that in the event that this changes, a separate planning application will be submitted.
- Response to third party submission enclosed in separate report prepared by David Mulcahy Planning Consultants.

3.2. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 21 no. conditions, the most significant of which in the context of the current appeal can be summarised as follows:

Condition No.2 requires that all environmental mitigation measures included in the EIAR, and NIS would be implemented in full.

Condition No.3 sets the hours of operation of the plant and ancillary services including deliveries to 07.00 to 22.00.

Condition No.5 notes that the permitted development will require an IED licence or an IPC licence from the EPA and that the environmental monitoring programme and emission limits will be set under this licence.

Condition No.11 requires the submission of a Construction and Demolition Management Plan.

Condition No.12 relates to traffic and includes the following requirements

- Implementation of the recommendations of the Road Safety Audit,
- Submission of details for the road level reduction on the R438 to include construction details and traffic management,
- Specification of the proposed materials for the overlay of the existing carriageway,

Condition No.15 requires that the Integrated Constructed Wetlands shall be constructed and maintained in accordance with the submitted Planning Report including the Annexed report and drawings prepared by VESI Limited.

Condition No.17 requires the submission and agreement of a landscape scheme prepared by a qualified landscape architect.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the planning officer notes the internal and external reports received and third party submissions. Stated that the Planning Authority supports the proposed development in principle as it would strengthen the rural economy and complement the surrounding agricultural activities. Initial report recommends further information on issues consistent with the request which issued including population and human health, odours, additional photomontages / landscaping proposals, traffic, biodiversity, and water quality / hydrogeology. Second report notes outstanding issues regarding items including roads and access, drainage, and water supply. Third report subsequent to the submission of clarification of further information, recommends a grant of permission consistent with the notification of decision which issued.

3.3.2. Other Technical Reports

District Engineer – Initial report recommends further information on a range of issues sightlines at entrances, existing utility poles and parking. Second report subsequent to submission of further information raises concerns regarding the design of the R438 / L3010 junction and visibility at the site access.

Road Design – Initial report recommends further information regarding street lighting, new and existing entrances and sightlines, proposals for construction traffic and traffic movements within the site. Noted that there is a dip in the road close to the R438 / L3010 junction. Second report recommends that clarification of further information be requested regarding the design of the R438 / L3010 junction.

Environment and Water Services – Initial report notes the proposed removal of hedgerows and trees, the potential for breeding birds, proposals for odour abatement measures, impact of the development on water quality and inconsistencies between the predicted discharges from the wwtp and the assimilative capacity of the Feeghroe Stream. Clarification from Irish water regarding impact on public source required and noted that a number of wastes referenced in the application documentation will need management under the Waste Management Act (sludge and organic fertiliser). Second report requests that further clarification regarding the type of EPA licence be sought as there may be a requirement for an emission licence.

Fire Officer – No objection.

3.4. Prescribed Bodies

Details of the development were referred by the Planning Authority to the Development Applications unit of the Department of Housing Local Government and Heritage and to the EPA. No response to these referrals was received by the Planning Authority.

3.5. Third Party Observations

A single third party observation was received by the Planning Authority and the main issues raised in this submission can be summarised as follows:

- Impact of development in terms of sustainability and negative impact on climate change. The proposal would be inconsistent with the Offaly Climate Change Adaptation Strategy.
- That the submitted EIAR and NIS documents are not independent assessments.
- Need for the proposed development and the impact of the development on existing abattoirs,
- The development is in proximity to the Eliza Lodge nursing home and will have a negative impact on residential amenity.

- Potential for odours and other pollutants and the proximity to the wind turbine would exacerbate such impacts.
- That the development would have a negative impact on the surrounding road network,
- That the development would not be an attractive source of employment for local people and therefore employees would be brought in from outside and potentially abroad.
- That local development and employment should be focussed on eco-tourism, that the proposed development would be contrary to this aim and that the development would impact negatively on the greenway.
- Negative impact on protected species due to traffic and human presence on site.
- That the water quality in the Feeghroe stream has not been tested.
- That the site is prone to flooding and this would impact on the operation of the proposed wetland complex.
- Lack of clarity regarding the proposed on site water supply.

Following the submission of further information and re advertisement of the proposed development, a number of additional issues were raised by the same third party which can be summarised as follows:

- Not clear that an EPA licence would be granted.
- Lack of information in the form of a breeding birds survey.
- Odour management plan refers to the nearest population as Banagher 2.4km away which is not correct.
- Activity will be seven days a week which is excessive.
- That the revised plans show a connection to the public water main which cannot cater for the demand from this development.
- Lack of clarity regarding the figures for the discharge limits from the ICW and the assimilative capacity in the stream. High ammonia levels in the Feeghroe Stream are ascribed to leachate from the Mullaghakaraun Bog.

- That the water quality status of the Feeghroe Stream is classified as '*under review*' and may therefore be downgraded to *'at risk'*.
- No account of the impact of the additional cattle in the local area to serve the abattoir would have on water quality.
- The aim should be an improvement in water quality. The Feeghroe Stream flows into the Rapemills River which is fished.
- That the Vesi design of wetlands does not account for flood events at the site and waterlogging.
- Lack of information regarding end locations of wastes or by-products from the facility and the environmental effects of same.
- That the swept path analysis uses a smaller vehicle size than requested in the FI.
- Restate concerns regarding the suitability of employment opportunities for local populations, the reduction in the national beef herd and reliance on export markets.
- Lack of calculations or quantification of the impact of the development on climate and greenhouse gasses.
- That the application description contains inaccuracies that the development is an extension of an abattoir (it is not operational) and that the facility is licenced (it was subject to licence from the local authority, however that is now lapsed).

4.0 **Planning History**

Appeal Site

Offaly County Council Ref. 90/465; An Bord Pleanala Ref. 5/85982 – Permission granted by the planning authority and decision upheld on appeal for the construction of an abattoir on lands at Meenwaun at the eastern end of the appeal site. This abattoir is the structure that is located at the eastern end of the appeal site. Note – I do not see any record of this appeal on the online registry maps.

Adjacent Lands

Offaly County Council Ref. 15/44; An Bord Pleanala Ref. PL19.244903 –Permission granted by the Planning Authority and decision upheld on appeal for a 10 year permission for the construction of a wind farm including 5 no. wind turbines and all associated site works. - Townlands of Clongawny Beg, Cloonacullina, Boggaunreagh, Garbally, Ballyslavin. One of these turbine locations is immediately to the east of the current appeal site in the townland of Clongawny Beg. The completed development as constructed on site comprises a total of 4 no. turbines and the installed turbines are the largest currently operational in the country.

Licencing

At the time of writing this report, there is no record on the Environmental Protection Agency website of a licence application being submitted to the Environmental Protection Agency (EPA) in respect of the proposed development. .

5.0 Policy Context

5.1. National and Regional Policy Context

5.1.1. Climate Action and Low Carbon Development (Amendment) Act, 2021

This legislation was enacted in July 2021 and commits Ireland to a number of emissions reduction targets. Specifically, the act commits Ireland to the achievement of net zero emissions by the end of 2050 at the latest. The Act also provides for a series of carbon budgets and commits Ireland to a reduction in GHG emissions of 51% by the end of 2030 as against 2018 levels. Reductions in emissions are detailed in a series of carbon budgets that each cover a period of 5 years with the first commencing in January, 2021. Carbon budgets would be proposed by the Climate Change Advisory Council, finalised by the Minister for the Environment, Climate and Communications, and approved by the Government. The initial three carbon budgets covering the periods 2021-2025; 2026-2030 and 2031-

2035 have been prepared by the Climate Change Advisory Council. In the first carbon budget, Ireland will have to cut emissions by an average of 4.8% a year to 2025. The second budget will see Ireland required to cut emissions by 8.3% per year from 2026 until to 2030. Following the completion of a carbon budget, a sectoral emissions ceiling for each sector will be prepared by the Minister. As at the date of writing this report this has not been undertaken and to date no decision has been taken on what level of emissions reduction the agriculture sector will have to make.

5.1.2. **Climate Action Plan 2021**

The Climate Action Plan 2021 provides a detailed plan to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting us on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Action and Low Carbon Development Act 2021.

The Plan lists the actions needed to deliver on our climate targets and sets indicative ranges of emissions reductions for each sector of the economy. It will be updated annually, including in 2022, to ensure alignment with our legally binding economy-wide carbon budgets and sectoral ceilings.

Table 3.1 of the Plan sets out the proposed emissions reductions by sector over the life of the plan required to achieve the overall emissions reduction targets. In the case of the agricultural sector the percentage reduction in CO2 set out is 22 – 30 percent relative to 2018 levels.

A total of 59 no. actions are listed under the heading of Agriculture and include actions relating to feedstock, feed additives, methane reduction, fertilizer use and minimisation of use of nitrogen and review of the Teagasc Marginal Abatement Cost Curve (MACC). The use of the MACC was incorporated into the 2019 Climate Action Plan and section 4 of the current Plan states that abatement measures are incorporated into the new Plan. Action No.297 commits to completing a review of the Teagasc Marginal Cost Abatement Cost Curve.

5.1.3. **Project Ireland 2040, National Planning Framework**

The NPF includes amongst the strategic national outcomes the strengthening of rural communities and economies and Chapter 5 of the plan relates to planning for diverse rural places and notes the importance of the agri food and tourism sectors to the rural economy.

National Planning Objective 15 states that it is an objective to

Support the sustainable development of rural areas by encouraging growth and arresting decline in rural areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over development while sustaining vibrant rural communities.

National Policy Objective 23 states that it is an objective to

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural agri 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.

5.1.4. **Food Wise 2025**

Food Wise 2025 is a 10 year government strategy for the agri food sector in Ireland. It identifies ambitious growth projections in agri-food exports and direct jobs in the agri-food sector with an 85 percent increase in exports and 70 percent increase in value added. Over 400 individual recommendations are presented in the strategy as to how such growth can occur in a sustainable manner and regarding the balance between development of the agri food sector and the environment, the strategy states that '*environmental sustainability and economic sustainability are equal and complementary – one will not be achieved at the expense of the other*'.

5.1.5. **Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019-2031**

Agriculture policy objectives for the Midlands Region within which the appeal site is located include:

RPO6.38 states that it is an objective to

Support enterprise agencies, REPs, LECPs, Regional skills for a and local stakeholders on their introduction of contingency plans and pilot projects based on the strength of the region to counteract the effects of industrial decline and potential external shocks in the region. This may include lifelong learning programmes, appropriate business supports and upskilling to facilitate moving to alternative sectors in the locality or region, for example the Bord na mona regional transition team for a comprehensive after use framework plan for the peatlands.

5.2. **Development Plan**

The relevant development plan is the ***Offaly County Development Plan 2021-2027*** which came into effect in October 2021. It should be noted that the plan in effect at the time of the decision made by the Planning Authority was the previous *Offaly County Development Plan 2014-2020.*

The appeal site is located in an area that is outside of any settlement identified in either the 2014-2020 or 2021-2027 plans. The site is not therefore zoned for any particular purpose.

The following policies, objectives and plan provisions are considered of relevance to the proposed development and are specifically noted:

Chapter 3 of the plan relates to ***Climate Action and Energy*** and has the following Strategic Aim:

> *To achieve a transition to an economically competitive, low carbon climate resilient and environmentally sustainable county, through reducing the need to travel, promoting sustainable settlement patterns and modes of transport, and by reducing the use of non renewable resources, whilst recognising the role of natural capital and ecosystem services in achieving this.*

3.4.2 relates to Agriculture, Forestry and land Use and states that '*Agriculture is both an emitter of GHGs and has the potential to absorb emissions; therefore, the Council will support the vision of carbon neutrality*.'

Section 3.5.3 relates to Strategic Flood Risk Assessment and clarifies that a (SFRA) has been prepared to assess flood risk within the Plan area, and this is set out in a separate volume of the Plan. A site-specific flood risk assessment will be required to accompany development proposals for areas at risk of flooding (fluvial, pluvial or groundwater), even for developments deemed appropriate in principle to the particular Flood Zone and mitigation measures for site. The mapping contained in the Strategic Flood Risk Assessment indicates that the appeal site is not located within a area identified at risk of flooding.

'Policy CAEP-07 *states that It is Council policy to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage).*

• *Climate Action Plan (2019 and any subsequent versions).*

• *National Mitigation Plan 2017 (or subsequent editions).*

• *National Climate Change Adaptation Framework (2018 and any subsequent versions).*

• *Relevant provisions of any Sectoral Adaptation Plans prepared to comply with the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year*

2050; and

• *Offaly Climate Change Adaptation Strategy.'*

Objective CAEO-01 *It is an objective of the Council to implement the current Climate Change Adaptation Strategy for County Offaly.*

Chapter 5 of the Plan relates to Economic Development

Section 5.7.1 relates to Agriculture, Agri-Food, Agri-Tech, Food and Beverage

Agriculture has always been and will continue to be a strong employer in the county and the Council recognises and values this fact.

The Council will take a positive approach to applications for sustainable agricultural developments generally, subject to the protection of ground waters, residential amenities, designated habitats, and the landscape

Policy ENTP-47 *It is Council policy to support and promote the development of economic and enterprise development and activity in a manner which contributes to the transition to a low carbon, climate resilient and environmentally sustainable county.*

Policy REDP–04 *It is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community.*

Policy REDP–05 *It is Council policy to ensure that agricultural developments are designed and constructed in a manner that will ensure that groundwater watercourses and sources of potable water are protected from the threat of pollution in line with Water Quality Regulations and the requirements of the Water Framework Directive.*

Policy REDP–07 *It is Council policy to have a positive presumption to developments that seek to provide added value in the food sector, including processing and servicing, subject to the relevant environmental considerations. The Council supports the development of the artisan food sector.*

Objective REDO–03 *It is an objective of the Council to support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area and sustaining the rural economy.*

Objective REDO–04 *It is an objective of the Council to ensure that all agricultural activities adhere to any legislation on water quality and biodiversity, for example, Phosphorus Regulations, Water Framework Directive, Nitrates Directive and Habitats Directive.*

5.3. Natural Heritage Designations

The appeal site is not located within or in close proximity of any European sites. The closest European sites to the appeal site are as follows:

- ***All Saints Bog and Esker SAC*** (site code 000566) located c.2.1km to the south west at the closest point,
- ***All Saints Bog and Esker SPA*** (site code 004103) which is located c.2.5km to the south of the appeal site,
- ***River Shannon Callows SAC*** (site code 000216) which is located c.3.2km to the north west,
- ***Middle Shannon Callows SPA*** (site code 004096) that is located c.3.2km to the south of the appeal site at the closest point,
- ***Ridge Road South West of Rapemills SAC*** (site code 000919) which is located within c.3.7km of the site to the south,
- The ***River Little Brosna Callows SPA*** which is located c.4.5km to the south west of the appeal site at the closest point,
- The ***Dovegrove Callows SPA*** (site code 004137) is located c. 5km to the south of the appeal site at the closest point,

5.4. EIA Screening

The application is accompanied by an EIAR.

The stated justification provided by the first party for the preparation and submission of an EIAR is that the proposed development comes within the scope of Class 11 of Part 2 of the Fifth Schedule of the *Planning and Development Regulations, 2001* which, under the heading of Other Projects, states that the following shall require EIA: '*Waste Water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, Point (6) of Directive 91/271/EEC.*'

Section 8.0 of this report below relates to Environmental Impact Assessment (EIA).

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the third party appeal received:

- That the information provided by the applicant describes the site as being currently used as an abattoir. Contended that this is incorrect and that the site was used up to 2013 as a small scale abattoir.
- Up to 2013, the site was operated by Ossory meats and held a licence for up to 100 head of cattle a week. It has been confirmed by the EPA that there have been no active licences in place at the site since 2013.
- That a new licence will have to be applied for from the EPA. There is therefore no guarantee that the required licence will be obtained. This should be considered in the planning process and the decision should have regard to the fact that there is no current licence in place.
- That the press releases issued with regard to employment and other economic benefits for the local area are overstated. As per a recent survey by the Migrant Rights Association a significant percentage of workers at meat plants are migrants, with many from outside the EU.
- There is a lack of housing or transport in the local area for such workers. Information on how employees will be accommodated should be required.
- Contrary to the statements of the first party, former peat workers will not be viable employees for a development of the type proposed. Rather, the focus on re training of former Bord na Mona employees is in the renewable energy sector and other high skilled industries.
- Lack of information with regard to Banagher Chilling Limited, its background in the industry and who are behind the company.
- That the nearest population centre to the site is not Banagher as stated in the odour management plan but rather the Eliza Lodge nursing home located c. 110 metres from the site. Residents of the nursing home should be

considered to be very sensitive to odours, noise, pollutants etc. The issue of odour and impact on residents has been recognised by the EPA.

- That the government policy is that additional plants should only be permitted where there is a clear deficit in capacity. There is no indication that this is the case in this location. Existing plants in the catchment are operating at or under capacity and the catchment cannot accommodate additional livestock. The plant can only be accommodated at the expense of an existing operation.
- The proposed plant would be one of the largest in the country and the scale and impact has not been justified.
- That the permission has been granted without indication that the water supply on site is available and adequate to cater for the proposed development. Not clear that local supplies will not be impacted.
- Impact of the development in terms of energy and climate change. Not clearly demonstrated that the proposed development is consistent with the Climate Action and Low Carbon Development Act 2015 and particularly Section 4 Article 7.
- Copy of the submission to the planning authority enclosed that indicates the concerns regarding public health impacts and impact on the environment. Issues raised in this submission include:
    - Sustainability and the fact that the intended market of the facility is in China,
    - That there is insufficient capacity to serve the plant within the 15km radius of the site.
    - That there are adequate existing well-spaced facilities at Kilbeggan, Roscrea, Ballinasloe and Nenagh.
    - That the vicinity of the site is not ‘sparsely populated’ as stated in the EIAR. Surrounding development includes a 50 bed nursing home.
    - The site is surrounded by a bog woodland that is known locally as a site of wildlife importance. The development, including the necessary pest control measures, would be a risk to wildlife.

- That the local woodland is a favoured local amenity and walking route. The increase of c.25 percent in local traffic would conflict with this activity.
- Noted that the adjacent Feeghroe stream into which the development is proposed to discharge has not been the subject of water quality. The proposed development would have potential to impact on water quality in the River Shannon Callows SAC and Middle Shannon Callows SPA.
- Noted that flooding is a regular issue at the point where the L3010 crosses the Feeghroe Stream. The EIAR does not adequately address the potential flood risk or the high water table in the area.
- It is not clear that the proposed water supply via the new well will provide adequate water to cater for the development as recharge rates in the area are low.
- The site is located between Shannon Harbour and Birr and has the potential to avail of tourism generated by the Shannon Greenway between Shannon Harbour and Dublin.
- A refusal of permission would be consistent with the Climate Change Strategy, the Offaly Climate Change Adaptation Strategy, and the decision of ABP to refuse permission for the continued operation of the Shannonbridge power station.
- That neither the EIAR nor NIS submitted are independent assessments.

- Lack of public consultation regarding the application.
- Impact of the development on biodiversity.

6.2. Applicant Response

The following is a summary of the main issues raised in the response to the grounds of appeal received on behalf of the first party:

- That the appeal should be declared invalid on the grounds that the list of appellants is not consistent with the list of persons who have made the submission to Offaly County Council and there are serious concerns about the bona fides of a number of the listed parties.

- That the list of co signatories (in addition to Desmond Kampff and Gwen Wordington) was expanded for the purposes of the appeal – from 13 to 16 persons.
- That only the two principal authors (Desmond Kampff and Gwen Wordington) have provided signatures after their names. It is not therefore clear that the other listed persons are actually signed up to the appeal.
- That Ms Sinead Conroy / Sinead Kirwan is listed on the appeal, however they are the same person.
- That the abattoir was last operational in 2016 and is a fully functioning facility.
- That Banagher Chilling made an application to Department of Agriculture Food and the Marine (DAFM) in November 2018 for a Notification of Intention. Representatives of the DAFM have visited the site and this process is required under the EC Food and Feed Hygiene Regulations, 2009.
- Noted that Condition No.5 attached to the Notification of Decision issued by the Planning Authority requires that the applicant obtain an IPPC or IEAL from the EPA and in the event of a grant of permission the Board is invited to attach a similar condition.
- That the issuing of licences by DFAM or the EPA are separate processes, and it is entirely speculative on the part of the appellant that these licences would not be granted. The onus is on the applicant to obtain the required licences and it will not be possible to operate any development without these licences being in place.
- That the issues raised regarding the nationality of employees that might be employed at the facility is not a planning issue. Similarly, it is submitted that the background of the applicants is not a relevant planning consideration.
- That Laois – Offaly local link provides a bus service (Nos. 906 and 7100) and would facilitate employees who do not have access to a car. In addition, there is a private bus service (Boylan) who are agreeable to the provision of a bus service (see attached letter with appeal).

- That contrary to the statement of the appellants, the proposed development would offer employment to former Bord na Mona staff as well as others.
- With regard to the potential impact of the proposed development on residential amenity and specifically on the nursing home, the issue of odour was addressed at section 5.1 of the EIAR, and this report includes an odour assessment model of the impact of odour at sensitive locations around the site. The predicted impact at location R5 (the nursing home) is significantly below the threshold of 1.5 ouE/M3.
- That the focus of the odour management plan is on the prevention of odours at the site.
- That the nursing home is c. 500 metres from the site and not 110 as stated in the appeal. A letter from the directors of the Eliza Lodge Nursing Home is attached with the response submission (Appendix E).
- That the development requires a licence from the EPA and will therefore be subject to conditions regarding emissions attaching to any such licence issued.
- With regard to the issues raised relating to competition between meat processing facilities and the need for such a facility, attention is drawn to the provisions of the Retail Planning Guidelines and the fact that the planning system should not be used to inhibit competition. Submitted that the same principles apply in this case. Letter submitted from Beef Plan Movement stating that there is currently a lack of competition in the market.
- Regarding water supply and the concerns raised by the appellants, section 11.7 of the submitted EIAR relates to water supply and management. The water supply is proposed to be via an onsite well, potential locations for which have been identified by geophysical investigations.
- As set out at 1.7 of the EIAR, pump testing of the potential water source will be undertaken. It is anticipated that the water supply will exhibit similar characteristics to other sources in the general vicinity with a high level of hardness and will be treated on site.

- That the site is located in an area of limestone bedrock and on a locally important aquifer that is moderately productive. A locally important aquifer could be expected to capable of supplying a 'good' yield of 100-400 m3 per day). The estimated water demand for the proposed development is 150-200 cubic metres per day.
- Noted that Irish Water had no objection to the proposed groundwater abstraction wells on site. It is noted that the outer source protection zone of the Banagher / Clontotan Water Supply Scheme is located c. 0.5km to the west of the appeal site. The normal rate of abstraction at the Banagher WSS is c.400-420 cubic metres per day.
- That there are a number of smaller water abstractions located within c.7km of the appeal site (all with less than 100 cubic metres per day). In addition, there is the Malting's Distillery located c.1.2km from the appeal site that has an abstraction of c.1,000 cubic metres per day. It is however thought that Malting's Distillery is no longer operational.
- The fact that the site is located outside of the outer source protection zone of the Banagher water supply scheme was confirmed as part of the response to further information. The Environment and Water Services Section of the Council stated in a report dated 23rd July, 2020 that they had no objection to the proposed development.
- A response to the issue of impact on the environment is submitted from Vesi Environmental Limited who are the designers of the constructed wetland on the site, and this is attached at Appendix G of the response submission.
- That there is no legal obligation on the applicant to engage in public consultation. Notwithstanding this, display boards advertising the proposed development were erected in the town.
- With regard to flooding and the photographs submitted showing flooding of part of the site, the issue was raised and addressed at Clarification of Further Information stage. Further photographs are submitted from September, 2020 showing the lands free of ponding and in use for grazing.
- Letters in support of the proposed development are submitted.

6.3. Planning Authority Response

Response received stating that the details of the third party appeal are noted and that the Board's attention is brought to the technical reports on file.

6.4. Further Responses

Details of the application were referred by the Board to the following: An Taisce, The Heritage Council and the Development Applications Unit of the Department of Culture, Heritage, and the Gaeltacht. No responses to these referrals were received by the Board within the time period specified.

In accordance with the requirements of s.87 of the Environmental Protection Agency Act, 1992 details of the application were referred by the Board to the Environmental Protection Agency for (a) confirmation that the form of development proposed comprises of or is for the purpose of an activity in respect of which a licence is required under the EPA Act (as amended) and (b) in the event that a licence is required, the comments of the agency on the application, including on the EIAR.

No response was received from the EPA within the time period specified in the referral letter.

7.0 Planning Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development, Licence Requirements and Legal Issues
- Design, Scale and Visual Impact,
- Traffic and Access Issues,
- Impact on Residential Amenity
- Other Issues.

7.2. Principle of Development, Licence Requirements and Legal Issues

Principle of Development

7.2.1. The appeal site is located in a rural area that is outside of any settlement identified in the *Offaly County Development Plan, 2021-2027*. The principle of an abattoir has been established by the existing plant that is on the site, albeit that this facility has not been operational for approximately the past 5 years. The planning history of the site is however in my opinion such that the principle of the form of development proposed is established in this location and, subject to other relevant considerations including relating to environmental impacts, the development is acceptable in principle in this location.

7.2.2. At a national level, the ***National Planning Framework*** includes amongst the strategic national outcomes the strengthening of rural communities and economies and Chapter 5 of the plan relates to planning for diverse rural places and notes the importance of the agri food and tourism sectors to the rural economy. The scale of the proposed development and the anticipated levels of employment with c.250 persons employed at construction stage and c.110 at operational stage are such that, in principle, I consider that the proposed development would clearly be of significant importance to the local economy and consistent with National Policy Objective 23 which states that it is an objective to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural agri food sector.

7.2.3. Also at a national level, the impact of the proposed development in terms of climate change and compliance with Ireland's emissions reduction targets and the provisions of the ***Climate Action Plan*** and Climate Act is a consideration. As detailed in the Policy section at section 5.0 of this report above, the initial climate budgets have been prepared by the Climate Change Advisory Council however, as at the time of writing this report, no sectoral emissions plans to give effect to the emissions reductions included in the budgets have been agreed. In advance of the agreement of these budgets I do not consider that the principle of the proposed development can clearly be determined to be contrary to the provisions of the Climate Action Plan and the provisions of the *Climate Action and Low Carbon Development (Amendment) Act, 2021*. The issue of climate and the potential impact of the proposed development under this heading is considered in more detail in Section 8.4 of this report under the heading of EIA – Climate.

7.2.4. At a regional level, the appeal site is located within the area covered by the ***Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019-2031***. The plan contains a number of policy objectives relating to agriculture and replacement of declining traditional industries, including Policy Objective RPO6.38 which states that it is an objective to support plans and pilot projects aimed at counteracting the effects of industrial decline and potential external shocks in the region. While not directly a project aimed at upskilling, the proposed development would in my opinion be an important source of employment in an area that has been impacted by the loss of traditional industries and specifically the winding down of Bord na Mona operations. I note the fact that the third party appellants have questioned the skill level of the jobs that would derive from the proposed development and their relevance to former employees of companies such as Bord na Mona, however, the proposed development will lead to a range of positions from manual to higher skilled positions in management and veterinary / animal welfare. It is accepted that the skills required for the proposed development may not be a close match to those recently lost from traditional industries in the region, however that does not in my opinion mean that there is not potential for retraining or that the proposed development would not have a significant economic and employment boost to the region. For this reason, I consider that the proposed development would be consistent with Policy Objective RPO6.38.

7.2.5. At a local level, the relevant development plan is the ***Offaly County Development Plan 2021-2027*** which came into effect in October 2021. It should be noted that the plan in effect at the time of the decision made by the Planning Authority and appeal submissions to the Board was the previous *Offaly County Development Plan 2014-2020*. I consider that the 2021-2027 Plan includes a number of policies that relate to agriculture and rural development, and which are generally supportive of the form of development proposed. Specifically, I note that Section 5.7.1 of the Plan relating to Agriculture, Agri-Food, Agri-Tech, Food and Beverage states that the Council will take a positive approach to applications for sustainable agricultural developments generally, subject to the protection of ground waters, residential amenities, designated habitats, and the landscape. Policy REDP–04 states that it is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community and Policy REDP–07 states that it is Council policy to have a positive presumption to developments that seek to provide added value in the food sector, including processing and servicing, subject to the relevant environmental considerations. Similarly, Objective REDO–03 seeks to support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area and sustaining the rural economy.

7.2.6. It is noted that a number of policies and objectives relating to agriculture and rural development are caveated by reference to the potential impacts on the environment including compliance with the requirements of relevant EU Directives. The impact of the proposed development on amenity and the environment are considered in detail in subsequent sections of this assessment and in the sections of this report relating to EIA and AA, however in principle I consider that the form of development proposed is consistent with the policies and objectives of the Plan relating to Agriculture and the development of the rural economy and specifically Policies REDP-04 and 07 of the 021-2027 Plan.

Justification for Scale of Development Proposed and Potential Environmental Implications

7.2.7. I note that the third party appellant has raised specific concerns with regard to the scale of the proposed development and justification for the scale proposed. Specifically, it is contended by the third party appellants that the scale of development is excessive and that the existing beef processing plants in the wider area are capable of accommodating the existing beef herd and that the proposed development would result in redundancy in other plants. The appellants also make the case that government policy is that additional plants should only be permitted where there is a clear deficit in capacity and that there is no indication that this is the case in this location such that the plant can only be accommodated at the expense of an existing operation.

7.2.8. The above points raised by the appellants with regard to capacity are noted. However, I also note the fact that *Food Wise 2025,* which is the government's 10 year plan for the agri food sector (2015-2025), identifies ambitious growth projections for the industry over the ten years including an 85% increase in exports to €19 billion. Chapter 5 of the Food Wise report relating to growth opportunities identifies a predicted strong demand for protein from meat and that the reputation of Irish grass fed meat is *'an asset that can be further exploited and leveraged in the period to 2025 to ensure greater penetration of high value markets both in the EU and third markets'*. These statements do not indicate to me a sector where there is likely to be excess capacity in processing. No figures are provided by the appellant to support their assertions regarding existing excess capacity and as highlighted in the submissions on file from the Beef Plan Movement and others, there is a general perception of a lack of competition in the beef processing industry.

7.2.9. Similarly, while I note the comments of the third party with regard to government policy being that additional plants should only be provided where there is a clear deficit in capacity, I am not clear what policy is being referred to and I do not see how the provisions of Food Wise 2025 are supportive of that position. In addition, as highlighted by the first party submissions on file, the issue of the economic justification for a proposed development such as the current proposal is not in my opinion something that is a clear material planning consideration. The first party submissions on file refer to the principle established in the Retail Planning

Guidelines for Planning Authorities that the purpose of the planning system is not to inhibit competition. While the proposed development is clearly not a normal retail operation, it is my opinion that the same basic principles apply and that it is not the purpose of the planning system to refuse permission on the basis of need without there being a very clear indication that the proposal would lead to significant overcapacity in the industry or that other significant negative impacts would arise. On this issue, I would note the fact that there has not been any industry based opposition to the proposed development on the basis of overcapacity. On the contrary, the first party has presented letters supportive of the proposed development from Beef Plan movement and from the Irish Beef Producers Organisation. Both of these letters note the significance of the proposed development in terms of providing competition on the beef processing sector and that the facility would be a local facility that could cater for local farmers. On the basis of the information presented therefore, I do not consider that there is a clear basis under which the proposed development could be considered to be contrary to planning policy on the basis of excess capacity or negative impacts on existing facilities.

7.2.10. The environmental impacts arising from the proposed development are the subject of assessment at section 8.0 of this report below under the heading of EIA, and this assessment includes consideration of the potential indirect impacts arising from the proposed development. In the event that the proposed development would lead to additional processing capacity in the country, it could be considered that it would lead to indirect effects on the environment in the form of emissions to air and water in particular arising from the increased herd size. The third party appellants have specifically raised the fact that they consider that no account has been taken of the impact of the additional cattle in the local area to serve the abattoir would have on water quality. The information provided with the application is such that it is not possible to make a detailed assessment as to these effects as it is not clear the degree to which the proposed facility could be served from the existing herd or whether the additional processing capacity that would arise from the proposed development and the fact that the development is stated to be largely aimed at the export market (Chinese market) could be seen to result in a likely increase in processing. To a large extent I consider that this is an academic argument as it is

impractical to identify specific suppliers to the proposed facility such that local level environmental impacts could be considered in any assessment of likely environmental impacts. In my opinion, the EIAR and NIS should assess the indirect effects of the proposed development if they are likely and to the extent that is reasonable and practicable at the time the planning application is lodged, however there has to be a limit or the effects will be too remote. It is the impacts of the proposed development that are being assessed and not the impacts of the individual farms that would act as suppliers to the development and a potential increase in production on these farms that cannot be predicted for the purposes of the current assessment. I note that this is the approach taken in the recent High Court decision on the case between An Taisce and An Bord Pleanala (2021 IEHC 254) where it is noted at paragraph 39 that '….*the extent of the 'project' for the purposes of the EIA Directive includes developments to which it is functionally related, but not aspects that are significantly more remote'*. Paragraph 46 of the same judgement does on to state that *'….I don't consider that the decision is invalid on the basis of the Board's failure to conduct an assessment of the upstream impacts of milk production ……The basic reason is that effects of raw material production where such production is sufficiently removed from the project as not to be capable of assessment in site specific terms are not to be considered part of the project for the purposes of EIA or AA'*. In my opinion the same situation arises in the current case where the location of any potential inputs in terms of cattle cannot be identified and are sufficiently removed from the project so as not to be capable of assessment in site specific terms and therefore such that they cannot be considered part of the project for the purposes of EIA or AA. In addition, unlike the situation in the above referenced case, it should also be noted that it is not at all clear from the information presented the degree if any that the proposed development would lead to any material increase in the size of the beef herd or whether the development would act to replace or augment existing processing capacity.

7.2.11. The potential impact of the proposed development on ***local and national climate change policy*** is an issue raised by the third party appellants in their submissions to the Board and to the Planning Authority. Specific reference is made to the impact of the proposed development in the context of the *Climate Change and Low Carbon Development Act, 2015* and the *Offaly Climate Change Adaptation Strategy*. It is

also submitted that no calculations are presented with regard to the impact of the proposed development on climate and green house gasses (GHGs). The issue of climate and the potential impact of the proposed development on GHG emissions is considered in more detail under the heading of EIA in section 8.0 of this report below. In terms of compliance with national policy however there are in my opinion a number of issues to note. Firstly, the national mitigation plan prepared under the *Climate Action and Low Carbon Development Act, 2015* was quashed on foot of the Friends of the Irish Environment v The Government of Ireland supreme court case (Ref. IESC49 of 2020). A new *Climate Action and Low Carbon Development (Amendment) Act 2021* has been adopted and this commits Ireland to a number of emissions reduction targets, including the achievement of net zero emissions by the end of 2050 at the latest and a reduction in GHG emissions of 51% by the end of 2030 as against 2018 levels. Reductions in emissions are detailed in a series of carbon budgets that each cover a period of 5 years, and the initial three carbon budgets covering the periods 2021-2025; 2026-2030 and 2031-2035 have been prepared by the Climate Change Advisory Council. In the first carbon budget, Ireland will have to cut emissions by an average of 4.8% a year to 2025. The second budget will see Ireland required to cut emissions by 8.3% per year from 2026 until to 2030. Following the completion of a carbon budget, a sectoral emissions ceiling for each sector will be prepared by the Minister. As at the date of writing this report this has not been undertaken and therefore, to date, no decision has been taken on what level of emissions reduction the agriculture sector will have to make.

7.2.12. In addition, I note the reference in the 2019 Climate Action Plan to the use of a marginal cost abatement cost curve and the fact that there is currently scope for the use of this technique to identify the most cost effective pathway to the achievement of emissions reductions. Action 297 of the 2021 Plan commits to a review of the Teagasc MACC, however currently in the specific case of a high value export based industry such as the beef sector, I consider that it is possible that increased beef production could be justified on the basis of the high value of the sector notwithstanding its potentially significant carbon footprint. There is also the consideration that any such production has to be seen in an international carbon context where a reduction in Irish production would be replaced with overseas production which may have a higher carbon footprint thereby leading to an increase

rather than a decrease in global emissions. In short, it is my opinion that while consideration of the climate implications of the proposed development are a relevant consideration in the assessment of this proposal, and one that will be returned to in the section relating to EIA below, pending the adoption of carbon budgets for each sector the current national policy context is such that it is not in my opinion possible to state that the proposed development would be clearly contrary to national or local climate change policy.

Potential Future Extension

7.2.13. I note the reference in the Planning Report prepared by Carey Associates Architects, which was submitted as part of the initial planning application to the potential for future expansion of the development and to the layout being designed such that it could be the subject of future expansion. This issue was raised by the Planning Authority as part of the request for further information issued. The extent of any future expansion or potential capacity for expansion is not clear from the information presented with the application or the response to further information however, as highlighted by the first party, any future expansion would be required to be the subject of permission and would be assessed on its merits. In addition, as a licenced facility, any future expansion of the facility would potentially require a revised licence (in the event that the licence sought does not seek to provide for a higher throughput of cattle than that indicated in the planning application) and, depending on the scale of development proposed a requirement for EIA and / or AA.

Water Quality and Compliance with the Water Framework Directive – Recent Case Law (Potential New Issue)

7.2.14. I note that one of the issues raised in the third party appeal contends that the adjacent Feeghroe stream into which the development is proposed to discharge has not been the subject of assessment of base level water quality and that the proposed development and that the Feeghroe Stream does not have the capacity to accommodate the discharges from the proposed development. While the issue of compliance with the provisions of the Water Framework Directive is not explicitly raised in the third party grounds of appeal, the third party submissions on the

Planning Authority file state concerns regarding the discharge limits and assimilative assessment provided by the applicant and concerns regarding the assessment given that the risk status of the Feeghroe Stream is identified as being 'under review'.

7.2.15. In my opinion, the proposed discharge from a waste water treatment plant on the site to the Feeghroe Stream raises a specific issue that has been the subject of a recent and ongoing legal judgement, and which potentially impacts on the ability of the Board to determine compliance with the requirements of the Water Framework Directive. Specifically, I consider that the circumstances of the ***Sweetman vs An Bord Pleanala*** (***Gorumna Island) case (IEHC16 of 2021)*** closely resemble those in the current appeal and relate to a situation similar to the subject case where discharges are proposed to receiving waters for which a water quality status has not been identified by the EPA. The situation in the case of the proposed development is that the discharge from the onsite waste water treatment plant is proposed to be to the Feeghroe stream adjoining the western boundary of the site and, as identified in Table 11.3 of the main volume of the EIAR and as per the water mapping obtained from the EPA website, (copy attached with this report), the water quality status for the Feeghroe Stream is identified as unassigned. The risk of the waterbody not achieving good status is identified in the EIAR as '*under review'* though there is no indication of a risk status on the EPA online mapping.

7.2.16. In the Gorumna case, the fact that the waterbody from which abstraction was proposed, Loch an Mhuilinn, was not given a water quality status led the court to note in its judgement (delivered on 15th January, 2021) that the Board has an obligation under EU law to refuse permission if either a deterioration in status or a jeopardization of the attainment of good water status will occur. The court also determined that it was clear from the precise wording of the Water Framework Directive, and from the decision of the CJEU in the Weiser case, that the concepts of deterioration and good water status are inextricably tied to the evaluation framework set out in the Water Framework Directive (the evaluation framework undertaken by the EPA in the Irish context as the competent authority), and that it was not possible for the Board to clearly determine that the proposed development would not result in a deterioration in status or a jeopardization in the attainment of good status in a situation where no water quality is assigned.

7.2.17. I note that the EU has issued guidance to support member states in implementing the WFD requirements, and Guidance Document No. 2 relates to the Identification of Water Bodies (https://ec.europa.eu/environment/water/water-framework/facts_figures/guidance_docs_en.htm). Guidance Document No.2 recognises that the identification of all surface waters as discrete water bodies would place a very significant burden on member states and states that member states have flexibility to decide whether the purposes of the Directive, which apply to all surface waters, can be achieved without having to identify as a water body every minor but discrete and significant element of surface water (Section 3.5 of Guidance Note 2). In the case of inland waters including rivers, paragraph 3.5 of Guidance Note 2 states that the smallest size range for a System A river type is 10 – 100 km2 catchment area. The exact catchment of the Feeghroe Stream is not presented in the EIAR, however from a visual inspection of the relevant OS mapping it would appear likely to be less than 10 km2. The Site Specific Flood Risk Assessment submitted with the application identifies the catchment of the Feeghroe Stream as c.1.58 sq. km, however this appear to only cover the section of the stream down as far as Five Roads Cross / Boheradurrow junction.

7.2.18. In light of the above guidance note and the involvement of the Environmental Protection Agency (EPA), the Sweetman vs An Bord Pleanala (Gorumna) judgement has been the subject of a request for further consideration. Submissions have been presented by the EPA to the effect that they do not consider that there is a necessity that all waterbodies, and specifically those below the thresholds set out in the EC Guidance document No.2 to require a status to be identified, (High Court Record No. 2018/740JR delivered on 6th December, 2021, copy attached with this report). The result of this further consideration is that the court has referred a number of questions the European Court of Justice by the Irish High Court including whether member states required to characterise and subsequently classify all water bodies, irrespective of size, and, if the answer to this question is yes, can a competent authority for the purposes of development consent grant development consent for a project that may affect the water body prior to it being categorised and classified ?. A copy of this record is attached with this report.

7.2.19. In summary therefore the situation in this case is that a water quality status for the Feeghroe Stream has not been identified and following from the guidance issued by the EC and the submissions of the EPA to the High Court on the Gorumna case, it does not appear that the EPA have current plans to assess the watercourse for this purpose. The content of Guidance Note 2 states at section 3.5 that Member States have flexibility to decide whether the purposes of the Directive can be achieved without the identification of every minor but discrete and significant element of surface water as a water body, and in my opinion would appear to support the position taken by the EPA. Further clarity on this issue will however have to await the outcome of the questions referred to the ECJ under High Court Record No. 2018/740JR delivered on 6th December, 2021.

7.2.20. Similar to the Gorumna case, the first party in the current case has, in the absence of a water quality status, has undertaken an assessment of water quality (section 10.5.1 of EIAR) for the Feeghroe Stream and the unassigned sections of the Rapemills River into which the Feeghroe Stream discharges and, using the design output from the waste water treatment plant, has undertaken an assessment of assimilative capacity. The results of this assessment are considered in more detail in section 8.4 of this assessment below under the heading of EIA – Water. As set out in that section, I consider that the assimilative capacity of the Feeghroe stream to accommodate the proposed development without a deterioration in water quality or a jeopardization of the attainment of good water status has been demonstrated in this case. Given this conclusion, and having regard to the position taken by the EPA on the issues raised in the Gorumna case, to the size of the Feeghroe Stream which would appear to be below the threshold set out in the EC Guidance note referenced above and to the length of time before clarity on the issue in the form of a decision from the ECJ is likely to be available and subsequent time period which the EPA would require to undertake such assessments in the event that the initial court judgement is upheld, it is proposed to continue with the preparation of a recommendation in this case.

7.2.21. <u>As noted previously, the issue of compliance with the Water Framework Directive is not specifically raised in the grounds of appeal and could be considered to constitute a new issue in the context of this appeal. The Board may therefore wish to invite submissions on this issue prior to determination of the case.</u>

Lack of Detail Relating to the First Party

7.2.22. The third party appellants contend that it is not clear who is behind the application and specifically that there is a lack of information with regard to Banagher Chilling Limited, its background in the industry and who are behind the company. Significant detail in the form of press cuttings and associated documentation setting out the background to the application and applicants is presented with the third party appeal in support of the contentions made. On this issue, I note that the details submitted with the application set out the information required in the Planning and Development Acts and Regulations regarding persons connected with the company and that the application was deemed valid by the Planning Authority. In my opinion, there is no onus on the first party to provide further details regarding their experience in this industry or other background details.

7.2.23. On the issue of experience in the industry and capacity to undertake and operate a development of the scale proposed, I also note the information provided by the first party relating to the requirement for a licence to be obtained from the Department of Agriculture Food and the Marine. The first party states that Banagher Chilling made an application to Department of Agriculture Food and the Marine (DAFM) in November 2018 for a Notification of Intention and that representatives of the DAFM have visited the site and this process is required under the EC Food and Feed Hygiene Regulations, 2009. While not part of the planning process, such a licence is required for the facility to be able to export into the EU market and the process of achieving such a licence involves a number of inspections and assessments regarding the capability of the project promotors to successfully deliver and operate the proposed development.

Requirement for a Licence from the EPA

7.2.24. The appellants raise a number of issues with regard to the requirement for the proposed development to obtain a licence from the EPA and contend that there has been no active licence in place at the site since 2013. Firstly, on the issue of no current licence being in place, activity at the site is stated by the first party to have ceased in 2016 and therefore it is not to be expected that there would be a current licence in place. In any event, any licence that had been issued would have related

to a much lower level of throughput of animals at the site and would not therefore have a direct relevance to the significantly larger capacity proposal that forms the current application. It has been confirmed by the first party and by the EPA (correspondence between the first party and the EPA included in Appendix 1.1 of the response to further information) that the proposed development is such that it will require to be the subject of a licence from the EPA, however it is noted that the exact type of licence has not been confirmed by the first party. No response was received from the EPA that would clarify this issue and, as at the date of writing this report, no licence application had been made to the EPA.

7.2.25. The appellants contend that there is no guarantee that the required licence will be obtained from the EPA and that this should be accounted for in the consideration of the case by the Board. The issue with regard to a development requiring a licence, likely an IPC licence, is that the EPA cannot issue any decision on an application to it for a licence or a revised licence where a relevant planning application is still under consideration by a planning authority or by the Board. The fact that the applicant has not obtained a licence from the EPA is not therefore in my opinion a relevant consideration in the assessment of the appeal. As set out above, the development proposed on the site comprises an activity for which a licence is required, and therefore, in the event that the Board was to grant permission, any facility that is permitted could not operate until such a licence is in place.

7.2.26. In addition, S.34(2)(c) of the planning and Development Act, 2000 (as amended) requires that where an application under this section relates to development which comprises or is for the purposes of an activity for which an integrated pollution control licence or a waste licence is required, a planning authority shall take into consideration that the control of emissions arising from the activity is a function of the Environmental Protection Agency. Section 99F(1) of the EPA Act specifies that *'notwithstanding section 34 of the Act of 2000, or any other provision of that Act, where a licence or revised licence under this Part has been granted or is or will be required in relation to an activity, a planning authority or An Bord Pleanála shall not, where it decides to grant a permission under section 34 of that Act in respect of any development comprising or for the purposes of the activity, subject the permission to conditions which are for the purposes of—*

(a) controlling emissions from the operation of the activity, including the prevention, elimination, limitation, abatement, or reduction of those emissions, or

(b) controlling emissions related to or following the cessation of the operation of the activity.

7.2.27. Given the fact that the proposed development relates to an activity in respect of which there is a requirement for a licence from the EPA, the Board in its decision making is therefore precluded from attaching conditions with the purpose of controlling, preventing, or limiting emissions from the operation of the activity though the Board may refuse permission for a development on the basis of emissions to the environment. Consideration of the impact of the proposed development on the environment is considered in detail in Section 8.0 of this report under the heading of EIA, and this assessment has specific regard to the fact that the proposed development relates to a licensable activity and the restrictions on the decision making of the Board imposed by s.34 of the Planning and Development Act and s.99F of the EPA Act.

7.2.28. Condition No.5 attached to the Notification of Decision to Grant Permission issued by the Planning Authority requires that the applicant apply for and obtain a licence from the EPA prior to the operation of the facility. In the event of a grant of permission, the first party has indicated that they are happy that a similar condition would be attached by the Board. In the event of a grant of permission by the Board it is recommended that a condition clarifying this requirement is attached to the decision.

Further Issues Relating to the Validity of the Application / Appeal

7.2.29. The third party appellants note that the information provided by the applicant describes the site as being currently used as an abattoir and contend that this is incorrect on the basis that the site was used up to 2013 as a small scale abattoir. The ***description of development*** as provided in the public notices makes reference to the development comprising '*a single storey extension to an existing abattoir*.' before expanding to a more detailed description of the individual elements of the project. Strictly speaking the abattoir is not an existing operation, though the extant abattoir building is intact and was observed to retain most of the internal equipment

at the time of inspection. The development does however relate to works for the expansion of a building on the site, which was permitted and developed as an abattoir, which was last used for this purpose, and which is existing on the site. For this reason, I do not consider that the description of the proposed development is misleading or an inaccurate description of the proposed development. In any event, the application was accepted as valid by the Planning Authority and a Notification of Decision issued and any issue regarding the validity of the application is one between the third party appellants and the Planning Authority.

7.2.30. I note the fact that the first party submissions on file, including the response to Clarification of Further Information (report from David Mulcahy Planning Consultants) and the first party response to the grounds of appeal, note the fact that there is a lack of ***clarity regarding the parties to the objection submitted to the planning authority and the appeal*** respectively. The first party response to the grounds of appeal also contends that the appeal submission is invalid on the basis that the list of appellants is not consistent with the list of persons who have made the submission to Offaly County Council and there are serious concerns about the bona fides of a number of the listed parties. The response of the first party also indicates that in the event of a refusal of permission by the Board the option of legal proceedings on this issue will be pursued. The appeal has been validated by the Board and considered to comply with the requirements of the Planning and Development Acts and such that it is not considered appropriate that the appeal would be deemed to be invalid and dismissed. It is therefore proposed to continue with the assessment.

7.2.31. The following sections address some of the main planning considerations arising in the proposed development. These sections should be read in conjunction with section 8.0 of this report relating to EIA which expands in more detail on the potential impact of the proposed development on the environment and section 9.0 relating to Appropriate Assessment.

7.3. **Design, Scale and Visual Impact,**

7.3.1. The proposed development would result in a significant increase in the scale of facility on site relative to the existing structure on site. Specifically, the existing abattoir and lairage buildings located at the eastern end of the site have a stated floor area of approximately 750 sq. metres and are proposed to be increased to a total of c.9,326 sq. metres with the extension to the abattoir building, the extension to the existing lairage, the development of the meat processing area and the ancillary areas. The landscape and visual impacts arising from the proposed development are considered in more detail in section 8.5 of this report below under the heading of Material Assets, Cultural Heritage and the Landscape.

7.3.2. The design of the proposed development is a typical industrial facility and would be of a significant scale with an overall height of up to c12.5 metres. Details of the external finishes are provided at Appendix 24 to the response to further information and include details of the external finishes to the buildings as well as boundary fencing and treatments. The basic design and finishes proposed are in my opinion acceptable, and there are in my opinion a number of aspects of the proposed development and the existing environs of the site that would act to mitigate the landscape and visual impacts arising. The site is located in a generally low level and flat landscape that is identified in Figure 4.22 of the Offaly County Development Plan 2021-2027as having a low sensitivity to development and therefore a landscape that is '*robust'* and '*tolerant to change'*. The concentration of development and housing in the vicinity of the site is generally low with very limited existing development on the local road onto which the appeal site is proposed to front. The site is also surrounded by a network of existing hedgerows and boundary vegetation that in my opinion significantly limits the views of the site from surrounding locations and roads, including from the R438 to the west.

7.3.3. No long range views of the site would be available and such that the overall impact on the landscape is likely to be limited. Significant impacts on views are considered likely to arise only in relatively close proximity to the site on the local road (L3010) where significant alterations to the roadside boundary are proposed and the scale of the proposed buildings will be significant in the local environment. While there is an existing cottage located on the southern side of the L3010 that faces the site, this property is in very poor condition and is currently vacant. No other residential

properties are located in close proximity to the site or are located such that their visual amenity would be significantly impacted by the proposed development.

7.3.4. Additional landscape mitigation is proposed including the planting of the re aligned site boundary facing the L3010, the reinforcement of boundary planting, the creation of an additional woodland area to the north / north east of the proposed building to screen the development from views from this direction and general proposals for onsite landscaping. Landscaping of the car parking area is proposed as per Drg. No. 1806-27-FI submitted as part of the response to further information and contained at Appendix 21 of this response. Overall, it is my opinion that the design and scale of development while significant and of an industrial character in this rural area would not be such as to have a significant negative impact on landscape or visual amenity and that the separation between the proposed development and the nearest residential properties is such that no significant negative impacts on the visual amenity of these properties would be likely to arise.

7.4. **Traffic and Access Issues,**

7.4.1. The appeal site is located such that the site is proposed to be accessed onto a local road, the L-3010 and the predicted traffic volumes generated at the operational stage of the development are estimated at 283 PCUs over a 24 hour period (breakdown provided at Table 8.1 of the EIAR). To accommodate the predicted traffic generation and to ensure adequate sight lines at the proposed access to the L3010, the L3010 is proposed to be widened between the site access and the junction between the L3010 and R438 where a width of 6.0 metres is proposed to be achieved. The detail of the entrance junction and the works to the L3010 were the subject of further information and clarification of further information requests from the Planning Authority and the revised access proposals submitted in response to these requests were prepared following consultation with the Council's Road Design section and were agreeable to the Road Design and District Engineer. The Response to the Clarification of Further Information Request includes a report from Trafficwise Traffic and Transportation Consultants which details how the layout of the proposed site access to the L3010 has been the subject of a Stage 1 Road Safety audit and minor amendments made on foot of the recommendations arising from this process, and

primarily relating to intervisibility between traffic using the two internal access roads within the site and adjacent to the access. The revised entrance layout is indicated on drawing (Drg. No. 1806-31-FI) and the submissions to the Planning Authority confirm that the existing abattoir entrance would only be used for emergency access. The existing access to the farmyard complex is stated to be closed and access to these buildings provided from within the internal site access roads. Swept Path Analysis of the proposed layout has been submitted (Appendix 13 prepared by Trafficwise) and is shown on Drg. No.03119/RFI-01.

7.4.2. In my opinion the revised layout submitted in response to the further information and clarification of further information requests issued by the Planning Authority is satisfactory, that adequate sight lines at the junction of the main access to the L3010 can be provided and that internal circulation of vehicles within the site can be undertaken safely. The swept path analysis submitted indicates that the proposed internal layout can accommodate both a 10 metre long rigid truck with trailer or a 16.5 metre long articulated truck and trailer. The output of this analysis is noted and considered to be acceptable, and I do not therefore agree with the third party appellants that there is an error in this assessment, specifically that the analysis should have also been undertaken for a 16.5 metre long vehicle with additional trailer.

7.4.3. The assessment of capacity of the existing junctions and road network in the vicinity of the site to accommodate the proposed development was informed by a traffic survey undertaken in November, 2018. The detailed results of this assessment are presented at Attachment 8.1 to the EIAR which comprises a Transportation Assessment Report prepared by NRB Consulting Engineers. An assessment of the main junctions in the vicinity of the site indicates that the relationship of flow to capacity at the L-3010 / L-7016 junction, the L-3010 / R438 (Five Roads Cross / Boheradurrow junction) and the site access junction onto the L-3010 would all operate at very significantly below capacity out to the design year of 2036 and such that no significant delay or queuing is likely to occur. Details of the RFCs modelled for these junctions is presented in Tables 4.2 – 4.4 of the NRB Consulting report. The impact of the proposed development on the capacity of the regional and local roads in the vicinity of the site is also addressed in the NRB Report and the current surveyed 24 hour PCU traffic levels on these road are 120 for the L3010, 403 for the

L7016 and 1449 for the R438. The existing traffic levels are therefore very significantly below the capacity of the roads, and levels of additional traffic generated by the proposed development during wither the construction or operational phases are not in my opinion such as to have the potential to exceed the capacity of these roads.

7.4.4. The issue of car parking was raised in both the requests for further information and the clarification of further information. Appendix 15 to RFI contains an assessment of car parking requirements and compliance with development plan standards and the total of 165 no. spaces proposed is consistent with the requirements set out in the development plan which are minimum standards. Given the location of the site in a location c.2.5 km from the closest settlement (Banagher) I consider that there is a likely requirement for a significant car parking provision on site, albeit that a total of 165 no. spaces appears to me to be significant for an estimated operational workforce of 110 persons. The comment of the first party in the response to the grounds of appeal regarding the availability of local bus services (Nos. 906 and 7100) is noted, however the usefulness of these services at the times required to accommodate shift work at the site is not clear. I also note the reference made by the first party to the potential use of a private bus service and, in the event of a grant of permission it is considered appropriate that the provision of such a bus service would be examined and that a mobility management plan would be required to be prepared by the applicant.

7.4.5. Appendix 12 of the RFI sets out a Construction Management Traffic Plan which includes a drawing showing the location of the proposed construction compound and site entrance. The details submitted are considered to be acceptable and in the event of a grant of permission the issue of construction traffic should be included as part of a condition requiring the submission of a construction management plan for the agreement of the Planning Authority.

7.4.6. The issue of the visibility at the junction of the L3010 / R438 was raised by the Planning Authority during the course of the assessment of the application and the main issue of concern relates to the potential forward visibility for traffic travelling north east on the R438 due to a rise in the road to the south of the junction. Details have been prepared by the first party to address this issue and a speed survey undertaken to assess the design speed of this section of the road to inform the

design. Details of the works required to the R.438 including a lowering of the road surface by c.0.5metre over a distance of c.80 metres has been submitted to and agreed in principle by the Planning Authority, and I do not have any objection to the works as proposed. I note that condition No.12 attached to the Notification of Decision to Grant Permission issued sets out in detail the works required and 12(b) states that '*all agreed works are to be completed by the applicant prior to works commencing on the permitted structures….'*. No special contribution in respect of the proposed works is attached to the Notification of Decision and the wording of the condition is such that it is envisaged that the works would be undertaken by the applicant. In the event of a grant of permission it is considered that this requirement could be clarified to state that all agreed works are to be undertaken at the expense of the applicant as it would appear unlikely that the Planning Authority would allow the applicant to directly undertake the required works.

7.5. Impact on Residential Amenity

7.5.1. Issues relating to noise, odour and impacts on residential amenity are considered in more detail in the following section 8.2 under the heading of EIA. The following sections outline the potential impacts on residential amenity arising from noise, odour and disturbance generated by the proposed development.

7.5.2. ***Noise*** is not predicted to be a significant issue at the identified noise sensitive locations in the vicinity of the site. The most significant receptor is the Eliza Lodge Nursing Home, located c. 120 metres from the site boundary and c.500 metres from the closest proposed building on site and modelling of noise indicates that this would be the most impacted receptor, particularly due to the impact of traffic generated by the proposed development. When account is taken of the set back of the nursing home building from the road (approximately 50 metres), the predicted increase in noise above ambient levels is estimated at c.3.2dB(A) which would represent a slight negative long term impact.

7.5.3. An '*Odour, Air Quality and Greenhouse Gas Assessment'* was submitted with the application and is included as Appendix 5.1 of the submitted EIAR. The submitted information was expanded upon by an ***Odour*** Management Plan submitted as part of the response to further information (Appendix 4.1 of the RFI) which sets out a

procedure for the reporting and addressing of odour issues that may arise as a result of the proposed development. The odour assessment submitted undertook a computerised modelling exercise of the potential odour emissions from the proposed development and the likely impact on surrounding sensitive locations. The most sensitive and closest location in the assessment and one specifically identified by the appellants as a concern, is the Eliza Lodge Nursing Home and this is identified as R5 in the assessment. The results of the assessment indicate that the predicted concentrations of odour would be well below the 1.5 ouE/m3 criterion for a significant impact to arise and such that I do not consider that odour emissions from the site would likely have a significant impact on residential amenity.

7.5.4. The EIAR indicates that the proposed ***hours of construction*** are 07.00 to 19.00 Monday to Friday and 08.00 to 14.00 on Saturday. Condition No.6 attached to the Notification of Decision to Grant Permission requires slightly more restrictive hours, however I consider that the hours set out in the EIAR are acceptable and such that they would not significantly impact on residential amenity. Condition No.3 attached to the Notification of Decision issued by the Planning Authority specifies that hours of operation of the abattoir, food processing factory and ancillary services shall be restricted to between 07.00 and 22.00 hours daily with no deliveries to be undertaken outside of these hours. The proposed site (operational) working hours are set out at Table 2.7 of the main volume of the EIAR and indicate that all slaughtering / boning staff and office staff would finish work at 17.00hrs with cleaning staff operating to 22.00hrs. In the event of a grant of permission it is considered appropriate that a condition would specify that on site operation of the abattoir and food processing factory would cease at 18.00 hours and that the hours of deliveries to the site would also be restricted.

7.5.5. The submission of a ***Construction and Environmental Management Plan*** (CEMP) is required under Condition No.11 of the Notification of Decision to Grant Permission issued by the PA. An Outline Construction and Environmental Management Plan prepared by Panther Environmental has been submitted with the application and details the mitigation measures proposed under a range of headings including dust, water, ecology, invasive species, noise and vibration and traffic. Measures for reporting and monitoring are also proposed. The submitted document is considered to form the basis for an acceptable CEMP and in the event of a grant of permission it

is recommended that the submission of a CEMP for the agreement of the Planning Authority be required by way of condition.

7.5.6. Overall, subject to the mitigation measures proposed and having regard to the separation of the proposed development from the nearest residential receptors, the impact of the proposed development on noise, odour and residential amenity are not considered likely to be significantly negative.

8.0 EIA

8.1. Introduction

8.1.1. The potential requirement for the submission of an EIAR in this case derives from two aspects of the proposed development, these being firstly, the primary activity on site as an abattoir for the slaughter of animals and secondly, the ancillary on site waste water treatment system proposed to be installed. With regard to the capacity of the slaughtering operation proposed, I note that the description of development provided at section 1.0 of the submitted EIAR describes the project as having a maximum slaughter rate of 140 animals per day and reference to this figure is made at other locations throughout the EIAR. As highlighted in section 7.2 of this assessment above under the heading of Potential Future Expansion, there is the potential that the capacity of the proposed plant would be increased in future, however any such expansion would however be subject to planning permission and the application as submitted is being assessed on the basis that the maximum slaughter rate is 140 animals per day. Class 7(f) of part 2 of the Fifth Schedule states that the following shall be development for the purposes of Part 10 of the Act:

'Installations for the slaughter of animals, where the daily capacity would exceed 1,500 units and where units have the following equivalents:-

1 sheep = 1 unit

1 pig = 2 units

1 head of cattle = 5 units'

On this basis the number of units proposed to be processed daily would be 700 (140 by 5) and the proposed development would therefore be sub threshold for the purposes of EIA. Even with some weekend working that is indicated as possible in the EIAR, the development would still be sub threshold under Class 7(f) of Part 2.

Secondly, Class 11(c) of Part 2 of the Fifth Schedule states that the following is also development for the purposes of Part 10 of the Act:

> *'Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.'*

In the case of the proposed development, the stated capacity of the waste water treatment plant proposed on site is 15,667 p.e. and therefore the proposed development comes within the scope of Class 11(c) and such that the submission of an EIAR is required.

8.1.2. The application is accompanied by an EIAR prepared by Panther Environmental Solutions Limited with the additional input of experts as set out in Section 1.7 and Table 1.2 of the main volume of the EIAR. The document comprises two volumes, the first which contains the non-technical summary, the description of the proposed development, the environmental impacts and assessment of interactions and interrelations. The second volume contains what are referred to in the EIAR main volume as 'attachments' and essentially comprise appendices to the main volume with supplementary detailed reports and assessments.

8.1.3. The application has been prepared under the provisions of the 2014 EIA Directive and I have undertaken an examination of the information presented by the applicant including the EIAR and the submissions made during the course of the appeal. A summary of the results of the submissions made by the Planning Authority, prescribed bodies, appellant's, and observers has been set out at sections 3.4 and 6.0 of this report. The main issues raised with regard to EIA can be summarised as follows:

- Overstatement of the economic benefits arising from the proposed development,
- Unsustainable nature of the proposed development in terms of export market (outside EU / China) and sourcing and housing of employees to work in the development. Development not consistent with the Climate Action and Low Carbon Development Act 2015. No calculations relating to the impact of the proposed development on greenhouse gasses (GHGs),
- Lack of consideration of the potential environmental impacts arising from additional cattle that would arise due to the proposed development (This issue is addressed in section 7.2 above under the heading of 'Justification for Scale of Development Proposed and Potential Environmental Implications'),
- Lack of consideration of the environmental impacts of wastes / by products generated by the proposed development and the end locations of these wastes / by products and associated environmental impacts,
- Issues of residential amenity arising from noise, odour, and traffic,
- Lack of information regarding water supply and impact on local supplies,
- Inadequate consideration of the impact of the proposed development on ecology, on the local woodland and on the recreational value of this area,
- Inadequate consideration of flood risk and the high water table in the area of the site,
- Lack of impartiality or independence in the EIAR submitted,
- Negative impact on water quality and inadequate assessment of the water quality of the receiving waters into which the development is proposed to discharge.

These issues relating to EIA and the submitted EIAR are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

8.1.4. ***Cumulative Impacts*** arising from the proposed development are generally considered in each chapter of the EIAR under the relevant heading. The approach used is in my opinion comprehensive and consistent with the requirements of the 2014 EIA Directive (2014/52/EU) and Article 94 of the Planning and Development Regulations, 2001 (as amended).

8.1.5. With regard to ***Alternatives***, as the EIAR is submitted in accordance with the requirements of Directive 2014/52/EU, what is required is a description of the reasonable alternatives studied by the developer which are relevant to the project and its specific characteristics and '*an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment'*. Consideration of alternatives is presented at Section 4 of the submitted EIAR and incorporates the following:

- Alternative sites considered which are identified as three locations, the appeal site, a site at Patrickswell in Limerick and Rathfeigh County Meath. It is noted that the choice of alternative sites was limited to locations where there was an existing abattoir which could be expanded, and a number of additional locational criteria are also set out at section 3.2 of the EIAR.
- Alternative layout and design, and
- Alternative processes. It is submitted that the proposed slaughtering and processing processes proposed in the development are standard for the industry. Alternative processes for the waste water treatment plant are also discussed. .

On the basis of the information presented in the EIAR, it is not completely clear to me why the consideration of alternative locations was restricted to sites where there was a historical abattoir use, particularly given the scale of the development proposed and the very limited extent to which the existing infrastructure on site would be incorporated into the proposed development. Notwithstanding this, it is my opinion that the aspects of the proposed development as set out above incorporate the main alternatives that are relevant to the form of development proposed and that the consideration of alternatives is consistent with the requirements set out in the directive.

8.1.6. With regard to the vulnerability of the project to ***Major Accident Hazards, Natural Disasters and Climate Change***, the appeal site is not located close to, and the proposed development is not connected with any Seveso establishment or activity. The nature of the proposed development is such that there are a number of wastes proposed to be stored on site prior to transport off site for disposal (for example blood, specified risk material from slaughtered animals) as well as wastes connected with the onsite waste water treatment plant (screenings from the primary process). The development proposes a range of measures to ensure the safe separation and storage of these materials prior to transport off site. Similarly, the proposed on site waste water treatment plant results in a potential for a major hazard in the event of significant failure of the system, and measures to mitigate risk associated with these aspects of the development are proposed. These measures include those set out at 10.7.2 of the EIAR under the heading of Water and Aquatic Biodiversity – Operational Phase Mitigation and include proposals to ensure that the design bunding of the wwtp and the provision of an emergency return system on the wwtp to balancing tank in the event of failure. As discussed in more detail in section 8.4 of this EIA below under the heading of Land, Soil, Water, Air and Climate, no element of the proposed development is located within an identified flood extent area and no flood events are recorded for the immediate vicinity of the site and a site specific flood risk assessment does not indicate a risk of flooding at the site. Having regard to these factors, I consider that the risk of major accident hazards or potential implications arising from natural disasters and climate change are negligible.

8.1.7. In ***conclusion***, I am satisfied that this EIAR has been prepared by competent experts to ensure its completeness and quality and that the information contained in the EIAR, and supplementary information provided by the first party, adequately identifies, and describes the direct, indirect, and cumulative effects of the proposed development on the environment and complies with the requirements of Article 94 of the *Planning and Development Regulations, 2001* (as amended).

8.2. Population and Human Health

8.2.1. The proposed development will have impacts on ***economic activity and employment*** during the construction and operational phases. During construction, the proposed development would lead to the employment of approximately 250 personnel on site and the construction phase would extend over approximately 18 months and such that the development would in my opinion have a significant local impact on employment. At operational phase, the site personnel are proposed to be as set out at Table 2.7 of the EIAR with approximately 80 no. staff working on the floor of the abattoir, 10 clearing staff and 20 no. administration staff. As discussed in section 7.2 of the Planning Assessment above, while the bulk of the employment on site would not be high skilled, there would be management and veterinary positions that would also create employment. Similarly, while the employment created may not closely align in terms of skills with those lost in traditional industries such as Bord na Mona, it is considered that the overall operational phase employment impact from the proposed development would have a moderate positive impact.

8.2.2. While there is an existing abattoir building located on the site, the scale of this operation was significantly smaller than that proposed in the subject application, and it has been inactive for approximately five years. Therefore, while an abattoir use is historic on the site, the scale of the current proposal is such that it would have a significant impact on ***the pattern of land use*** in the local area. A more detailed assessment of whether this local impact would be positive or negative is considered below, particularly under the headings of landscape and visual amenity, ecology and air, soils, water, and climate. On balance, given the historic use of the site as an abattoir, it is not considered that this impact on local land use would be significantly negative.

8.2.3. The nature and design of the proposed development is such that no issues of loss of ***rights of way or severance*** will arise. The main land uses in the vicinity of the site will remain forestry and agricultural activities, and the proposed development will not have any significant adverse direct or indirect impacts on these established uses. The cumulative impacts of the proposed development on land use, taken together with the existing developments in the vicinity of the site, including the Meenwaun Windfarm and the Eliza Lodge Nursing Home, is not considered to be significant.

8.2.4. With regard to ***tourism***, I do not consider that the proposed development would have any likely significant impact on the attractiveness of the area for tourism or leisure use. The site is located at a remove from the River Shannon corridor and, despite its proximity to Banagher, is located in a quiet rural area that has very limited passing traffic on the L3010. I note the references by the first party appellants to the potential negative impact of the development on the potential for eco tourism and the development of the Shannon Greenway (Shannon Harbour to Dublin), however it is my opinion that the previously developed nature of the site and its location at a significant remove from Banagher town and in a rural area that is removed from the main tourism areas in the vicinity, including those centred on the Shannon and the Grand Canal Greenway are such that significant negative impacts on tourism are not likely to arise.

8.2.5. The site would be well screened from the R438 and, as detailed in section 8.5 below under the heading of Landscape, the nature of the receiving landscape and the form of development proposed is such that significant negative impacts on the landscape are not considered likely to arise. Similarly, the vicinity of the site is not the subject of any protected views identified in the development plan, and the receiving environment and topography in the vicinity of the site is such that no significantly negative impacts are predicted to arise. Significant negative impacts on population due to landscape and visual impacts are not therefore considered likely to arise and I consider that cumulative impact on tourism and population arising from the proposed development together with surrounding developments including the Meenwaun Windfarm and the Eliza Lodge Nursing Home are not likely to be more than moderate negative.

8.2.6. With regard to ***human health***, the proposed development will have a potential impact on surrounding populations in terms of noise, air quality / odour and water quality in particular. The potential for the proposed development to impact on existing water supply sources is also recognised. In the case of noise in particular, the proposed development has potential to result in cumulative impacts, notably connected with the Meenwaun Windfarm. These issues are considered in greater detail in section 8.4 of the EIA below under the headings of Land, Soil, Water, Air and Climate, however the following is an assessment of these environmental factors as they potentially impact on human health.

8.2.7. With regard to ***noise***, the activity on site has the potential to generate noise during the construction stage and also at operational stage from on site activity and traffic to and from the site. The issue of noise is assessed at Chapter 6 of the submitted EIAR and at Attachment 6.1 that comprises a noise assessment report prepared by Entonic Limited. A baseline noise assessment survey was undertaken in March 2019 and noise information collected for the 4 no. noise monitoring locations (NMLs) identified in Table 6.1 of the EIAR. The results of the baseline noise assessment are presented in Table 6.2. The results of the assessment undertaken, the methodology for which is noted and considered appropriate, indicates that during the operational phase of the proposed development, all predicted noise impacts arising from on site activity would be below the background or ambient noise levels at the identified NMLs and, in the case of NML 1 and 2, very significantly below ambient levels. I therefore consider that the impact of on site operational noise would likely be imperceptible. ***Operational phase noise*** derived from traffic would result in a potential increase at NML1 (on the local road outside the Eliza Lodge Nursing Home) of up to 10dB(A) and therefore has the potential to have a significant negative impact. Section 6.5.3 of the EIAR sets out an assessment of the potential impact on the actual nursing home building which is set back from the by approximately 50 metres. When account is taken of this set back, the additional noise impact above background level is assessed as c.3.2dB(A) which is approximately the level of increase which would be noticeable. I consider that the impact of the development on this receptor would therefore be slight adverse.

8.2.8. ***Construction phase noise*** impacts are addressed at 6.5.4 and Table 6.6 of the EIAR and indicates that where construction phase noise impacts would exceed ambient levels this impact would not be significantly negative given the maximum of c.4dB(A) exceedance. Overall, therefore the construction phase noise impacts arising would be short term, slight negative. Given the imperceptible operational noise impact at three of the identified NMLs, no cumulative noise impacts are considered likely to arise at these locations. The main potential cumulative noise relates to the Meenwaun Windfarm, however given the separation of over 900 metres between the closest turbine and the Eliza Lodge, no significant cumulative noise impacts are considered likely to arise at this location. Overall, I consider that

the impact of the proposed development in terms of noise is not likely to be a significant negative impact and is not such as to impact negatively on human health.

8.2.9. The impact of the proposed development on ***air quality*** is considered at chapter 5 of the EIAR and at Attachment 5.1 which contains an odour, air quality and greenhouse gas assessment of the proposed development prepared by Katestone Environmental Limited. The odour assessment undertaken includes a computerised model of the proposed development and surrounding areas that accounts for ambient wind speed and direction and the potential odour sources within the development and their extent. These sources include cattle storage, manure storage, storage of wastes including animal waste products and waste water collection and treatment. The basis of the model including assumptions around wind regime and potential emission sources is noted and considered to be acceptable. I note that Figure 5.1 of the EIAR indicating the location of the receptors modelled indicates two R3s. It is assumed that the location to the immediate south of the site in the vicinity of the unoccupied house should be R1 and not R3. Notwithstanding this, the methodology used in the assessment of air quality is noted and considered appropriate for the assessment undertaken. The results of the odour assessment indicate that predicted odours at the 98th percentile measured over 1 hour would all be significantly below the criteria level of 1.5 odour units per cubic metre (OUe/m3) which is taken from a 2001 EPA document relating to odours at piggeries. I therefore consider that the impact of the proposed development on odour levels and thereby human health would be slight negative.

8.2.10. Other aspects of air quality that could give rise to an impact on human health relate to Co2, NO2, SO2, PM2.5 and PM10 and derive from the proposed use of a gas boiler on the site and in the use of LPG in on site vehicles and equipment. Modelling of the predicted impact of these contaminants is presented at section 4.3.2.2 of the Katestone Environmental Report and at section 5.6.2 and Table 5.3 of the EIAR. The results indicate that ground level concentrations of these contaminants at the receptors identified in Figure 5.1 would be well below both the background recorded levels and the criteria levels for each contaminant. The extent to which this is the case is significant, and such that I consider the impact of the proposed on site operations on air quality / contaminants would be negligible at the operational phase of the development. The impact of these same contaminants due to the increased

traffic generated by the proposed development is also assessed in the EIAR (Table 5.5) and show that at a local level in the immediate vicinity of the site level of a number of contaminants would increase by a significant percentage over the existing baseline level. For example, NOx levels at the local level would increase by approximately 22 percent, however while a significant increase in percentage terms, the impact of increased traffic on sensitive receptors in the vicinity of the site are not in my opinion such as to result in a significant negative impact and therefore are not such as to have a significant negative impact on human health.

8.2.11. The potential for the proposed development to impact negatively on ***water quality*** or on existing water sources such as would have a potential impact on human health is considered in Chapters 4 (Population and Human Health), 10 (Water Quality and Aquatic Biodiversity) and 11 (Land, Soils, Geology and Hydrology). Issues relating to water and hydrology are considered in more detail in section 8.4 of this assessment below, however the form of development proposed has a clear potential to result in direct impacts arising from an increase in microbial loading in surface and ground water sources and thereby impact on water sources.

8.2.12. The site is located such that the Banagher water supply is located c.1km to the north west of the appeal site, and additional water is diverted to the Banagher scheme from the River Shannon. The appeal site is located c. 0.5km outside of the Banagher – Clontotan outer source protection zone and the source of abstraction from the River Shannon is located upstream of the point at which the watercourses in the vicinity of the appeal site and to which it drains would connect with the River Shannon (Feeghroe Stream to the west and Milltown Stream to the south both connect to the Rapemills River and onwards to the River Shannon). I note the location of the site outside of the source protection zone and the fact that the anticipated abstraction rate is c.150-200 m3/day and can therefore likely be supplied by the moderately productive locally important aquifer on which the site is located. The level of on site waste water treatment proposed is also noted with primary, secondary, and tertiary treatment proposed including the use of an onsite integrated constructed wetland area with a total area of c.40,000 square metres. Details of this system are presented in section 2.4.3 of the EIAR, and the proposed final effluent quality presented at Table 2.4. It should be noted that discharges from the development will be the subject of monitoring and control in the form of the

requirement for a licence from the EPA (likely an industrial emissions licence) and the first party also states that discharges from the proposed on site wwtp will be subject to licence from the local authority. On the basis of the information presented I do not see why the proposed final effluent standards set out at Table 2.4 of the EIAR cannot be met and do not consider that the proposed development would result in a significant risk to human health by virtue of discharges to ground or surface waters.

8.2.13. As will be discussed in more detail in subsequent sections relating to ***indirect impacts*** arising from the proposed development on ground and surface waters, there is a limited amount of detail provided in the EIAR with regard to the end locations of wastes or by-products generated by the proposed activity on site and specifically the wastes from the slaughtering and processing activity proposed. Such wastes include blood, sludges, Category 1 and 3 animal material and belly paunch and are detailed in table 16.7 of the EIAR. Specifically, while the types of wastes or by products generated by the proposed development and the anticipated annual volumes (tonnes), storage and potential disposal methods are presented in Table 16.7 of the EIAR, there is no definitive detail provided with regard to the likely end locations of these materials. In the case of disposal to processing facilities for anaerobic digestion, composting, or rendering, such facilities would be the subject of some form of licencing or permitting and would have been the subject of applications for permissions under the planning system or licence from the appropriate agency. In such circumstances, while specific locations or facilities are not identified, it is considered that the environmental implications of the operation of the facility have been adequate considered and controlled.

8.2.14. In the case of the potential for land spreading of material, the situation is in my opinion somewhat similar to that with regard to the environmental implications arising from production inputs into the process and which were discussed at section 7.2 of this assessment above. Specifically, any waste or by product material generated by the proposed development that would be diverted for land spreading would potentially be disposed of to individual customers and the identification of specific locations may not be feasible at this point in the project. If the potential customers for the material to be land spread cannot be identified in advance, then it is not feasible for individual locations or lands to be identified in advance and made the

subject of assessment. I note that this is the approach that was taken in the Kemper v An Bord Pleanala case (IEHC 601 of 2020) where, with regard to the assessment of the potential implications of disposal by land spreading of sewage biosolids, the judge stated at paragraph 377:

> *'In this case it is impossible to establish a link between the RBSF (regional biosolids storage facility which was part of the Greater Dublin Drainage Project) and the lands upon which the material may be spread because the lands are not, and cannot be, identified until the purchaser is identified. Leaving aside the fact that the only ground of challenge in relation to the land spreading was the failure to carry out an EIA, the necessity and ability to conduct an AA is not linked to the storage of the material but will depend on the location and nature of the land upon which the material is to be spread. Furthermore, I am satisfied that An Taisce v. An Bord Pleanála (Edenderry power plant) is clearly distinguishable on the basis that in this case the Board identified, assessed, and took into account to the extent that it could the potential indirect effects of the eventual use of the material.'*

8.2.15. As per the above quotation there is an obligation on the Board to identify, assess and take into account as far as is practicable the potential indirect effects arising from the land spreading of material. In the circumstances of the subject case, I do not consider that it is clearly feasible for the first party to identify specific locations for the spreading of material, and I therefore consider that the Board can only undertake this assessment at a high level. In this context I note the commitment of the first party (EIAR paragraph 16.7.2) that the collection of waste from the site would only be undertaken by suitably authorised waste hauliers and would only be recovered or disposed of at suitably licenced waste facilities. Hauliers for organic fertilisers are stated to be registered on the DAFM Animal By products Transport Register. In the event that effluent sludge, lairage sludge or belly paunch are to be land spread the EIAR states that the contractor would be required to prepare a Nutrient Management Plan in accordance with the Nitrates Regulations. I would also note that the disposal of such materials by way of land spreading would also have to be undertaken in compliance with the *EU (Good Agricultural Practice for Protection of Wastes) Regulations, 2017* which would result in controls in the amount of nitrogen and

phosphorous that can be applied depending on a range of considerations including land quality and usage.

8.2.16. Notwithstanding the above, it should be noted that Table 16.7 of the EIAR sets out a number of options with regard to the disposal of what are referred to as 'by products' from the activity on site. Specifically, in the case of effluent sludge, lairage sludge and belly paunch, Table 16.7 of the EIAR, land spreading is one of three options presented for disposal, the others being anaerobic digestion and composting. The application documentation does not provide a likely breakdown in volumes / tonnages between these three options, whether the ratio between these various disposal methods is likely to vary over time or whether it would be an option to omit land spreading as a disposal method entirely.

8.2.17. While Section 99F(1) of the EPA Act specifies that in circumstances where a licence from the EPA will be required (such as in this case), a planning authority or An Bord Pleanála shall not, where it decides to grant a permission subject the permission to conditions which are for the purposes of controlling emissions from the operation of the activity, in the specific circumstances of this case I consider that it is an option for the Board to attach a condition restricting the disposal of effluent sludge, lairage sludge and belly paunch by means of anaerobic digestion or composting only. In particular, I note the fact that Table 16.7 of the EIAR specifically lists a number of alternative viable options for the disposal of these by products that do not require land spreading and secondly, that the by products in question are not in my opinion such that they are clearly emissions 'from the operation of the activity' but rather are secondary by products from the activity that are to be disposed of off-site.

8.2.18. In conclusion, subject to the implementation of the controls and mitigation measures as set out in the EIAR with regard to off-site disposal to appropriately registered or licenced hauliers and facilities and having regard to the specific requirements of the relevant regulations relating to land spreading and prepare a nutrient management plan as appropriate, I consider that there is sufficient information before the Board to conclude for the purposes of EIA that the off-site disposal of by product material generated by the proposed development would be likely to have significant negative impacts on the environment such as would impact negatively on human health. The fact that there is some uncertainity regarding the extent of potential use of land spreading for some by products from the proposed activity and that no specific land

spreading locations are identified is however noted, and the Board may therefore wish to restrict the disposal of by products by way of condition such as to exclude land spreading as an option. Alternatively, the Board may wish to request further details from the first party on the issue of indirect effects arising from the off site land spreading of by products such as would enable a fuller assessment of the likely indirect impacts on water quality. This issue is also of relevance under the heading of Appropriate Assessment and is therefore also referenced at section 9.0 of this report.

8.2.19. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on population and human health. Similarly, I do not consider that significant cumulative impacts are likely to arise when the proposed development is considered together with other permitted plans and projects in the vicinity, including in particular, the Meenwaun Windfarm and the Eliza Lodge Nursing Home.

8.3. **Biodiversity**

8.3.1. The impact of the proposed development on biodiversity is addressed at section 9.0 of the main volume of the EIAR and at Attachment 9 of Volume 2 of the EIAR. This section should be read in conjunction with section 9.0 of this report below under the heading of Appropriate Assessment.

8.3.2. The proposed development is not located within or close to any European site and the proposed development would not have any direct impacts on any such sites. As set out in section 9.0 of this report under the heading of Appropriate Assessment, the development is considered to be such as to have a potentially significant effect on the following European sites:

- The River Shannon Callows SAC (site code 000216) which is located c.3.4km to the west of the appeal site at the closest point.
- The Middle Shannon Callows SPA (site code 004096) is located c.3.4km west of the appeal site at the closest point.

- All Saints Bog and Esker SAC (site code 000566) is located c.2.5km to the south west of the appeal site at the closest point.
- The All Saints Bog SPA (site code 004103) is located c.2.5km to the south west of the appeal site at the closest point.

The conclusion of the assessment is that the proposed development would not have an adverse effect on the above European sites having regard to their conservation objectives, and that potential indirect effects arising from the final disposal of wastes / by products generated by the proposed development (detailed in Table 16.7 of the EIAR) can be adequately mitigated by the measures set out in the EIAR and discussed at 8.2.13 to 8.2.17 above. In view of this it is concluded that the proposed development would not have an adverse effect on the integrity of the above listed European site in the light of the conservation objectives of these sites.

8.3.3. In terms of general ecology, the proposed development has the potential to impact directly by way of direct habitat loss and indirectly by way of disturbance during both the construction and operational phases. The nature of the existing ***terrestrial habitat*** on the site is set out at Figure 9.1 of the EIAR and in section 9.5.2 of the EIAR. In total, ten habitats as per the Fossitt habitat classification system are identified, with the majority of the site comprising improved grasslands reflecting the existing grazing agricultural use of the majority of the site. An area of the site at the eastern side (to the north of the existing abattoir building and lairage) together with a larger area at the south west corner of the site are classified as recolonising bare ground as they were used for crops and have been allowed to recolonise with native species following the crops being harvested. The far northern end of the site adjoining the Mullaghakaraun Bog is characterised by a small area of recently felled woodland and an existing area of bog woodland. Other notable habitats on site comprise the developed areas of the existing abattoir building and the farmyard complex and the network of ditches and hedgerows that bound and traverse the site. Of particular note are the ditch and hedgerow that front the site onto the L3010 and the mature hedgerows that traverse the site to the west of the existing abattoir building and also in the vicinity of the farmyard complex.

8.3.4. On the basis that the majority of the site comprises modified agricultural grasslands or areas that have previously been developed, the overall value of these terrestrial habitats is identified as low at 9.5.2 of the EIAR. Conversely, the other parts of the site comprising approximately 20 percent of the overall site area and including the watercourses (ditches and Feeghroe Stream) woodland, hedgerows and treelines are classified as moderate to high ecological value and I would agree with this assessment. The main element of the proposed development would result in the construction of the extension to the abattoir building and the meat plant building, both of which would be located in the eastern part of the site. Development in this area would result in a loss of primarily modified agricultural grasslands, however a number of hedgerows would also be impacted, (approximately 290 linear metres). The site access and the proposed widening of the L3010 would also result in hedgerow loss (approximately 430 linear metres) albeit that this area would be directly mitigated by the planting of replacement hedgerow species along the line of the new frontage to the L3010. Some habitat loss in the vicinity of the integrated constructed wetland area is also predicted, although the exact extent of this loss is stated to depend on the final design of the wetland area and replacement planting of c.130 linear metres is proposed. Total net loss would be approximately 190 metres to 455 metres depending on the extent of hedge line removal proposed in the vicinity of the wetlands. Details of this revised planting is provided in the submitted Landscape Mitigation Plan drawing (Drg. No. LD.BNGHMPF.1.0). There are therefore potential implications for the local ecology, in particular bird and bat species arising from the loss of hedgerows, however this is not considered likely to be significantly negative given the proposed mitigation planting and the fact that the site is located in an area where these habitats are commonplace. In the specific case of breeding birds, it should however be noted that this assessment is based on consideration of the existing habitat status that is likely to be lost and a resulting assessment of the potential for suitable breeding habitat to arise.

8.3.5. The proposed development would also result in the development of a significant (c.40,000 sq. metre) wetland area connected with the waste water treatment system that would have likely positive habitat impacts in terms of the creation of a new wetland habitat area that would potentially attract new bird and amphibian invertebrate and mammal species. Planting connected with this constructed wetland

area would include significant new native tree planting within Cell 5 of the ICW. Overall, therefore, I consider that the conclusion at Table 9.19 of the EIAR that the overall impact of the proposed development on habitats would be neutral and not significant is appropriate.

8.3.6. The proposed development has the potential to impact on ***birds*** due to disturbance during the construction and operational phases of the development and also that the development would result in a loss of habitat. Two bird surveys were undertaken in connection with the proposed development, both of which were undertaken during the autumn / winter period (October, 2018 and January, 2019). The results of these surveys are detailed in Attachment 9.8 of the EIAR and are augmented in the EIAR by the results obtained in surveys undertaken for the Meenwaun Windfarm development. The survey results are also augmented by a Breeding Bird Appraisal Report submitted by the first party as part of the response to further information (see Appendix 3.1 of the RFI submission). The results of the initial surveys indicate that a total of 29 no. bird species were observed in the vicinity of the appeal site, and these are listed in Table 9.12 of the EIAR. The observations included one of hen harrier in a location immediately to the north of the site and also sightings of buzzard and kestrel birds of prey species. I consider that the majority of the species observed in the surveys undertaken both at the initial project stage and the response to further information are those that would be common to a rural area such as the appeal site. In addition to the bird surveys for the proposed development, section 9.5.7 identifies a number of species that were observed during the course of the surveys undertaken for the Meenwaun Windfarm development and these include golden plover. Species recorded in the Meenwaun Windfarm application that were observed in the general area but not within the windfarm site include whooper swan and golden plover, though none of these observations appear to have been in the immediate vicinity of the current appeal site.

8.3.7. Direct habitat loss is generally confined to habitats that are frequently occurring (i.e., modified grasslands) and for which there are significant alternative habitats available in the vicinity of the site and where the majority of species recorded are not of significant conservation importance. A number of species that are identified on the red and amber list (see Table 9.12 of EIAR main volume).

8.3.8. A full breeding bird survey based on surveys undertaken during the breeding season was not prepared for the development. The supporting bird survey report included in attachment 9 of the EIAR (prepared by Panther Environmental Solutions and based on surveys undertaken in October 2018 and January 2019) and the Breeding Bird Appraisal Report prepared by Ecofact Environmental Consultants and submitted as part of the further information response (based on surveys in November 2019), does however assess the suitability of the site for breeding birds based on the observations undertaken and also having regard to the conditions observed on site and the suitability of these environments to accommodate breeding birds. These reports conclude that only common bird species typical of the Offaly countryside would be likely to breed on the site and that 'ground nesting birds would not use the site'. Habitat to be removed would comprise predominately modified agricultural grassland and a small area of bog woodland (c.200 sq. metres). While the existing hedgerows would provide some potential nesting habitat there are proposals for significant reinstatement of hedgerow habitat on the site and the provision of new or strengthened boundary planting. Mitigation measures in the form of the general avoidance of the main bird breeding season for the removal of hedgerows and woodland habitat are proposed and the site does not currently contain any wetland habitat. Given the habitats recorded and observed on site I agree with the assessments submitted by the first party that the site does not have any significant potential as breeding habitat for birds that are of significant conservation interest.

8.3.9. In the specific case of hen harrier and wintering species such as Whooper swan which are qualifying interests of SPA sites in the vicinity of the site, the impacts arising are considered in section 9.0 of this report under the heading of Appropriate Assessment. No wintering bird species of significant interest were recorded using the site in the surveys undertaken and the existing nature of the site and its location relative to known wintering locations is such that it is not considered likely that the proposed development would result in the loss of wintering bird habitat. On the contrary, the nature of the development with the proposed constructed wetland area is such that the potential of the site as a wintering bird location would likely be increased.

8.3.10. On the basis of the information presented and an inspection of the site I consider that subject to mitigation, no significant negative impacts on breeding or wintering bird species are likely to arise. I also note the fact that the proposed development incorporates a constructed wetland area which would result in the provision of a very significant area of new wetland habitat on the site which would potentially have a significant positive impact on habitat for wintering bird species.

8.3.11. With regard to ***disturbance during construction***, an assessment of construction phase noise is presented in Chapter 6 of the main EIAR Volume (Table 6.6). As set out above, on the basis of the survey information presented and assessment of the habitat quality of the site, species likely to be impacted are not generally of more than local significance and construction activity would be short term. Disturbance impacts on birds from the construction phase of the development are considered to be short term and slight negative. I consider that ***Operation phase disturbance*** impacts arising from noise connected with the onsite activity would be negligible based on the predicted noise emissions identified in Chapter 6 of the EIAR, with the main impacts arising from operational phase traffic. As noted above, at the operational phase, mitigation in the form of replacement hedgerows, additional planting throughout the site including the proposed woodland to the north of the main buildings and the construction of the wetland area would have a positive impact on the habitat value of the site for birds.

8.3.12. ***Mammal*** surveys on the site were undertaken using a direct observation method and observations of other evidence of the presence of species. A single protected fauna species (pine martin) was identified in the surveys undertaken, although the main habitat types on the site are not generally suitable for this species which favours woodland areas. No evidence of badger or otter were observed on site, and while it is possible that the habitats on site would potentially be suitable for otter, I consider that the development of the site is unlikely to significantly impact on the main otter populations identified as a conservation objective of the River Shannon Callows SAC due to the separation of approximately 3.5km between the appeal site and the closest part of the SAC. Disturbance of fauna species during construction is a potential impact of the proposed development as is direct loss from construction. Post development disturbance impacts are also possible. In the event that protected fauna species are encountered during construction, it is proposed that construction

would be halted and the NPWS notified. Subject to mitigation, I agree with the conclusions of the EIAR that significant construction phase disturbance and direct loss of mammals on site is considered unlikely and the risk of encountering protected species is low with the result that the potential impacts are considered to be short term and slight. At operational phase, the nature of the development is such that significant negative impacts are not considered likely. Some negative impact from disturbance of terrestrial species is possible, however the constructed wetland area would increase the range of habitat type on site and have a potentially positive overall impact.

8.3.13. The proposed development would have a potential impact on ***aquatic species***, particularly off site. As noted in the EIAR, drainage ditches on site are such that there is very limited potential to support fish and many of the ditches on site were observed to be dry at the time of inspection of the site. Off-site impacts on aquatic species relate to the potential for discharges to watercourses during the construction phase of the development and discharges during operation. Mitigation in the form of construction practices to ensure that construction is undertaken in accordance with best construction practice and specific control on the release of sediments are set out at 9.8.1 (Biodiversity) and 10.7.1 (Water Quality and Aquatic Biodiversity) and, subject to the implementation of these measures, I consider that no significant adverse impacts on aquatic species are considered likely to arise during the construction phase. At the operational phase, discharges from the development would comprise the discharge from the waste water treatment plant to the Feeghroe Stream. The quality of this discharge is detailed in the EIAR (including at Tables 2.4 and 2.5 of the main EIAR Volume) and would be the subject of control in the form of conditions attached to the licence from the EPA. Water quality and the assimilative capacity of the Feeghroe Stream is discussed in more detail in section 8.4 of this assessment below, however, subject to compliance with the final effluent quality standards set out in the EIAR, I do not consider that the proposed development is likely to have a significant negative impact on aquatic species.

8.3.14. With regard to ***bats***, a bat activity survey was undertaken in October 2018 and again in January, 2019 and a visual daytime assessment of roost potential of features and structures on and bounding the site was also undertaken. A total of 11 no. known roosts are located within 10km of the site, with the closest approximately 4.5 km from the site. Details of the survey methodology and results are presented in Attachment 9.1.1 of the EIAR. I consider that the proposed development has potential to support bat species given the extensive hedgerow network surrounding and within the site and the presence of a number of structures on site. Survey results indicated the presence of three species (Soprano Pippistrelle, Common Pippistrelle and Leislers). The recorded activity was relatively low, although it is noted that the survey dates were at the end of or outside the recommended bat survey period and at a time when bats are starting to hibernate which has likely reduced the activity recorded from which might be expected earlier in the season.

8.3.15. A total of 9 no. mature trees are proposed for removal to facilitate the proposed development (details at Table 9.10 and Figure 9.2 of the EIAR main volume) and there are an additional two areas of tree thinning proposed. The removal of these trees together with the removal of hedgerows as detailed in 8.3.4 and 8.3.5 would potentially impact negatively on bat foraging and roost sites. The results of the examinations of the trees for removal and other onsite structures indicate roost potential in 4 tree locations although there are no evident existing roosts. Existing structures are assessed as having no roosting potential. Mitigation in the form of a detailed assessment of the identified trees prior to felling is proposed and further survey work undertaken if roosts are identified. Mitigation is also proposed in the form of replanting of hedgerows as detailed in 8.3.4 and 8.3.5 above and significant additional on site planting of trees is proposed including in the vicinity of Cell 5 of the proposed ICW and the bolstering of existing hedgerows and treelines with additional native tree species such as would offset some of the potential negative short term impacts of the proposed development on bat foraging habitat. Measures to limit light pollution during construction and operational phases and minimisation of construction in hours of darkness are also proposed though there is no commitment to not undertake construction activity in hours of darkness. Overall, subject to mitigation as set out in the EIAR the conclusion of a not significant neutral impact on bat species is considered appropriate.

8.3.16. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on biodiversity. Given the limited impacts predicted under this factor of the environment I do not consider that significant cumulative impacts are likely to arise when the proposed development is considered together with other permitted plans and projects in the vicinity, including in particular, the Meenwaun Windfarm.

8.4. Land, Soil, Water, Air and Climate

Land and Soil

8.4.1. Land and soils are addressed at Chapter 11 of the EIAR main volume and in Attachment 11 of the EIAR. The site is gently sloping with a fall from east to west. The worked out Mullaghakaraun Bog is located to the north of the site. Soils and subsoils located on the site are shown on Drg IE1746-004 contained in Attachment 11 of the EIAR and shows that the bulk of the site is covered by deep well drained mineral soils with peaty soils located at the northern end in the vicinity of the Mullaghakaraun Bog. The site was the subject of a geophysical survey that identified soft oft peat rich soils on the north west corner of the site with a general depth of soil / subsoil of 4.0 to 8.5 metres across the site. Bedrock on the site comprises the Lucan formation in the south east of the site with Waulsortian limestone formation over the rest of the site. The results of the geophysical survey indicate that the join between the two formations is a potential fault line and location of potential karst. As per Table 11.1 of the EIAR, there are a number of recorded karst features located in the general vicinity of the site 6 sites within 5km). Drawing IE1746-006 indicates the rock formations and features on and close to the site.

8.4.2. The proposed development has the potential to impact on land and soils in a number of ways, the most significant of which are as follows. During the ***construction phase***, the development will require the removal of soil to facilitate the construction of the extension to the abattoir, meat processing facility and associated infrastructure. The construction of the integrated constructed wetland area will also require significant earthworks. The proposed development has the potential to

increase the vulnerability of groundwater and surface water to any contaminants that may be released from the storage of equipment or materials or during the construction activity. The construction activity will also require the storage of soils and subsoils, including some peat, and there is the potential for collapse of these storage area and potential discharge of material and sediment to adjacent watercourses, specifically the Feeghroe Stream. Mitigation is proposed to ensure that stockpiles are stable and secure and that the risk of contamination of watercourses is minimised. Specific measures are set out in paragraph 11.10.1.1 of the EIAR and include the phased removal of soils, reuse of stripped material and top soiling and landscaping as soon as the finished levels are achieved. The use of silt fencing as required is proposed and measures for the refuelling of machinery and the storage of fuels are proposed. Waste soils not required in the construction process are stated to be removed off site for disposal and a Construction and Demolition Waste Management Plan setting out how waste would be managed during the construction process has been submitted. In the event of a grant of permission, it is recommended that a condition requiring the submission of construction management plan for the agreement of the planning authority would be attached and that this plan would require details of the disposal of construction material including soil. It is noted that while soils are proposed to be reused in the development, including in the construction of the berm along the southern and south western boundaries of the site, significant material will have to be removed to facilitate the construction of the integrated constructed wetland and no clear materials balance has been provided for the overall construction project. In conclusion, on the basis of the information presented and subject to the mitigation measures set out in the EIAR I do not consider that the construction phase impacts of the development on land and soils would be likely to be significantly negative.

8.4.3. At the ***operational phase***, the main risk to land and soils arising from potential spillages or discharges with the most likely sources being a failure in the wastewater treatment system on site or contamination from the storage of wastes on the site. At the operational phase there is also the issue of land take to facilitate the development and the off-site disposal of wastes and by products from the process has potential to impact on soils off site. Mitigation is proposed in the form of the bunding of the waste water treatment system and the provision of a return loop in the

system in the event of an issue with the final effluent quality from the system or the constructed wetland area. Mitigation for the management and storage or wastes on site at the operational phase are also proposed and proposals for operational phase waste management in terms of storage of materials and the anticipated schedule for the disposal of waste materials to registered / licenced contractors is set out in Chapter 16 of the EIAR and specifically at Paragraph 16.7.2 and Table 16.7. Section 16.7.2 of the EIAR sets out commitments around the transportation and disposal of by product material which shall only be transported by or disposed to licenced hauliers and facilities. All land spreading is proposed to be undertaken in accordance with a Nutrient Management Plan and in compliance with the relevant regulations. Controlled spreading of waste or by product material from any permitted activity on site has the potential to have an indirect positive impact on soils and land quality off site.

8.4.4. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on soils or land. Given the negligible impact on soils and land predicted to arise, the mitigation measures proposed and the fact that existing discharges to land and soils would be accounted for in existing nutrient management plans no significant cumulative impacts are predicted to arise under the heading of land and soils.

Water

8.4.5. The water environment is addressed at Chapter 10 of the EIAR under the heading of Water Quality and Aquatic Biodiversity and Chapter 11 under the heading of Land Soils Geology and Hydrology.

Surface Water

8.4.6. With regard to ***surface water***, the appeal site is located within the Shannon River Basin district, the Lower River Shannon Catchment, and the River Brosna sub catchment. The closest surface watercourses to the appeal site are the Feeghroe Stream which bounds the appeal site to the south west and the Milltown Stream which is located to the south of the site and at a distance of approximately 1.1km.

Both of these watercourses are tributaries of the Rapemills River which flows in a west / north west direction, and which is located approximately 2.5km to the south of the appeal site at the closest point. The other feature within close proximity of the site are Mullaghakaraun Bog and the Timolin stream which is located within the worked bog area, and which connects with the Feeghroe Stream to the north of the appeal site and the Mullaghakaraun Bog stream that rises in the bog approximately 0.5km to the north east of the appeal site and which flows through the bog before heading south and connecting with the Rapemills River. It is noted that while the Rapemills River has been assigned a water quality status and an assessment by the EPA of the risk of the watercourse not achieving good status, no such status is available for the Feeghroe Stream, Milltown Stream, or the Mullaghakaraun Bog stream. The surface water features in the vicinity of the site and the Water Framework Directive status of these watercourses are set out in Tables 11.2 and 11.3 of the EIAR Main Volume.

8.4.7. The proposed development has the potential to impact on surface water in a number of ways. During the ***construction phase***, the development has the potential to result in contamination of surface waters arising from the storage or stockpiling of materials on the site, notably soils, fuels, and oils. Mitigation measures for the management of stockpiled soil and peat on site are referenced above under the heading of Land and Soils and are set out at paragraph 11.10.1.1 of the EIAR. These measures include the use of management measures for stockpiles, use of silt fencing and the identification of a dedicated fuel storage area and machinery fuelling and repair area. These mitigation measures are considered to be acceptable and such that construction phase impacts on surface water would likely be slight negative, short term and temporary.

8.4.8. Direct impacts on surface water during the ***operational phase*** arise from the proposed discharge of the outfall from the waste water treatment system to the Feeghroe Stream and also from the discharge of the surface water drainage system to the Feeghroe Stream (and onwards to the Rapemills River and ultimately to the River Shannon). The development also has the potential to impact on surface water arising from the contamination of surface water by waste material stored on the site or a failure of the proposed on site treatment system. The operational phase of the proposed development also has the potential to impact on surface waters arising

from a change in flood risk on the site and this issue is specifically addressed below in a separate section. Potential indirect operational phase impacts on surface water arise in the form of upstream indirect impacts from any increase in the size of the beef herd that would feed into the abattoir and meat processing facility and resulting impacts on groundwater quality and also due to downstream indirect impacts from by product material that would be released from site, and which would be disposed of off-site, including potentially by land spreading.

8.4.9. Firstly, with regard to ***surface water,*** the design of the surface water system in the proposed development is such that there is a separation between clean areas such as the car parking and circulation areas and areas that are located in the vicinity of waste storage and other contaminated surfaces such as in the vicinity of the lairage. Surface water collected in the clean areas are proposed to be passed through a class 1 by pass separator and silt trap and collected in an onsite attenuation area before disposal to the Feeghroe Stream. As set out below under the heading of 'Flooding', the capacity and design of this surface water system is considered to be acceptable in terms of capacity and is such that, subject to mitigation, I do not consider that surface water discharges from the clean yard areas of the proposed development would have any appreciable impact on surface water quality. Surface water from the contaminated areas are proposed to be collected and discharged to the onsite waste water treatment system and the potential impact of discharges from this system are considered below.

8.4.10. The impact of the proposed ***on site waste water treatment system*** on surface water quality was the subject of a request for further information by the Planning Authority and the information contained in the EIAR is supplemented by Appendix FIR 6.1 which was submitted as part of the response to further information. The VESI report on the proposed integrated constructed wetland which was submitted with the initial application is also relevant to the assessment of assimilative capacity.

8.4.11. As set out in Chapter 10 of the EIAR, the Feeghroe Stream does not have a water quality or risk status assigned by the EPA and is not the subject of regular monitoring by the EPA. As illustrated on Figure 2.1 of the RFI 6.1 (Assimilative Capacity Assessment) and Table 10.6 and Figure 10.4 of the EIAR, the closest monitoring points are located on the Rapemills River to the south and west of the appeal site. Only one of these three identified monitoring locations is located downstream of the

confluence of the Feeghroe Stream and the Rapemills River, and this location (RS25R010500) is stated to be currently inactive.

8.4.12. In the absence of a water quality designation or information on water quality or flows in the Feeghroe Stream, the first party has presented its assessment of these factors in the EIAR, supplemented by the information contained in the response to further information. An assessment of the flow in the Feeghroe Stream was undertaken using a flow estimation tool developed by the EPA and the details of this assessment are presented in Appendix B of the Assimilative Capacity Report presented at RFI 6.1. The methodology used in this assessment is noted and considered to be appropriate. Using this method, it has been estimated that the 95th percentile flow in the Feeghroe Stream is 778 cubic metres per day, or approximately 0.009 m3 per second. The Feeghroe Stream was the subject of water quality monitoring based on samples taken in September and October 2018 and the results of this monitoring is presented in Table 2.2 of the RFI 6.1 and Table 10.5 of the EIAR. As set out in the RFI, while the results obtained showed several exceedances of the relevant ambient water quality standards, only one, total ammonia, is included under the EC Surface Waters Regulations which gives effect to the Water Framework Directive. COD and total nitrogen levels recorded are above the levels specified under the EC Drinking Water Regulations, however it is noted that the Banagher town water treatment works abstraction point is located on the River Shannon at a point that is upstream of the confluence of the Rapemills River and the River Shannon and that the closest downstream water abstraction point at Portumna is located c.30km downstream of the appeal site. A ***Drinking Water Risk Assessment Report*** was submitted with the application, and this concludes that the overall risk to these water sources is low. On the basis of the predicted final effluent discharge from the onsite waste water treatment system, the nature of the receiving waters and the dilution due to distance I would agree with this assessment.

8.4.13. Details of the ***proposed quality of final effluent discharge*** is presented in Table 2.4 of RFI 6.1 and in section 2.4.5 and Table 2.5 of the EIAR main volume. It should be noted that compliance with these standards will be covered by the terms of any licence issued by the EPA which will be required for the development to be undertaken or via a discharge licence from the local authority. Section 3.0 of RFI 6.1 and section 10.4 of the EIAR and the *Assimilative Capacity Assessment Report*

submitted with the application undertake an assessment of the capacity of the Feeghroe Stream to assimilate the proposed quality of final treated effluent. The results of this assessment are presented at Table 3.1 of the RFI 6.1 and presents an assessment based on the use of adjusted background concentrations for the parameters where exceedances were recorded, namely COD, Nitrogen and Total Ammonia. Reference is made by the first party to a publication from the Water Services Training Group from 2011 titled '*Guidance Procedures and Training on the Licencing of Discharges to Surface Waters Groundwater and to Sewer for Local Authorities, Volume 1 Technical Guidance Manual'* to justify the approach used, and this document does present a commonly used methodology for the assessment of situations where the background concentrations of water quality parameters are above normally accepted levels. In my opinion, this methodology is also appropriate for situations relating to private development proposals such as that in the case of the current appeal.

8.4.14. In my opinion, there are ***a number of aspects of the information regarding water flow and quality in the Feeghroe that are slightly unusual***. Firstly, the basic levels of discharge anticipated relative to the 95th percentile flow is very high with the c.250 m3 per day on which the assimilative capacity assessment is based being almost a third of the 95th percentile flow of 778 m3 per day. As highlighted in the application documentation, the discharges from the ICW will not be regular and it is anticipated that there will be significant periods during the summer months where there would not be anticipated to be any discharge from the ICW. It is assumed, but not completely clear from the application documentation, that the daily discharge of 250 m3 per day cited is a maximum figure and not an average such that daily discharge levels could be even higher as a percentage of the 95th percentile flow. Secondly, the relationship between BOD and COD is unusual with COD levels being approximately 37 times observed BOD when the normally anticipated level would be up to a maximum of approximately 5 times. The nature of the proposed development with animal products and blood could be expected to produce significant levels of COD and the achievement of the COD value of 35mg/l O2 would appear likely be challenging. On this value, it is also noted that there is an inconsistency in the information presented in the EIAR with regard to COD and BOD values in final discharge to the Feeghroe Stream. Specifically, Table 2.5 that gives a

breakdown of the values for each parameter across the various stages of the treatment process makes reference to a BOD value of 2.0 mg/l O2 and COD value of 4.0mg/l O2 after discharge from the ICW whereas Tables 2.4 and 10.3 that set out '*Final Effluent Quality Discharging to the Feeghroe Stream'* give values of 5 and 50 mg/l O2 respectively. It is these latter values that appear to be correct.

8.4.15. On this issue, it is also noted that assimilative capacity was raised by the Planning Authority as part of the request for further information. Specifically, the Planning Authority raised clarification on ***apparent anomalies between the effluent discharge set out in the VESI report submitted with the application and the submitted assessment of assimilative capacity*** of the Feeghroe Stream and how compliance with the Water Framework Directive and the Surface Water Regulations could be achieved. As per the response to further information (RFI 6.1) the effluent discharge limits per parameter cited in the Assessment of Assimilative Capacity (Table 2.4 of report in RFI 6.1) and the levels cited in the revised Integrated Constructed Wetland Planning Report prepared by VESI Environmental Limited (Table 1) are now the same and such that it is clear that the assessment of assimilative capacity has been undertaken using wastewater treatment parameters relevant to the treatment system. Finally, it should be noted that these revised effluent parameters cited for the output from the ICW and treatment system and used in the assimilative capacity assessment are lower than those cited in Table 2.5 of the EIAR as being the proposed licence limits. For the purposes of the assessment by the Board I consider that the fact that the parameter limits used in the design of the waste water treatment system and the assessment of assimilative capacity are the same is sufficient, but any licence issued by the EPA or local authority relating to this discharge would have to be on the basis of these lower limit values.

8.4.16. Notwithstanding the above, a review of the assimilative capacity assessment calculations set out in the response to further information indicates that based on the design of ICW as per the response to further information RFI6.1 and the effluent discharge limits as per Table 2.4 of the revised assessment of assimilative capacity also submitted in RFI6.1, and using adjusted background levels for parameters where normal levels are exceeded, and a maximum daily discharge of 250 m3 / day, that the proposed development would not in itself result have a significant negative

impact on the water quality in the Feeghroe Stream or likely result in this waterbody failing to achieve good status as required under the Water Framework Directive. Water quality status for the Rapemills River downstream of the confluence with the Feeghroe River is not available, however the available data from upstream on the Rapemills River (monitoring location Ref. 0300) shows water quality varying between moderate and good status with the risk status stated to be currently under review. Similarly, the water quality status of the River Shannon downstream of the confluence with the Rapemills River is classed by the EPA as moderate and not being at risk of failing to achieve good status. Given the results of the assimilative capacity assessment undertaken for the proposed development and the likely impact on the Feeghroe Stream it is not considered that the proposed development would impact negatively on the potential of the Rapemills River or the River Shannon to achieve good status.

8.4.17. As set out in section 7.2 of this report above, given the absence of a water quality status for the Feeghroe Stream and the similarity in the circumstances of the subject appeal with those in the Sweetman v An Bord Pleanala (Gorumna Island) case (IEHC16 of 2021) which has now been referred to the ECJ, and the fact that this would constitute a new issue in this appeal, the Board may wish to invite further submissions on this issue prior to the determination of the case.

8.4.18. With regard to ***indirect operational phase impacts*** of the proposed development on surface water, such impacts could potentially arise from any increase in the size of the beef herd that would feed into the abattoir and meat processing facility and the resulting impacts on surface water quality (upstream impacts). Indirect impacts could also arise from by product material that would be released from the proposed facility, and which would be disposed of off-site, including potentially by land spreading (downstream impacts).

8.4.19. With regard to ***upstream indirect impacts***, while a proposed slaughter rate of 140 animals per day is used as the basis for the assessment of potential environmental impacts in the EIAR, the application documentation, including the EIAR, does not identify what are the implications of the development in terms of increased animal numbers at a local, regional, or national level. It is evident that the proposed development is at least partially aimed at the Chinese export market, however it is not clear to what extent any such market would represent additional trade for the

Irish beef processing industry or would serve the replace existing processing capacity. It is not therefore possible to state that the proposed development would or would not increase the beef herd with resulting implications for the potential pollution of surface waters. In reality, as discussed at section 7.2 of this report above under the heading of '*Justification for Scale of Development Proposed and Potential Environmental Implications'*, the EIA should assess the indirect effects of the proposed development if they are likely and to the extent that is reasonable and practicable at the time the planning application is lodged, however there has to be a limit or the effects will be too remote. It is the impacts of the proposed development that are being assessed and not the impacts of the individual farms that would act as suppliers to the development and a potential increase in production on these farms that cannot be predicted for the purposes of the current assessment, and this is the approach taken in the recent High Court decision on the case An Taisce vs An Bord Pleanala (2021 IEHC 254). Having regard to this approach, while the proposed development may have some impacts on national beef herd numbers and lead to potential upstream indirect impacts on surface water, given the likely number of individual suppliers to the proposed development, to the geographical spread of these suppliers and the uncertainity regarding their identification, I do not consider it feasible to undertake a detailed assessment of such impacts. On the basis of the information available, I do not consider it likely that such effects would be such as to have a significantly negative impact on the water environment.

8.4.20. In terms of ***downstream indirect impacts***, the impact of by-products generated by the proposed development on surface water is in my opinion a relevant potential indirect impact that requires consideration. The issue of such material and the mechanisms proposed for the disposal and / or treatment of these wastes is addressed at a number of locations in the application documentation. Specifically, it is addressed at Chapter 16 of the EIAR under the heading of material assets and also Appendix 7.1 of the response to further information, titled '*Use of By Products / Wastes'*. Table 16.7 of the EIAR main volume sets out the waste materials / by products that are anticipated to be generated by the proposed development and the annual tonnages for each. The main categories comprise blood (1,500 tons per annum), effluent and lairage sludge (2,800 tons per annum) category 1 animal material 1,000 tons per annum), Category 3 material (5,000 tons per annum) and

belly paunch (1,500 tons per annum). With the exception of category 1 and 3 animal material that would be sent for rendering, the other waste / by product streams have a number of potential end uses. In the case of blood these include use in the food industry, composting or rendering, while in the case of sludges or belly paunch the disposal options are by way of composting, land spreading or processing by anaerobic digestion. No definitive end sources for these latter wastes / by products for which there are a number of alternatives are presented in the submitted EIAR, nor is information provided on a likely breakdown between the options available or whether it would be feasible to avoid land spreading altogether. In the case of the land spreading option, no specific sites for the spreading of such material is presented and it is not therefore possible to make a site or location specific assessment of the potential indirect environmental impacts that may arise from the proposed development and particularly impacts that may arise in terms of impacts on ground or surface waters from the disposal of such materials.

8.4.21. As discussed at section 8.2 of this assessment above, having regard to the judgement in the Kemper vs An Bord Pleanala case (IEHC 601 of 2020) there is an obligation on the Board to identify, assess and take into account as far as is practicable the potential indirect effects arising from the land spreading of material. The question arises as to whether it is feasible or reasonable for the applicant in this case to be able to control the locations where any land spreading of material in particular may arise and, in the circumstances of the subject case it appears to me that the first party will potentially not have any direct control over the lands on which any land spreading may occur with the result that it would not therefore be practicable for the applicant to identify specific locations for the purposes of assessment of indirect environmental impacts. Given this, I consider that the Board can only undertake this assessment at a high level. In this context I note the commitment of the first party (EIAR paragraph 16.7.2) that the collection of waste from the site would only be undertaken by suitably authorised waste hauliers and would only be recovered or disposed of at suitably licenced waste facilities. Hauliers for organic fertilisers are stated to be registered on the DAFM Animal By products Transport Register. In the event that effluent sludge, lairage sludge or belly paunch are to be land spread the EIAR states that the contractor would be required to prepare a Nutrient Management Plan in accordance with the Nitrates Regulations. I

would also note that the disposal of such materials by way of land spreading would also have to be undertaken in compliance with the EU (Good Agricultural Practice for Protection of Wastes) Regulations, 2017 which would result in controls in the amount of nitrogen and phosphorous that can be applied depending on a range of considerations including land quality and usage.

8.4.22. In conclusion, subject to the implementation of the controls and mitigation measures as set out in the EIAR with regard to off-site disposal to appropriately registered or licenced hauliers and facilities and having regard to the specific requirements of the relevant regulations relating to land spreading and prepare a nutrient management plan as appropriate, I consider that there is sufficient information before the Board to conclude for the purposes of EIA that the off-site disposal of by product material generated by the proposed development would not be likely to have significant negative impacts on surface water.

Ground Water

8.4.23. The fact that there is some uncertainity regarding the extent of potential use of land spreading for some by products from the proposed activity and that no specific land spreading locations are identified is however noted, and the Board may therefore wish to restrict the disposal of by products by way of condition such as to exclude land spreading as an option. Alternatively, the Board may wish to request further details from the first party on the issue of indirect effects arising from the off-site land spreading of by products such as would enable a fuller assessment of the likely indirect impacts on water quality. This issue is also of relevance under the heading of Appropriate Assessment and is therefore considered further at section 9.0 of this report.

8.4.24. Issues relating to ***groundwater*** are addressed at Chapter 11 of the EIAR main volume under the heading of Land – Soils, Geology, Hydrology and Hydrogeology. Attachment 11 of the EIAR Volume 2 includes a number of figures relating to groundwater including regional subsoil (Drg. No. IE1746-005), regional bedrock and geology (Drg. No. IE1746-007), regional karst features (Drg. No. IE1746-010) regional hydrology (Drg. No. IE1746-014) and regional hydrogeology and groundwater vulnerability (Drg. Nos. IE1746-014/015).

8.4.25. ***Groundwater*** in the vicinity of the site is characterised as a locally important aquifer which is moderately productive in local zones. The aquifer is unconfined and the presence of karst features and the fault between the bedrock formations on the site is such that there is the potential for any spillages or discharges on the site to have a significant negative impact on groundwater, although this is somewhat mitigated by the glacial deposits and peaty soils recorded on the site.

8.4.26. Potential impacts of the development on groundwater arise principally at the operational phase of the development with the main direct impacts due to the impact of the proposed on site bored well water supply impacting on surrounding aquifers and water sources including the Clontotan well which forms part of the Banagher water supply. Discharges from the development also have the potential to impact on groundwater. Such discharges include spillage or release of contaminants during the construction phase of the project and the potential impact of failures during the operational phase including discharge from the waste water treatment system in the event of a failure of the system and the contamination of groundwater due to leakages from storage areas on site including waste storage and other collection systems such as from the dirty yard areas, lairage and blood storage. Potential indirect operational phase impacts on groundwater arise from any increase in the size of the beef herd that would feed into the abattoir and meat processing facility and resulting impacts on groundwater quality (upstream indirect impacts) and also from waste material that would be released from site, and which would be disposed of off-site, including potentially by land spreading (downstream indirect impacts).

8.4.27. At the ***construction phase*** of the project, the site is proposed to be managed in accordance with best construction practice and proposals for the management of materials and equipment on site, including the minimisation of the area of topsoil uncovered at any one time and the control of areas where machinery will be stored and refuelled are set out at 11.10.1 of the EIAR. The EIAR also proposes measures to ensure that the water supply that is proposed to be bored on site at an early phase of the construction process would be protected from damage (EIAR paragraph 11.10.1.3). The fact that the site is located in an area where karst features are possible is considered in the EIAR and the design of the proposed layout, specifically the main buildings, has been undertaken to avoid the identified locations where karst features could be present. In the event that construction encounters karst and there

is a potential for collapse and or groundwater contamination, paragraph 11.10.1.5 commits to works ceasing until further investigations are undertaken. On the basis of the information presented, I do not consider it likely that the construction phase of the proposed development would lead to any significant impacts on groundwater.

8.4.28. At ***operational phase*** a number of potential impacts arise. The third party appellants note the fact that there is a lack of certainty with regard to the ***source of the proposed water supply*** and there are references in the EIAR to the provision of water to the development by way of on site well if found to be feasible. As part of the response to further information the first party clarified that the indication of a piped water supply to serve the proposed development that was indicated in early drawings submitted was an error and that the water source is proposed to be via a bored well on site. This is accepted and the development is being assessed on the basis of the provision of an onsite supply. It is not clear in any event if there is potential for a piped supply to be provided that would meet the required water demand.

8.4.29. Section 11.7 of the submitted EIAR relates to water supply and management. The water supply is proposed to be via an onsite well, and the EIAR states that two potential water source locations onsite have been identified following geophysical surveys of the site and that these will be investigated further in the event of a grant of permission. The potential water supply locations are shown on Drg. No. IE1746-020 included in Attachment 11.1 of the EIAR.

8.4.30. With regard to the potential for the proposed development to impact on the existing Irish Water Clontotan well, Appendix 5.1 of the response to further information submitted by the first party details e mail correspondence between representatives of the applicant and Irish Water. This indicates that Irish Water had no objection to the principle of the proposed development and specifically to the implications of an abstraction of c.200 m3 per day from a new water supply source to be developed on the appeal site. The appeal site is located approximately 500 metres outside of the outer source protection zone identified by EPA / GSI for the Clontotan source and while the site is only located approximately 1km from the actual source, the zone of contribution identified extends significantly further to the north west of the source than it does to the south east in the direction of the appeal site. While no formal response from Irish Water is on file (the application was not referred by the Planning

Authority and the Water Services report on file indicates that it was not forwarded to Irish Water), the separation between the proposed development and the identified source protection area is clear. In the event that the more eastern potential water source location identified as a result of geophysical analysis of the site is used, the onsite water source would be close to 1km from the identified outer source protection zone. While a formal response from Irish Water on the proposed development to verify the e mail correspondence would potentially be useful to the assessment, on the basis of the information available, I am satisfied that the separation distance between the potential closest abstraction point on the appeal site and the outer source protection area is such that the proposed development would not be likely to have a significant negative impact on the Clontotan water supply source or that there is a clear basis on which the Board should refuse permission for this development which is the subject of licence from the EPA.

8.4.31. With regard to capacity and the ability of local groundwater sources to cater for the proposed c.200 m3/day abstraction proposed in the development without impacting on the available yields in other water sources in the vicinity, it is noted that the site is located in an area of limestone bedrock and on a locally important aquifer that is moderately productive. As highlighted by the first party, a locally important aquifer could be expected to capable of supplying a yield of 100-400 m3 per day and therefore significantly in excess of the estimated water demand for the proposed development is up to 200 cubic metres per day. As illustrated in Drg. No. IE1746-019 Groundwater Abstractions, there are a number of smaller water abstractions located within c.7km of the appeal site. All of these are stated by the first party to be less than 100 cubic metres per day and on the basis of Drg. No. IE1746-019, are at least 3km from the appeal site. In addition, it is noted that the Malting's Distillery located c.1.2km from the appeal site, and which had an abstraction of c.1,000 cubic metres per day, is no longer operational indicating a potentially significant residual supply.

8.4.32. As set out at 11.10.2.1 of the EIAR, in the event of a grant of permission, trial wells will be drilled and step test and pump tests undertaken, and it would have been beneficial to the overall assessment of likely impacts if further investigations had been undertaken and the comments of Irish Water sought prior to the submission of the application. In the event of a grant of permission and a licence being obtained

from the EPA it is likely that a monitoring programme for the potential impacts of the new water source on the supply and quality of other sources would be implemented that would enable the impact of this aspect of the proposed development to be assessed and if necessary mitigated. On balance therefore, it is not considered likely that the proposed development would not have a significant negative impact on other water supplies in the vicinity of the appeal site.

8.4.33. The proposed development has the potential to impact negatively on groundwater (and surface water) quality during the operational phase as a result of discharges arising from issues with the operation of the waste water treatment system or the release of other contaminants arising from the storage of wastes on site. Appendix 8.1 of the response to further information and the contents of the Drinking Water Risk Assessment prepared by Panther Environmental Limited and submitted with the application set out measures for the protection of groundwater and surface water in the event of a failure in the operation of the onsite waste water treatment system. To address this issue, the design of the waste water treatment system is proposed to incorporate an emergency divert pipe from the final outlet sump in the tertiary treatment phase and divert this back to the anoxic tank or alternatively to the balance tank, (see Figure in Appendix FIR8.1 submitted as part of the response to further information). Continuous monitoring and SCADA controls of the system are proposed to detect faults and the capacity of the balance tank is proposed to be such that the system could cope with a sudden increase in volume (for example from a period of very heavy rainfall) or a shock loading on the system from some type of spillage. In the event that monitoring equipment detects exceedance of the set emission limit values the system could provide for effluent to be recirculated through the system. Leaks and spills would be mitigated by the storage of chemicals in bunded areas and animal wastes are proposed to be stored in sealed trailers in the case of Category 1 and 3 material and belly paunch, dedicated holding tanks for lairage and sewage sludge and a refrigerated vessel in the case of blood. Training measures and emergency response procedures are proposed to be implemented. Subject to the proposed design and operational maintenance as detailed above, I consider that the risk of spillages or other operational phase contamination of ground or surface waters arising from the waste water treatment plant and on site storage of animal wastes is low.

8.4.34. It is noted that there is a potential connection between the proposed development and a number of groundwater dependant ecological sites in the vicinity, notably the All Saints Bog and Esker SAC which is located c. 2.5km to the south of the appeal site. These potential impacts are considered in more detail in section 9.0 below under the heading of Appropriate Assessment, however the separation between the appeal site and the SAC, together with the fact that the bog is largely fed by surface water sources is such that significant impacts on the bog structure and habitat are not considered likely to arise.

8.4.35. With regard to ***indirect operational phase impacts*** of the proposed development on groundwater water, as with surface water impacts referenced above, such impacts could potentially arise from any increase in the size of the beef herd that would feed into the abattoir and meat processing facility and the resulting impacts on surface water quality (upstream indirect impacts). Indirect impacts on groundwater could also arise from waste material that would be released from the proposed facility, and which would be disposed of off-site, including potentially by land spreading (downstream indirect impacts).

8.4.36. As noted previously, and as discussed above in detail under the heading of surface water, the application documentation, including the EIAR, does not identify what are the implications of the development in terms of increased animal numbers at a local, regional, or national level. It is evident that the proposed development is at least partially aimed at the Chinese export market, however it is not clear to what extent any such market would represent additional trade for the Irish beef processing industry or would serve the replace existing processing capacity. It is not in my opinion feasible to assess the potential environmental impacts of an increase in existing supplier farms which cannot at this time be identified and which are outside of the scope of the application and the control of the applicant.

8.4.37. As also discussed above under the heading of surface water, the disposal of wastes / by products generated by the proposed development are considered such that they would have potential downstream indirect impacts that require assessment and the information presented with the application is such that it is not possible to undertake this assessment in a manner that would enable an assessment of the indirect impacts on specific locations to be undertaken. However, as also discussed above under the heading of surface water, the functional connection between the proposed

on site activity for which permission is sought and the off site disposal locations and the degree of control that the applicant would likely have in this process is such that it is not in my opinion clearly feasible for the first party to identify specific locations for the spreading of material. Given this, I consider that the Board can only undertake this assessment at a high level. In this context I note the commitment of the first party (EIAR paragraph 16.7.2) that the collection of waste from the site would only be undertaken by suitably authorised waste hauliers and would only be recovered or disposed of at suitably licenced waste facilities. In the event that effluent sludge, lairage sludge or belly paunch are to be land spread the EIAR states that the contractor would be required to prepare a Nutrient Management Plan in accordance with the Nitrates Regulations. I would also note that the disposal of such materials by way of land spreading would also have to be undertaken in compliance with the EU (Good Agricultural Practice for Protection of Wastes) Regulations, 2017 which would result in controls in the amount of nitrogen and phosphorous that can be applied depending on a range of considerations including land quality and usage.

8.4.38. In conclusion, subject to the implementation of the controls and mitigation measures as set out in the EIAR with regard to off-site disposal to appropriately registered or licenced hauliers and facilities and having regard to the specific requirements of the relevant regulations relating to land spreading and prepare a nutrient management plan as appropriate, I consider that there is sufficient information before the Board to conclude for the purposes of EIA that the off-site disposal of by product material generated by the proposed development would be likely to have significant negative impacts on ground water. The fact that there is some uncertainity regarding the extent of potential use of land spreading for some by products from the proposed activity and that no specific land spreading locations are identified is however noted, and the Board may therefore wish to restrict the disposal of by products by way of condition such as to exclude land spreading as an option. Alternatively, the Board may wish to request further details from the first party on the issue of indirect effects arising from the off-site land spreading of by products such as would enable a fuller assessment of the likely indirect impacts on water quality.

Flooding / Flood Risk

8.4.39. The site is characterised by a number of drainage ditches located within and bounding the site. These drains discharge to the Feeghroe River to the west and there also appears likely to be some connection with the Milltown Stream located to the south of the site. Figures 11.2 and 11.3 of the EIAR indicate surface water features and connections on and in close proximity to the site. At the time of inspection of the site in March, 2021 these drains were generally observed to be dry, and conditions underfoot were not excessively wet, however there is some indication from the third party submissions on file (including photographs) and the third party appeal submission that the site is prone to surface waterlogging or flooding. In particular, photographs indicate the fields at the western end of the site with surface water present. The proposed development incorporating the development of the site and the increase in the extent of hardstanding and impermeable surfaces from the limited current extent has the potential to result in a flood risk on the site.

8.4.40. The application is accompanied by a Site Specific Flood Risk Assessment prepared by IE Consulting. The study identifies the primary flood risk factors relating to the site as arising from fluvial flood risk from the Feeghroe Stream, potential for blockages of culverts on and in the vicinity of the site including that adjoining the R438 on the Feeghroe Stream and pluvial flood risk. I would agree with the assessment that these are the main flood risks arising. On the basis of a detailed assessment of the catchment and capacity of the Feeghroe Stream, the 1 in 100 year and 1 in 1000 year flood flows and associated impacts were assessed and the assessment concludes that the stream has the capacity to cater for these flows and the analysis on this issue is in my opinion correct. As a result, the majority of the appeal site is located within Flood Risk Zone C as per the categorisations contained in the flood risk management guidelines where the risk of flooding is low to negligible and, on the basis of the information presented in the Flood Risk Assessment, I agree with this categorisation and I also note that this categorisation is consistent with the output of the Strategic Flood Risk Assessment contained as a separate volume of the Offaly County Development Plan, 2021-2027.

8.4.41. There are some areas where the is an identified risk of pluvial flooding at times of very high rainfall and where there is the potential for the blockage of culverts. Recommendations for a maintenance plan for culverts are set out and it is noted that the culvert in the vicinity of the Boheradurrow junction showed signs of damage at the time of inspection of the site and would likely require works as part of the proposed works to the R438. It is also proposed that a number of existing internal culverts within the site would be removed as they would no longer be required for agricultural field access purposes, thereby reducing the potential for blockages, and associated flooding issues.

8.4.42. The main developed areas of the site concentrated on the eastern side of the site propose the use of a stormwater drainage system that incorporates attenuation and controlled discharge to greenfield rates. The system is designed such that clean uncontaminated surface water would discharge to the surface water system with surface water from contaminated areas retained and stored for disposal off site. Details of the system and design and the stormwater design calculations are presented in the Stormwater Design Report submitted with the application. As part of the further information request, further details of the surface water layout were submitted (see RFI and Drg No. 1806-29-FI). I note that one of the assumptions presented in the calculations is that the system is designed to ensure that there is no flooding above ground in the 1 in 100 year storm event with a 10 percent factor for climate change. This is considered appropriate as are the measures for the use of separators to clean water discharged to the system from clean areas. The principle of the use of a modular underground storage system is noted although it is not clear why all or part of the storage could not have been achieved using SuDs design including the use of the extensive capacity presented with the onsite wetland system.

8.4.43. Overall, I consider that the design and capacity of the surface water system proposed is acceptable, that the assessment undertaken indicates that the risk of flooding is low and that the implementation of a maintenance regime for the existing drainage channels and culverts would mitigate the risk of pluvial flood risk. Any residual risk that arises would be concentrated largely in the area of the proposed constructed wetlands and not in a part of the site that is proposed to comprise the

main developed areas of the site (see Drawing 1796-002 attached to the Flood Risk Assessment report).

8.4.44. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct effects on water. Indirect impacts on water arising from the disposal of by-products generated by the proposed development are not readily assessable on the basis of the information presented in the application and the EIAR, however I do not consider that such impacts likely to be significant once regard is had to mitigation and other requirements in the form of a Nutrient management Plan and compliance with the EU (Good Agricultural Practice for Protection of Wastes) Regulations, 2017. As highlighted above, the Board may wish to request further details from the first party on the issue of indirect effects arising from the off-site land spreading of by products such as would enable a fuller assessment of the likely indirect impacts on water quality.

Air (Air Quality and Noise)

8.4.45. With regard to ***noise***, the activity on site has the potential to generate noise during the construction stage and also at operational stage from on site activity and the impact of traffic to and from the site. The issue of noise is assessed at Chapter 6 of the submitted EIAR and at Attachment 6.1 which comprises a noise assessment report prepared by Entonic Limited. A baseline noise assessment survey was undertaken in March 2019 and noise information collected for the 4 no. noise monitoring locations (NMLs) identified in Table 6.1 of the EIAR. The results of the baseline noise assessment are presented in Table 6.2. The results of the assessment undertaken, the methodology for which is noted and considered appropriate, indicates that during the operational phase of the proposed development, all predicted noise impacts arising from on site activity would be below the background or ambient noise levels at the NMLs, and in the case of NML 1 and 2 very significantly below ambient levels. The impact of on site operational noise is therefore considered to be imperceptible.

8.4.46. Operational phase ***noise derived from traffic*** would result in a potential increase at NML1 (the local road outside the Eliza Lodge Nursing Home) of up to 10dB(A) and therefore has the potential to have a significant negative impact. Section 6.5.3 of the EIAR sets out an assessment of the potential impact on the actual nursing home building which is set back from the by approximately 50 metres. When account is taken of this set back, the additional noise impact above background level is assessed as c.3.2dB(A) which is approximately the level of increase which would be perceptible to residents of this facility but not such as to constitute a significant negative impact. The impact of the development on this receptor would therefore be slight adverse.

8.4.47. ***Construction phase noise*** impacts are addressed at 6.5.4 and Table 6.6 of the EIAR and indicates that where construction phase noise impacts would exceed ambient levels this impact would not be significantly negative given the maximum of c.4dB(A) exceedance of ambient levels. Overall, therefore the construction phase noise impacts arising would be short term, slight negative.

8.4.48. The main potential ***cumulative noise*** relates to the Meenwaun Windfarm, however given the separation of over 900 metres between the closest turbine and the Eliza Lodge, no significant cumulative noise impacts are considered likely to arise at this receptor. Given that operational phase noise is predicted to be below ambient levels during the operational phase at all receptors and that the addition of operational phase traffic noise would have a negligible impact on all receptors other than the Eliza Lodge property, no significant cumulative noise impacts are considered likely to arise.

8.4.49. Overall, the impact of the proposed development in terms of noise is not considered likely to be a significant negative impact. .

8.4.50. The impact of the proposed development on ***air quality*** is considered at chapter 5 of the EIAR and at Attachment 5.1 which contains an odour, air quality and greenhouse gas assessment of the proposed development prepared by Katestone Environmental Limited. An ***Odour*** Management Plan was also submitted as part of the response to further information (Appendix 4.1 of RFI). The odour assessment undertaken includes a computerised model of the proposed development and surrounding areas that accounts for ambient wind speed and direction and the potential odour sources

within the development and their extent. These sources include cattle storage, manure storage and waste water collection and treatment. The basis of the model including assumptions around wind regime and potential emission sources is noted and considered to be acceptable. (I note that Figure 5.1 of the EIAR indicating the location of the receptors modelled indicates two R3s. It is assumed that the location to the immediate south of the site in the vicinity of the unoccupied house should be R1 and not R3).

8.4.51. The results of the odour assessment indicate that predicted odours at the 98th percentile measured over 1 hour would all be significantly below the criteria level of 1.5 odour units per cubic metre (OUe/m3) which is taken from a 2001 EPA document relating to odours at piggeries. The Odour management Plan sets out a reporting procedure for instances of odour nuisance should they arise and that such complaints could be made to a dedicated environmental manager or other nominated person who would investigate any such issues and is considered to be acceptable. The impact of the proposed development on air as a result of odour levels is therefore considered to be slight negative.

8.4.52. Other aspects of air quality that could give rise to nuisance and a potential impact on human health relate to Co2, NO2, SO2, PM2.5 and PM10 and derive from the proposed use of a gas boiler on the site and in the use of LPG in on site vehicles and equipment. Modelling of the predicted impact of these contaminants is presented at section 4.3.2.2 of the Katestone Environmental Report and at section 5.6.2 and Table 5.3 of the EIAR. The results indicate that ground level concentrations of these contaminants at the receptors identified in Figure 5.1 would be well below both the background recorded levels and the criteria levels for each contaminant. The extent to which this is the case is significant and such that the impact of the proposed on site operations on air quality / contaminants would be negligible at the operational phase of the development. The impact of these same contaminants due to the increased traffic generated by the proposed development is also assessed in the EIAR (Table 5.5) and show that at a local level in the immediate vicinity of the site level of a number of contaminants would increase by a significant percentage over the existing baseline level. For example, NOx levels at the local level would increase by approximately 22 percent. However, while a significant increase in percentage terms, the impact of increased traffic on sensitive receptors in the vicinity of the site

are not such as to result in a significant negative impact and therefore are not such as to have a significant negative impact on air.

8.4.53. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on air quality. Given the limited impact on these environmental factors predicted to arise, the fact that the assessment of the competent authorities in the case of the Meenwaun Windfarm that the environmental impacts relating to air quality were not significant and were acceptable, no significant cumulative impacts are predicted to arise under the heading of air quality.

Climate

8.4.54. The issue of climate is addressed in chapter 5 of the EIAR and specifically section 5.8. Detail is provided at section 6 of Attachment 5.1 of the EIAR, and this details how greenhouse gas emissions arising as a result of the proposed development have been categorised according to the 'scope' of the emissions which can be summarised as follows:

- Scope 1 – Direct emissions (LNG combustion on site for boilers etc, treatment of wastewater and on site manure management).
- Scope 2 – Indirect emission from purchased energy, (consumption of LNG, generation of electricity and operation of on site wwtp).
- Scope 3 – Indirect emissions associated with the value chain of the company.

8.4.55. CHG emissions related to Scope 1 and 2 above are detailed in Section 6.5 of Appendix 5.1 and a figure of 1,111 tonnes of CO2 per annum is presented. For the emissions sources used in this calculation, namely LPG combustion, the operation of the wwtp and the on site management of manure, the calculation presented is considered to be robust and would represent only 0.002 percent of national annual CO2 emissions and 0.006 of national annual agricultural emissions. Direct climate change implications arising from the proposed development are therefore likely to be negligible however there are in my opinion a number of other indirect climate change impacts that could arise as a result of the proposed development that have not been

fully considered in the assessment presented. Specifically, there are indirect upstream impacts associated with the inputs into the facility in terms of the rearing of cattle for slaughter and indirect downstream impacts associated with the disposal of wastes / by products from the facility that are not accounted in the assessment presented. There are also potential construction phase impacts arising, however these are likely to be very minor at a national or regional level.

8.4.56. As referenced at section 7.2 of the Planning Assessment above, any increase in national herd numbers that would arise on foot of the additional processing capacity that would arise from the proposed development and the potential for additional exports to the Chinese market would therefore have the potential to increase GHG emissions. However, at no point in the application documentation or EIA is it clearly stated what the likely impact of the proposed development on herd numbers is likely to be and it is not therefore possible to determine the indirect impact of the proposed development as a result of the proposed development. The impact of the proposed development in terms of the national climate policy is therefore such that it could be said that the proposal would make the achievement of national climate change and emissions targets more difficult. However, as discussed at section 7.2 above, pending the agreement of emissions ceilings for the agriculture sector that will be required to give effect to the 5 yearly budgets and the 22 – 30 percent reduction in emissions from the agriculture sector relative to 2018 levels required under the Climate Action Plan 2021, I do not consider that it is possible to determine how emission reductions in the agriculture sector will be achieved or to accurately determine the degree to which the proposed development would or would not be consistent with these emissions ceilings. For this reason, it is not in my opinion a clear basis on which to conclude that the development is contrary to national climate change policy. Having said that, as referenced by the first party in Figure 12 of Attachment 5.1 to the EIAR, agriculture currently makes up approximately 32 percent of overall national GHG emissions. Indeed, the EPA estimate that agriculture comprised 35.3 percent of GHG emissions in 2019. Within this figure, the beef and dairy herds make up a significant percentage of these emissions due to the release of methane and nitrous oxide in particular and the EPA estimate that enteric fermentation (gas from fermentation in the intestines of animals) made up 57.5

percent of GHG emissions in 2019. Using the above figures, this process therefore generates approximately 20 percent of national GHG emissions.

8.4.57. Assessing the potential for the proposed development to add to these emissions is difficult in the absence of information around the potential increase in herd size that could be generated by the proposed development or a breakdown in emissions between the beef and dairy sectors. On the basis of the capacity at the proposed facility being a minimum of 36,000 animals (140 units per day 5 days a week by 52 weeks), the proposed development could potentially add approximately 10.7 percent to the number of cattle slaughtered in 2021 (338,000 source Agriland.ie). While it is not possible to make an exact assessment of the potential upstream indirect impacts from the information presented, and the likely increase in cattle arising from the proposed development would be significantly less than the figures cited above, in a worst case scenario these have the potential to be significant and negative and to make the achievement of the overall emissions reduction targets in the agriculture sector more difficult.

8.4.58. The nature and location of the proposed development has the potential to result in a reduction in transport to the proposed facility for farmers and the case is made by the first party in submissions on file that the facility will provide a convenient location for midlands farmers. This may be correct, however in the absence of knowledge regarding the supplier locations and where they currently send their animals for processing this is difficult to verify or quantify. It has also to be considered that the proposed facility is proposed to cater primarily for the export market and the route to this market and associated transportation requirements and GHG emissions are difficult to quantify on the basis of the information presented.

8.4.59. The potential impact of the downstream indirect impacts on climate arising from the transport and disposal of waste material from the facility is very difficult to quantify. The locations of the proposed end processors or disposers of the by-product streams identified and quantified in Table 16.7 of the EIAR are not known and climate change impacts arising from transport cannot therefore be assessed. Similarly, the range of disposal methods presented in the EIAR is such that the indirect impacts from disposal also cannot be fully assessed.

8.4.60. Overall, therefore in terms of climate, the assessment contained at Chapter 5 and attachment 5.1 of the submitted EIAR focusses on the climate change implications of the direct operation of the proposed development, notably in terms of energy demand and the implications of the onsite waste water treatment plant and management of manure on site. These impacts are very low in national terms or in terms of the overall GHG emissions attributable to the agriculture sector. The lack of clear information regarding the potential for the proposed development to result in additional national processing capacity leading to an increase in national herd numbers, and the lack of clarity around the transportation implications of the proposed development and lack of clarity around potential indirect downstream impacts on climate arising from the disposal of wastes generated by the development mean that indirect climate change impacts of the proposed development are difficult to quantify. In a worst case scenario for climate change, the proposed development would have the potential to make a material change in the GHG emissions attributable to agriculture and significantly more than the estimates contained in the EIAR and such that the likely environmental impact would be significant and negative.

8.4.61. In conclusion, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I consider that there is potential for the proposed development to have a significant adverse indirect impact on climate. In terms of cumulative impacts, the climate impact of the Meenwaun Windfarm's positive and therefore no additional significant negative cumulative impacts are predicted to arise under the heading of climate. .

8.5. Material Assets Cultural Heritage and the Landscape

Material Assets

8.5.1. Potential impacts under the heading of material assets relate to the potential impact of the proposed development on roads and utilities, agriculture, and natural and other resources. Issues relating to tourism and recreation that could be considered under the heading of material assets were addressed previously under Population

and Human Health. Material Assets are addressed at Chapters 13 to 16 of the EIAR.

8.5.2. The impact of the proposed development on Traffic and Transport is assessed at Chapter 9 of the submitted EIAR and a detailed assessment of the likely impact of the proposed development on traffic and the capacity of the ***surrounding road network*** to accommodate the proposed development is considered in detail at section 7.4 above. The assessment of capacity of the existing junctions and road network in the vicinity of the site to accommodate the proposed development was informed by a traffic survey undertaken in November, 2018. The detailed results of this assessment are presented at Attachment 8.1 to the EIAR which comprises a Transportation Assessment Report prepared by NRB Consulting Engineers (RFC figures presented at Tables 4.2 – 4.4) and these results indicate that all junctions would all operate at very significantly below capacity out to the design year of 2036 and such that no significant delay or queuing is likely to occur. The impact of the proposed development on the capacity of the regional and local roads in the vicinity of the site is also addressed in the NRB Report and surveyed information indicates that existing traffic levels are very significantly below the capacity of the roads and such that the construction and operational phases of the development are not considered to have the potential to exceed the capacity of these roads. The nature of the traffic accessing the site during both the operational and construction phases is such that no abnormal sized or weight loads are predicted. Given the requirement that the L3010 widening, and upgrade would be completed in advance of any construction on site (Condition No.12 attached to the Notification of Decision to Grant Permission issued by the Planning Authority), no negative impacts on the structure of existing roads are considered likely to arise. Overall, no negative impacts on roads as an asset are considered likely to arise on foot of the proposed development and the development will have a potentially positive impact on traffic safety and the local road network by virtue of the works to the vertical alignment on the R438 proposed as part of the development.

8.5.3. No impacts on ***utilities*** will arise. The proposed development will not have any direct or indirect impacts on natural resources and there will not be any additional impacts in terms of land ownership or access or property rights. No commercial or industrial developments would be impacted by the project. The potential impact of

the proposed development on water supplies in the vicinity of the site is considered in more detail in section 8.4 of this assessment under the heading of Water, and no significant negative impacts on such assets are considered likely to arise.

8.5.4. The development would have potential to impact on ***agriculture*** through the direct loss of agricultural lands and secondly the potential indirect effects of disturbance generated by the proposed development (both construction and operational phases) on existing agricultural activities. With regard to direct loss of agricultural lands, the site is currently in the ownership of the applicant and, while some slight loss of the overall stock of grazing land would occur from the development, such an impact would be negligible in the overall scale of such lands. Any such negative impacts would be more than offset by the benefits to agricultural activity in the local area and region arising from having a facility such as that proposed in the area. Specific benefits would include reduced need to travel for local farmers and the availability of a new operator in the meat processing business. Potential for disturbance to existing agricultural activities could arise from noise, deterioration in air quality and water quality and traffic. Significant mitigation measures, both design and operational are proposed to ensure that emissions from the proposed operation would be minimised and any development would have to obtain a licence from the EPA that would limit emissions. As set out in the sections of this assessment relating to noise, air quality, water quality and traffic, significant negative impacts on the environment under these headings are not considered likely to arise and any low level impacts arising are not considered such as to impact negatively on existing agricultural activity.

Cultural Heritage

8.5.5. Cultural heritage and archaeology are addressed at Chapter 12 of the main volume of the EIAR. The assessment contained in the EIAR is based on a desk based assessment and a visual inspection of the site undertaken in October 2018. It is stated in the EIAR (12.4.9) that no features of archaeological, architectural, or cultural heritage were noted during the site inspection.

8.5.6. There are no ***protected structures*** or structures listed in the NIAH located on the site and the closest such structure is Claremont House (NIAH and RPS) which is

located approximately 1.2km from the appeal site at the closest point. There are a further two structures included on the RPS that are located within 2km of the site, these being Garry Castle and Castle Garden House. All three structures are located in Banagher and are therefore sited relative to the appeal site such that the proposed development would not have any impact on their setting or context.

8.5.7. With regard to ***archaeology***, there is one recorded archaeological site (A1 on Figure 12.11 of the EIAR main volume) and two areas of archaeological potential (AP1 and AP2). A1 comprises a cropmark indicating a possible surface enclosure which is not visible on the ground, and which is located c.500 metres to the north east of the site. AP1 and AP2 represent townland boundary locations.

8.5.8. The proposed development would have a potential direct impact on any archaeological features that may be located on site. Mitigation in the form of targeted test trenching is proposed to be undertaken to assess the potential for onsite archaeology. These investigations would be carried out in advance of the development and under licence from the National Monuments Service. In the event of material being discovered this will be either preserved in situ or excavated and recorded as agreed with the National Monuments Service. All groundworks are proposed to be monitored by an archaeologist.

8.5.9. Given the identification of monuments in the general vicinity of the site as recorded in the EIAR as evidenced by the archaeological inventory and previous examinations in the vicinity it is considered that there is the potential for direct impacts on archaeology to arise. Subject to the mitigation proposed it is considered that the direct impact on archaeology can be mitigated if they arise by preservation or on site recording as appropriate and that subject to such mitigation the residual impacts arising are slight negative.

Landscape

8.5.10. Landscape is considered at chapter 7 of the main volume of the EIAR and at Attachment 7.1 which is a separate document containing photomontages of the site and proposed development. The appeal site is located in an area that is identified in the *Offaly County Development Plan, 2021-2027* as having a low level of landscape sensitivity. To the north and north east of the site is located an area of moderate

landscape sensitivity that appears to coincide with an area of open bogland. The site is located in a rural and agricultural area where there is a limited number of existing features, where the topography is relatively flat and where the landscape is characterised by mature hedgerows that restrict views across the landscape. The prevailing land use in the vicinity of the site is agricultural grassland with fields separated by mature hedgerows and treelines. The site is therefore located in an area which is relatively robust in visual terms and where there is an ability to absorb a significant extent of development.

8.5.11. The proposed development has potential to have a significant impact on landscape and visual amenity due to its scale. Specifically, notwithstanding the fact that there is an existing significantly smaller abattoir building on the site, the proposed development would significantly change the character of the site from one of primarily agriculture to a significant commercial / industrial operation. The scale of the proposed development is significant, with the height of the proposed extended abattoir / meat processing building extends to over 12 metres in height and the building extends for a distance of approximately 200 metres west from the south east corner of the site. The scale and location of the main buildings on the site is such that potential views of the development would be available from the east and north east. The extent of roadside boundary to the L3010 which is proposed to be removed to facilitate the widening the local road and sight lines at the access is significant, extending to approximately 430 linear metres and opening up potential views of the site from the south. During the construction phase, site access, equipment on site and deliveries to and from the site would all have potential impacts on landscape and visual amenity.

8.5.12. The assessment contained in the EIAR is supported by a number of viewpoints that are stated to be representative of the most significant locations in the vicinity of the site within which the site would be visible. The location of these views is set out in Table 7.5 of the EIAR and shown on the map at the start of the Photomontages Document – Attachment 7.1 to the EIAR. On foot of a request for further information, additional photomontages showing the development from the local road (longitudinal view) and also view from the R438 / local road junction were submitted. These additional viewpoints are illustrated in the response to clarification of further information.

8.5.13. In order to mitigate the visual and landscape impacts of the proposed development a number of design and post development mitigations are proposed. Firstly, the site is stated by the first party to have been chosen partially for its location in a relatively sparsely populated rural area that does not have a significant amount of passing traffic (on the L3010) and the traffic survey information and observations at the time of inspection of the site would support this opinion. Construction mitigation is proposed in the form of the replanting of the roadside boundary to the L3010 as well as additional thickening of existing boundary planting and new planting and landscaping throughout the site. New planting includes a new woodland area to the north of the proposed building that has the objective of screening the main buildings from views from the east and north east and also significant planting in the area of the proposed constructed wetland. It is also proposed that the western and northern boundaries in the vicinity of the R438 would not be altered, and that a planted berm (maximum height of c.2 metres) would be developed in the southern and south western boundary of the site such that the site would be screened from the L3010 and R438 roads. Replacement hedgerows are detailed in section 7.3 of the EIAR main volume.

8.5.14. The Landscape and Visual Impact assessment submitted concludes that the post mitigation ***landscape impact*** arising from the proposed development is at worst medium in close proximity to the site (within c.500 metres), and that when combined with the low landscape sensitivity that the overall landscape impact would be slight negative. Given the extensive landscaping proposals presented, the existing screening of the site and the generally low elevation of the site and surrounding topography I would be in agreement with this assessment of the likely landscape impacts arising from the proposed development. Landscape impacts beyond this 500 metre radius of the site would in my opinion be no more than slight on account of the generally flat topography in the wider area, the screening afforded by the existing and proposed planting on the site and the fact that the site would not be clearly visible from the R438 in particular.

8.5.15. In terms of ***views***, none of the viewpoint locations identified for specific analysis in the form of viewpoints are considered to have more than a medium to low sensitivity (see Table 7.6 of EIAR main volume) and I would agree with this assessment. A number of the visual impacts from the identified viewpoints are identified as being

high – medium, notably VP 2 and 4 to the immediate south of the site on the local road and the additional viewpoints submitted as part of the response to further information also have a relatively high visual impact. The remaining locations all have a low to negligible impact. These assessments are noted and generally agreed with. The main visual impacts are therefore clearly from locations to the south of the site along the L3010 and in the vicinity of the L3010 / R438 junction. Even in these locations, the medium to low visual sensitivity, the proposals for landscape mitigation and the relatively low level of passing traffic and surrounding development in close proximity combine to mean that the overall residual visual impacts would in my opinion be no worse than slight to moderate negative, with visual impacts in other view point locations further from the site negligible.

8.5.16. With regard to ***cumulative impacts***, the main potential impact arising are cumulative impacts between the proposed development and the constructed Meenwaun Windfarm located to the east of the site. The closest turbine to the site is located to the east at a distance of c.500 metres from the site boundary and the Meenwaun development, and particularly the closest turbine, would form a backdrop to the development when viewed from the west along the L3010. In terms of landscape impacts, I consider that there is some limited potential for a negative cumulative impact between the proposed development and Meenwaun Windfarm. I note however that the fact that the landscape impact arising from the proposed development is slight and that the Meenwaun development is now an established feature of this lowland relatively flat low sensitivity landscape. For these reasons I do not consider that significant cumulative landscape impacts would arise. With regard to views, the Meenwaun Windfarm would potentially result in cumulative impacts on local views of the site, particularly from points on the L3010.

8.5.17. In ***conclusion***, on the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on material assets, cultural heritage, or the landscape. Given the negligible impact on these environmental factors predicted to arise, the fact that the assessment of the competent authorities in the case of the Meenwaun Windfarm that the environmental impacts relating to material assets, cultural heritage and the landscape were not significant and were

acceptable, no significant cumulative impacts are predicted to arise under the heading of material assets, cultural heritage, and the landscape.

8.6. Reasoned Conclusion

8.6.1. Having regard to the examination of environmental information contained above, and in particular the EIAR and supplementary information provided by the developer, including the response to further information submitted to the Planning Authority, and the submissions from the Planning Authority, prescribed bodies and appellants and in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- The proposed development would have a positive impact on the local and wider economy and population with a significant positive local impact during construction and moderate impact at operational phase of the project.
- The development would have potentially significant negative impacts on landscape and views in the vicinity of the site that would be mitigated by the design and siting of the proposed development and by planting and reinforcement of site boundaries,
- The development would have potentially significant negative impacts on surface water quality that would be mitigated by the installation, design, and maintenance of the proposed on site waste water treatment system including integrated constructed wetland,
- The development would have some potential negative indirect impacts on water (ground and particularly surface water) arising from the disposal of by products generated by the activity on site. These potential impacts arise specifically for the potential use of land spreading as a potential disposal method and would likely successfully be mitigated by adherence to relevant Nutrient Management Plans and regulations. These potential impacts can be further mitigated by condition restricting the method of by product disposal within the options provided in the EIAR.

- Impact on water supplies and specifically the Clontotan water supply source serving Banagher are not considered likely to be significantly negative on the basis of desk based assessment presented and including the assessment undertaken by the GSI with regard to the identification of source protection zones for this water source. However, these predicted impacts require verification following more detailed site investigations including pump and draw down testing to verify the conclusion of no significant impacts.
- Potential climate change impacts are considered to be wider than the direct impacts assessed in the EIAR and to include indirect upstream impacts arising from potential increase in herd size arising from the increased processing capacity proposed and indirect downstream impacts arising from the disposal of waste / by product materials from the development. These indirect impact on climate are not possible to quantify on the basis of the information presented. A worst case assessment of the potential indirect off site impacts of the proposed development on climate is that these impacts would be significant and negative.

8.6.2. Having regard to the above, I am satisfied that subject to mitigation measures and appropriate conditions, the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on the environment.

9.0 Appropriate Assessment

9.1. Appropriate Assessment Screening

9.1.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

9.1.2. Background to the Application

The applicant has submitted a screening for appropriate assessment contained within the report '*Appropriate Assessment – Natura Impact Statement'* prepared by Panther Environmental Solutions Limited.

The applicants Stage 1 AA Screening Report was prepared in line with current best practice guidelines and provides a description of the proposed development, description of the existing environment and identifies the European sites located within a possible zone of influence of the proposed development.

The conclusion of the screening assessment states that '*during the construction phase, the proposed development has the potential to impact upon the qualifying interests of All Saints Bog SAC and the special conservation status of All Saints Bog SPA and Middle Shannon Callows SPA, due to a potential deterioration in water quality. During the operational phase, the proposed development has the potential to impact upon the qualifying interests of the River Shannon Callows SAC and the special conservation interests of the Middle Shannon Callows SPA, due to a potential deterioration in water quality. Therefore, a Natura Impact Statement is required.*'

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.1.3. **Screening for Appropriate Assessment – Test of Likely Significant Effects**

The project is not directly connected with or necessary for the management of any European site and therefore it needs to be determined if the development is likely to have significant effects on a European site.

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SACs) and Special Protection Areas (SPAs) to assess whether it may give rise to significant effects on any European site.

9.1.4. **Brief Description of Proposed Development**

A description of the proposed development is provided at Section 4 of the submitted '*Appropriate Assessment – Natura Impact Statement'* report prepared by Panther Environmental Solutions and at Chapter 2 of the main volume of the EIAR prepared by Panther Environmental Solutions and submitted with the application. In summary, the main elements of the proposed development comprise the following:

- The extension of an existing abattoir facility that is located on the site to provide for a maximum cattle slaughter rate of 140 no. animals per day.
- The application states that the existing slaughter line in the existing abattoir building on site would be lengthened and modified within the existing abattoir building and the existing building would be extended to the west to provide for additional space to accommodate cattle chill areas, processing rooms, wash out rooms, offices, and staff facilities as well as a meat cutting, packing, blast freezing and cold storage facility. It is stated that the output of this meat processing facility would be approximately 40 tonnes per day.
- To accommodate the animals proposed to be used in the process, the existing lairage area located to the north of the existing abattoir building.
- Other parts of the development comprise plant rooms, a packaging storage area , electrical substation, water treatment system and waste water treatment plant. The floor area of the main elements is given in section 2.4 of the EIAR and can be summarised as follows:

New buildings at ground floor level	5986 sq. metres.
First floor facilities (food processing)	2299 sq. metres
Security building	23 sq. metres
ESB electrical plant room	168 sq. metres
Waste water treatment plant building	30 sq. metres
Water treatment plant building	72 sq. metres.

Overall proposed gross floor area of new development is 8,578 sq. metres

- The waste water treatment plant is detailed in section 4.2 of the submitted NIS and at 2.4.3 of the EIAR. The system proposed comprises primary treatment including the use dissolved air flotation system, Biological treatment and tertiary treatment comprising use of a sand filter and then discharge of the treated effluent to a five cell constructed wetland area. This wetland area would be located at the western side of the site and take in an area of c.40,000 sq. metres. The final discharge from the constructed wetland area is proposed to be to the Feeghroe Stream which bounds the site to the south west.
- Water supply is proposed to be via an onsite supply to be sourced from a bored well. Initial geological and geophysical investigations have identified two potential locations for this supply, one to the north of the extended abattoir building and a second in the north west corner of the site. The anticipated water demand for the development is stated to be 150 – 200 cubic metres per day.
- The development would lead to the generation of a number of by products / waste streams. These include the following:
    - Screenings from the waste water treatment plant that would be disposed of off-site,
    - Animal wastes (Cat 1 and 3) would be stored in trailers in the yard area to the rear (north) of the abattoir and food processing buildings and would be disposed of to registered contractors off site,

- Blood would be stored in a tankage area in the storage yard and would be disposed of off-site.

- Traffic from the development is proposed to access the site via a new entrance located on approximately the midpoint of the site frontage to the L3010. A total of 165 no. onsite parking spaces are proposed and the L3010 is proposed to be widened to 6.0 metres between the entrance and the junction with the R438 to the west.
- An outline construction and environmental management plan is submitted with the application.
- The anticipated construction period for the development is stated to be 18 months.

The site of the proposed development and the existing environment is described at section 4.3 of the Natura Impact Statement and is described as comprising a mixture of improved grassland (the majority of the site comprising c.12 ha. out of the total of c.19.6 total), wet grassland habitat (in the northern part of the site), buildings, recolonising bare ground (primarily at the northern end of the site in an area that has been the subject of tree felling and also the field in the western part of the site which has been tilled and not resown). Bog woodland at the northern end of the site and a small area of felled woodland in this area. Other habitats on site comprise hedgerows and treelines, stream (Feeghroe Stream) and drainage ditches.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works proposed, the following issues are considered for examination in terms of implications for likely significant effects on European sites.

- Construction related emissions to ground and surface waters. In particular construction related discharges of silt and construction related pollution to drainage channels within and bounding the site and which discharge to the Feeghroe and Milltown Streams and ultimately to the River Shannon within the SAC.

- Operational phase discharges to ground and surface waters arising from the onsite storage of wastes connected with the proposed development and the discharge of treated waste water from the onsite effluent treatment system.
- Direct loss of habitat from the construction of the proposed development, including construction of the abattoir and meat plant building, widening of the local road (L3010) and the construction of the integrated constructed wetland. Specifically, loss of habitat that support breeding and wintering bird species listed as qualifying interests of SPA sites in the vicinity.
- Habitat disturbance arising from the construction phase of the project and also from operational phase noise and disturbance.
- Ex situ effects arising from the disposal of wastes or by products generated by the proposed development and as listed in Table 16.7 of the EIAR.

9.1.5. **Submissions and Observations**

Details of the application were referred by the Planning Authority and again by the Board to the NPWS. No response to these referrals was received. The following issues relating to the potential impact of the proposed development on European sites were raised in third party submissions:

- The proposed development would have potential to impact on water quality in the River Shannon Callows SAC and Middle Shannon Callows SPA.
- Lack of information in the form of a breeding birds survey.

9.1.6. **European Sites**

The appeal site is not located within or in close proximity of any European sites. The European sites located within a 15km radius of the appeal site are as follows:

- ***All Saints Bog and Esker SAC*** (site code 000566) located c.2.1km to the south west at the closest point,
- ***All Saints Bog and Esker SPA*** (site code 004103) which is located c.2.5km to the south of the appeal site,

- ***River Shannon Callows SAC*** (site code 000216) which is located c.3.2km to the north west,
- ***Middle Shannon Callows SPA*** (site code 004096) that is located c.3.2km to the south of the appeal site at the closest point,
- ***Ridge Road South West of Rapemills SAC*** (site code 000919) which is located within c.3.7km of the site to the south,
- The ***River Little Brosna Callows SPA*** which is located c.4.5km to the south west of the appeal site at the closest point,
- The ***Dovegrove Callows SPA*** (site code 004137) is located c. 5km to the south of the appeal site at the closest point,
- ***Redwood Bog SAC*** (site code 002353) which is located c.7.9km to the south west of the appeal site,
- ***Ballyduff / Clonfinane Bog SAC*** (site code 000641) which is located within c.9.5 km of the appeal site,
- ***Moyclare Bog SAC*** (site code 000581) which is located c.10.5km to the north of the appeal site,
- ***Arragh More (Derrybreen Bog) SAC*** (site code 002207) that is located c.12km to the south west of the appeal site,
- ***Kilcarren – Firville Bog SAC*** (site code 000647) is located approximately 13km to the south west of the appeal site,
- The ***River Suck Callows SPA*** which is located c13.5km to the north west of the appeal site at the closest point,
- ***Lisduff Fen SAC*** (site code 002147) is located c.13km to the south east of the appeal site,
- ***Saravogue Bog SAC*** (site code 000585) is located c. 13.5km to the south of the appeal site
- ***Ferbane Bog SAC*** (site code 000575) is located within c. 13.5km of the appeal site to the north east,

- ***Island Fen SAC*** (site code 002236) is located c.14km to the south east of the appeal site,
- ***Finn Lough SAC*** (site code 000576) is located c.15 km to the north of the site.

The following sites are considered not to have a potential connection with the appeal site, either hydrological or ex situ impacts as foraging or breeding habitat for birds who are qualifying interests of the relevant sites and are therefore excluded from further consideration in this screening assessment. In undertaking this determination, I have had undertaken my own review of surface watercourses located in the general environs of the site, as well as the information provided in Chapters 10 (Water Quality and Aquatic Biodiversity) and 11 (Land – Soils Geology and Hydrology) as well as the submitted '*Appropriate Assessment – Natura Impact Statement'* submitted with the application.

- Ridge Road SW of Rapemills SAC is located upstream of the appeal site and there is no surface or groundwater connection between the sites.
- Ballyduff / Clonfinane Bog SAC (site code 000641) which is located within c.9.5 km of the appeal site,
- Moyclare Bog SAC (site code 000581) which is located c.10.5km to the north of the appeal site,
- Arragh More (Derrybreen Bog) SAC (site code 002207) that is located c.12km to the south west of the appeal site,
- Kilcarren – Firville Bog SAC (site code 000647) is located approximately 13km to the south west of the appeal site,
- Lisduff Fen SAC (site code 002147) is located c.13km to the south east of the appeal site,
- Saravogue Bog SAC (site code 000585) is located c. 13.5km to the south of the appeal site
- Ferbane Bog SAC (site code 000575) is located within c. 13.5km of the appeal site to the north east,

- Island Fen SAC (site code 002236) is located c.14km to the south east of the appeal site,
- Finn Lough SAC (site code 000576) is located c.15 km to the north of the site.

The following sites are identified as those where there is a potential connection (source – pathway – receptor) between the appeal site and the European site and where a more detailed assessment of the potential for significant effects on the conservation objectives of the site is required.

- All Saints Bog and Esker SAC (site code 000566)
- River Shannon Callows SAC (site code 000216)
- Redwood Bog SAC (site code 002353)
- All Saints Bog SPA (site code 004103)
- Middle Shannon Callows SPA (site code 004096)
- River Little Brosna Callows SPA (004086)
- Dovegrove Callows SPA (site code 004137)
- River Suck Callows SPA (site code 004097)

*9.1.7. **Identification of Likely Effects***

9.1.7.1 The nature of the proposed development is such that there are a number of aspects of the development that has the potential to impact on the above identified European sites which have been identified as having a potential hydrological connection or the potential for ex situ impacts. The following are specifically noted in this regard:

- The construction phase of the development would require the stripping and storage of significant quantities of soil for buildings and also for the construction of the c.4ha. area of constructed wetlands proposed as part of the development. This activity has the potential to result in the release of sediments to local watercourses.

- On site construction activity has the potential to result in spillages and emissions from construction equipment and machinery that could contaminate surface and groundwaters.
- The development proposes the onsite treatment of water which is generated by the proposed processes and contaminated surface waters. This treated water is proposed to discharge to the Feeghroe Stream which is a tributary of the Rapemills River which is part of the River Shannon Callows SAC. The Rapemills River discharges to the River Shannon.
- Surface water from the development is proposed to be collected on site and to discharge to the Feeghroe Stream. It is noted that the existing drainage pattern in the vicinity of the site is such that there may be elements of the site which currently drain to the south and which reach the Milltown Stream. The Milltown Stream connects with the Rapemills River c.1.5km to the south of the site.
- The proposed development involves the storage of waste / by product material on site generated by the animal processing activity and also the storage of some on site chemicals connected with the waste water treatment system and the proposed on site water supply. A spillage of these materials has the potential to result in the contamination of surface waters and groundwater in the vicinity of the site.
- Failure of the onsite waste water treatment system in operation has the potential to result in effluent being released into the Feeghroe Stream that does not meet the design criteria for treatment effluent. A significant failure of the onsite system would also have the potential to give rise to contamination of groundwaters.
- Ex situ effects arising from the disposal of wastes or by-products generated by the proposed development and as listed in Table 16.7 of the EIAR.
- Potential for the disturbance of birds by way of noise during the operational and construction phases of the development and the direct loss of habitat that may be suitable breeding or feeding habitat.

The following sections set out the potential effects of these aspects of the proposed development on the European sites identified above where there is considered to be a potential connection between appeal site and European site (source-pathway-receptor) in light of the conservation objectives of the relevant sites:

9.1.7.2 ***All Saints Bog and Esker SAC*** (site code 000566) is located c.2.5km to the south west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Milltown Stream which connects with the Rapemills River on the northern side of the SAC and also for discharges to groundwater.

The qualifying interests for this site are:

- Semi-natural dry grasslands and scrubland facies on calcareous substrates
- Active raised bogs
- Degraded raised bogs still capable of natural regeneration
- Depressions on peat substrates of the Rhynchosporion
- Bog woodland

The stated conservation objectives for the site are to maintain or restore the favourable conservation condition of the above listed qualifying interests.

The site synopsis for this site indicates that it is important raised bog site with active raised bog habitat, bog woodland and orchid rich dry grasslands. The main vulnerabilities of the site are listed as burning, peat extraction, sand and gravel extraction and changes in hydrology from development or human activity. The proximity of the proposed development to this site is such that there is the potential for the proposed development to result in a change in water levels in the bog due to water abstraction at the development site. On this issue, it is noted that the groundwater assessment contained in Chapter 11 of the EIAR and prepared by IE Consulting identified this SAC as a groundwater dependant terrestrial ecosystem. The construction phase of the proposed development has the potential to result in the release of sediment or contaminants (hydrocarbons) and while the main surface watercourse draining the site is the Feeghroe Stream, the existing drainage pattern

in the vicinity of the site is such that there is potential that part of the site drains south via the Milltown Stream and Rapemills River that passes the SAC site. It is considered unlikely that a deterioration in water quality would directly or indirectly impact on bog habitat, however it cannot be clearly excluded that this could occur.

Having regard to the above, it is concluded that the proposed development is likely to have a potentially significant effect on the All Saints Bog and Esker SAC, in light of the conservation objectives of the site.

9.1.7.3 ***River Shannon Callows SAC*** (site code 000216) is located approximately 3.2km to the north west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Feeghroe Stream which connects with the Rapemills River and onwards to the River Shannon at a confluence approximately 1km to the west (downstream) of Banagher. The section of the Rapemills River downstream of approximately Lusmagh Bridge is within the SAC and the total length of hydrological connection between the appeal site and the SAC is approximately 4km.

The qualifying interests for this site are:

- Molinia meadows on calcareous, peaty, or clayey-silt-laden soils
- Lowland hay meadows
- Alkaline fens
- Limestone pavements
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior
- Lutra lutra (Otter)

The conservation objective as per the generic conservation objectives document is '*To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*'.

The site comprises lowland areas over an extensive length of the River Shannon (over 50km) and forms the largest floodplain grassland area in the country and has significant importance as a waterbird site. The main vulnerabilities identified in the

site documents comprise human induced changes in hydraulic conditions, grazing / cultivation, and the use of agricultural chemicals.

The proposed development has the potential to have a significant impact on water quality within the SAC due to the proposed discharge of surface and foul water into the Feeghroe Stream. The construction phase of the proposed development also has the potential to result in the release of sediment or contaminants (hydrocarbons) to the SAC site via the Rapemills River and the Feeghroe Stream. It is considered unlikely that deterioration in water quality that could occur in normal operation of the site would directly or indirectly impact on the conservation objectives of the qualifying habitats and species for which the site is identified however in the absence of mitigation such impacts cannot be excluded and specifically the potential for significant effects on the conservation objectives relating to Molinia Meadows, lowland hay meadows and alluvial forest. Habitat surveys of the site as detailed in Chapter 9 and Attachment 9.1 of the EIAR did not record the presence of otter on the appeal site however given the proximity of the Feeghroe Stream to the appeal site there is potential for otter to be present on the site. There is no evidence that the SAC is dependent on groundwater or that there would be a clear groundwater connection between the appeal site and this SAC.

Having regard to the above, it is concluded that the proposed development is likely to have a potentially significant effect on the River Shannon Callows SAC, in light of the conservation objectives of the site.

9.1.7.4 ***Redwood Bog SAC*** (site code 002353) is located approximately 8km to the south west of the appeal site at the closest point and in close proximity to the confluence of the Little Brosna River and the River Shannon. There are no potential surface water connections between the appeal site and this SAC and the potential groundwater connections are considered to be very limited given the nature of the proposed abstraction and the separation distance involved and the fact that the site is located the far (southern) side of the Little Brosna River.

The qualifying interests for this site are the following habitats:

- Raised bog (active),
- Degraded raised bog,
- Rhynchosporion vegetation.

The conservation objective as per the site specific conservation objectives document is to restore the favourable conservation condition of active raised bogs in Redwood Bog SAC as identified by a number of attributes and targets including area, habitat area, vegetation, and hydrological parameters. The main site vulnerability as identified in the site documents relates to peat extraction.

Having regard to the above, and in particular to the absence of a clear hydrological connection between the appeal site and this SAC and to the physical separation between the appeal site and the SAC it is concluded that the proposed development is not likely to have a potentially significant effect on the Redwood Bog SAC, in light of the conservation objectives of the site.

9.1.7.5 ***All Saints Bog SPA*** (site code 004103) is located approximately 2.5 km south west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Milltown Stream which connects with the Rapemills River on the northern side of the SAC and also for discharges to groundwater.

The qualifying interests for this site relate to a single species, the Greenland White Fronted Goose and the generic conservation objective for the site are '*to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'*. The main vulnerabilities to the site identified in the site documents relate to peat extraction, sand and gravel extraction and agricultural practices and pollution.

With regard to likely significant effects arising from the proposed development and potential connections between the appeal site and the All Saints Bog SPA site, there is potential for construction related activity in the form of the storage of materials on site and contamination from construction related equipment to possibly impact on water quality within the SPA site, thereby impacting on conservation objectives of the site. Given the separation between the appeal site and the Milltown Stream and the

very unclear hydrological connections between the appeal site and this stream together with the fact that no development is proposed on the part of the site located on the southern side of the L3010, I do not consider that there is any clear surface water connection between the appeal site and the SPA. With regard to ground water, given the proximity of the sites and the fact that groundwater abstraction at a rate of up to 200 cubic metres per day is proposed, there is potential for the proposed development to impact on groundwater and thereby to impact on the habitat of the bog, with resulting implications for the sites conservation objectives. On this issue, it is noted that the groundwater assessment contained in Chapter 11 of the EIAR and prepared by IE Consulting identified this SAC as a groundwater dependant terrestrial ecosystem and there would therefore appear to be some potential for negative effects on this European site to arise.

There is also the potential for the construction and operational phases of the proposed development to impact on the conservation objectives identified for the site due to habitat loss and disturbance. With regard to the specific species, it is however noted that none of the species listed as qualifying interests of the site were recorded in the surveys undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey). The site does not have any lakes, significant watercourses or other features that would be attractive to wintering birds. The description of the site contained in the site synopsis and the information contained in the Conservation Objectives and Site Synopsis documents does not indicate that habitat such as the appeal site would be significant in supporting the species for which the site is designated.

With regard to disturbance during operation and construction phases, having regard to the limited off site noise impacts predicted to arise on foot of the proposed development and its location relative to sites known to be used by species which are qualifying interests of this site or identified in surveys or site documents no likely significant ex situ effects are considered likely to arise.

Having regard to the above, and in particular to the potential hydrological connection between the appeal site and the SPA it is concluded that the proposed development is likely to have a potentially significant effect on the All Saints Bog SPA, in light of the conservation objectives of the site.

9.1.7.6 The ***Middle Shannon Callows SPA (site code 004096)*** is located c.3.2km to the west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Feeghroe Stream which connects with the Rapemills River and onwards to the River Shannon at a confluence approximately 1km to the west (downstream) of Banagher. The section of the Rapemills River downstream of approximately Lusmagh Bridge is within the SAC and the total length of hydrological connection between the appeal site and the SAC is approximately 4km.

The qualifying interests of the site as listed in the generic conservation objectives for the site are:

- Whooper Swan
- Wigeon
- Corncrake
- Golden Plover
- Lapwing
- Black-tailed Godwit
- Black-headed Gull
- Wetland and Waterbirds

The conservation objective for the site is *'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'*.

The potential impacts on this European site arising from the proposed development include potential construction impacts given that construction would be in close proximity to existing drainage ditches and features on site and the proximity of the Feeghroe Stream. There is therefore the potential for the discharge of stockpiled material or construction related contaminants from the construction area to watercourses that would impact on the European site. At the operational phase of the proposed development, there is potential for the onsite waste water treatment system to result in contamination of surface waters or for a more significant failure of the system to have such an effect that would potentially impact negatively on the

environment of the Callows such as would impact negatively on the conservation objectives of the site. At operational phase, there is the potential for the abstraction of water connected with the proposed development to impact on local groundwater such as would alter the hydrology of the callows and impact on the conservation objectives of the site.

There is also the potential for the construction and operational phases of the proposed development to impact on the conservation objectives identified for the site due to habitat loss and disturbance. With regard to the specific species, it is however noted that none of the species listed as qualifying interests of the site were recorded in the surveys undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey). As noted under the heading of EIA – Ecology, the surveys undertaken relate to the winter period and do not therefore cover the summer breeding period. The site is however such that it is predominately agricultural grassland that is not of any particular benefit as habitat to breeding birds and the site is not currently used as arable lands. The development is proposed to result in the removal of a number of trees and hedgerows that could be suitable breeding bird habitat however no such works would be permitted during the breeding season. The site does not have any lakes, significant watercourses or other features that would be attractive to wintering birds. The description of the site contained in the site synopsis and the information contained in the Conservation Objectives and Site Synopsis documents does not indicate that habitat such as the appeal site would be significant in supporting the species for which the site is designated.

With regard to disturbance during operation and construction phases, having regard to the limited off site noise impacts predicted to arise on foot of the proposed development and its location relative to sites known to be used by species which are qualifying interests of this site or identified in surveys or site documents no likely significant ex situ effects are considered likely to arise.

Having regard to the above, and in particular to the potential hydrological connection between the appeal site and the SPA it is concluded that the proposed development is likely to have a potentially significant effect on the Middle Shannon Callows SPA, in light of the conservation objectives of the site.

9.1.7.7 The ***River Little Brosna Callows SPA*** (site code 004086) is located c.4.5km to the south west of the appeal site at the closest point. The qualifying interests of the site as identified in the generic conservation objectives document for the site are as follows:

- Whooper swan,
- Wigeon,
- Teal,
- Pintail,
- Shoveler
- Golden Plover,
- Lapwing,
- Black Tailed Godwit
- Black Tailed gull,
- Greenland white fronted goose,
- Wetlands

The stated conservation objectives are '*To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'.*

This site is located upstream of drainage from the appeal site and are therefore not considered to be hydrologically connected by way of surface water. While there is potential for the proposed development to have some groundwater connection with this European site, the separation distance and the level of proposed water abstraction is such that significant effects on the habitat of this European site and the ability of the site to support species identified as qualifying interests and for which conservation objectives have been identified are not considered likely.

There is also the potential for the construction and operational phases of the proposed development to impact on the conservation objectives identified for the site due to habitat loss and disturbance. With regard to the specific species, none of the species listed as qualifying interests of the site were recorded in the surveys

undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey). As noted under the heading of EIA – Ecology, the surveys undertaken relate to the winter period and do not therefore cover the summer breeding period. The site is however such that it is predominately agricultural grassland that is not of any particular benefit as habitat to breeding birds and the site is not currently used as arable lands. The development is proposed to result in the removal of a number of trees and hedgerows that could be suitable breeding bird habitat however no such works would be permitted during the breeding season. The site does not have any lakes, significant watercourses or other features that would be attractive to wintering birds. The description of the site contained in the site synopsis and the information contained in the Conservation Objectives and Site Synopsis documents does not indicate that habitat such as the appeal site would be significant in supporting the species for which the site is designated.

With regard to disturbance during operation and construction phases, having regard to the limited off site noise impacts predicted to arise on foot of the proposed development and its location relative to sites known to be used by species which are qualifying interests of this site or identified in surveys or site documents no likely significant ex situ effects are considered likely to arise.

Overall, on the basis of the information available and an inspection of the site it is considered that the proposed development is not likely to have significant effects on this European site in light of its conservation objectives.

9.1.7.8 The ***Dovegrove Callows SPA*** (site code 004137) is located on the Little Brosna River and is located c. 5km to the south of the appeal site at the closest point. The qualifying interests for this site relate to a single species, the Greenland White Fronted Goose. :

This site is located upstream of drainage from the appeal site and are therefore not considered to be hydrologically connected by way of surface water. While there is potential for the proposed development to have some groundwater connection with this European site, the separation distance and the level of proposed water

abstraction is such that significant effects on the habitat of this European site and the ability of the site to support species identified as qualifying interests and for which conservation objectives have been identified are not considered likely.

There is also the potential for the construction and operational phases of the proposed development to impact on the conservation objectives identified for the site due to habitat loss and disturbance. With regard to the specific species, Greenland White Fronted Goose was not recorded in the surveys undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey).

The site does not have any lakes, significant watercourses or other features that would be attractive to wintering birds. The description of the site contained in the site synopsis and the information contained in the Conservation Objectives and Site Synopsis documents does not indicate that habitat such as the appeal site would be significant in supporting the species for which the site is designated.

With regard to disturbance during operation and construction phases, having regard to the limited off site noise impacts predicted to arise on foot of the proposed development and its location relative to sites known to be used by species which are qualifying interests of this site or identified in surveys or site documents no likely significant ex situ effects are considered likely to arise.

Overall, on the basis of the information available and an inspection of the site it is considered that the proposed development is not likely to have significant effects on this European site in light of its conservation objectives.

9.1.7.9 The ***River Suck Callows SPA*** (site code 004097) is located c13.5km to the north west of the appeal site at the closest point. The qualifying interests identified for this site are as follows:

- Whooper Swan (Cygnus cygnus)
- Wigeon (Anas penelope)
- Golden Plover (Pluvialis apricaria)

- Lapwing (Vanellus vanellus)
- Greenland White-fronted Goose
- Wetland and Waterbirds

This site is located upstream of drainage from the appeal site and are therefore not considered to be hydrologically connected by way of surface water. The separation distance between the appeal site and the European site is such that significant effects on the habitat of this European site and the ability of the site to support species identified as qualifying interests and for which conservation objectives have been identified are not considered likely.

There is also the potential for the construction and operational phases of the proposed development to impact on the conservation objectives identified for the site due to habitat loss and disturbance. With regard to the specific species, none of the species listed as qualifying interests of the site were recorded in the surveys undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey). As noted under the heading of EIA – Ecology, the surveys undertaken relate to the winter period and do not therefore cover the summer breeding period. The site is however such that it is predominately agricultural grassland that is not of any particular benefit as habitat to breeding birds and the site is not currently used as arable lands. The development is proposed to result in the removal of a number of trees and hedgerows that could be suitable breeding bird habitat however no such works would be permitted during the breeding season. The site does not have any lakes, significant watercourses or other features that would be attractive to wintering birds. The description of the site contained in the site synopsis and the information contained in the Conservation Objectives and Site Synopsis documents does not indicate that habitat such as the appeal site would be significant in supporting the species for which the site is designated.

With regard to disturbance during operation and construction phases, having regard to the limited off site noise impacts predicted to arise on foot of the proposed development and its location relative to sites known to be used by species which are qualifying interests of this site or identified in surveys or site documents no likely significant ex situ effects are considered likely to arise.

Overall, on the basis of the information available and an inspection of the site it is considered that the proposed development is not likely to have significant effects on this European site in light of its conservation objectives.

9.1.7.10 Other Unidentified Sites

One of the identified indirect operational phase impacts arising from the proposed development are ex situ effects arising from the disposal of wastes or by products generated by the proposed development and as listed in Table 16.7 of the EIAR. Six specific categories of by product / waste are identified in Table 16.7 and of these, land spreading is identified as an option in three of these categories. These are effluent sludge, lairage sludge and belly paunch. The proposed development therefore has some potential to have effects on unidentified European sites located at a remove from the appeal site due to the effects of land spreading on surface and ground waters in the vicinity of the spreading locations.

As discussed at sections 8.2 and 8.4 of this report under the heading of EIA, there is an obligation on the Board to consider as far as is practicable the potential for downstream indirect impacts generated by the proposed development, namely the disposal of waste materials and specifically the land spreading of material on the environment and hence the potential to have significant effects on European sites. In the absence of any mitigation or clarity around the percentage or volumes of the three categories of waste / by product which are identified in Table 16.7 as having the option of land spreading as a disposal method and the lack of any information regarding potential land spreading locations, I do not consider that it can be concluded that the proposed development is not likely to have significant effects on any European sites.

9.1.8. **Mitigation Measures**

No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

9.1.9. **Screening Determination**

The proposed development was considered in light of the requirements of section 177U of the Planning and Development Acts as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project individually or in combination with other plans or projects could have significant effects on the following European sites in view of the conservation objectives of these sites and that Appropriate Assessment is therefore required:

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)
- Other unidentified European sites that could potentially be impacted by ex situ impacts arising from the land spreading of wastes / by products generated by the proposed development and as set out in Table 16.7 of the EIAR.

9.2. Appropriate Assessment

9.2.1. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive,
- Screening the need for appropriate assessment,
- The Natura Impact Statement and associated documents,
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

9.2.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the conservation of natural habitats and of wild flora and fauna throughout the European Union. Article 6(3) of the directive requires that any plan or project not directly connected with or necessary for the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before development commences.

The proposed development is not directly connected to or necessary for the management of any European site and therefore is subject to the provisions of Article 6(3).

9.2.3. Screening Determination

Following the screening process, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development either individually or in combination with other plans or projects will have a significant effect on the following European sites:

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)
- Other unidentified European sites that could potentially be impacted by ex situ impacts arising from the land spreading of wastes / by products generated by the proposed development and as set out in Table 16.7 of the EIAR.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Ridge Road SW of Rapemills SAC (site code 000919)
- Ballyduff / Clonfinane Bog SAC (site code 000641)
- Moyclare Bog SAC (site code 000581)
- Arragh More (Derrybreen Bog) SAC (site code 002207)
- Kilcarren – Firville Bog SAC (site code 000647)
- Lisduff Fen SAC (site code 002147)
- Saravogue Bog SAC (site code 000585)
- Ferbane Bog SAC (site code 000575)
- Island Fen SAC (site code 002236)
- Finn Lough SAC (site code 000576)
- River Little Brosna Callows SPA (site code 004086)
- Dovesgrove Callows SPA (site code 004137)
- River Suck Callows SPA (site code 004097)
- Redwood Bog SAC (site code 002353)

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

9.2.4. The Natura Impact Statement

The application documentation included a NIS (Appropriate Assessment – Natura Impact Statement prepared by Panther Environmental Solutions Limited) which examines and assesses potential adverse effects of the proposed development on the following European sites:

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)

The NIS submitted by the applicant was prepared in line with current best practice guidelines and provides an assessment of the likely effects of the proposed development on the integrity of the above European sites in light of the conservation objectives of the sites. The NIS is informed by information contained in the submitted EIAR including ecological surveys as set out in Chapter 9 and Attachment 9.1 and analysis of issues related to water and hydrology set out in Chapters 10 and 11 and Attachments 10.1 and 11.1.

The submitted NIS concludes that, '*subject to recommended mitigation measures, there would be no potential for significant impacts on European sites as a result of the proposed development and mitigation measures employed. This conclusion refers to the development by itself or in combination with other developments'*.

Having reviewed the documents on file including the submitted NIS, the EIAR, submissions received and reports on file I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European sites that have been carried forward from the screening determination undertaken, alone or in combination with other plans or projects:

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)

The issue of the potential effects on other unidentified European sites that could potentially be impacted by ex situ impacts arising from the land spreading of wastes / by products generated by the proposed development is not specifically addressed in the EIAR submitted but will be considered in this appropriate assessment below.

9.2.5. **Appropriate Assessment of Implications of the Proposed Development**

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

9.2.6. **European Sites**

The following sites are subject to Appropriate Assessment:

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)

A description of the sites and their conservation and qualifying interests are set out in the '*Appropriate Assessment – Natura Impact Statement'* and are set out in the screening assessment above.

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include:

- The construction phase of the development would require the stripping and storage of significant quantities of soil for buildings and also for the construction of the c.4ha. area of constructed wetlands proposed as part of the development. This activity has the potential to result in the release of sediments to local watercourses.
- On site construction activity has the potential to result in spillages and emissions from construction equipment and machinery that could contaminate surface and groundwaters.
- The proposed development proposes the onsite treatment of water which is generated by the proposed processes and contaminated surface waters. This treated water is proposed to discharge to the Feeghroe Stream which is a tributary of the Rapemills River which is part of the River Shannon Callows SAC. The Rapemills River discharges to the River Shannon.
- A new on site water supply is proposed with an abstraction rate of c.200 cubic metres per day. Abstraction at this level has the potential to impact on groundwater levels and flows in the vicinity of the site and to impact on groundwater dependant European sites in proximity to the development site.
- Surface water from the development is proposed to be collected on site and to discharge to the Feeghroe Stream. It is noted that the existing drainage pattern in the vicinity of the site is such that there may be elements of the site which currently drain to the south and which reach the Milltown Stream. The Milltown Stream connects with the Rapemills River c.1.5km to the south of the site.
- The proposed development involves the storage of waste material on site generated by the animal processing activity and also the storage of some on site chemicals connected with the waste water treatment system and the proposed on site water supply. A spillage of these materials has the potential to result in the contamination of surface waters and groundwater in the vicinity of the site.

- Failure of the onsite waste water treatment system in operation has the potential to result in effluent being released into the Feeghroe Stream that does not meet the design criteria for treatment effluent. A significant failure of the onsite system would also have the potential to give rise to contamination of groundwaters.
- Potential for the disturbance of birds by way of noise and traffic during the operational and construction phases of the development and the direct loss of habitat that may be suitable breeding or feeding habitat.
- Other unidentified European sites that could potentially be impacted by ex situ impacts arising from the land spreading of wastes / by products generated by the proposed development and as set out in Table 16.7 of the EIAR.

9.2.6.1 All Saints Bog and Esker SAC (site code 000566)

The All Saints Bog and Esker SAC (site code 000566) is located c.2.5km to the south west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Milltown Stream which connects with the Rapemills River on the northern side of the SAC and also for discharges to groundwater.

The qualifying interests for this site are:

- Semi-natural dry grasslands and scrubland facies on calcareous substrates
- Active raised bogs
- Degraded raised bogs still capable of natural regeneration
- Depressions on peat substrates of the Rhynchosporion
- Bog woodland

The stated conservation objectives for the site are to maintain or restore the favourable conservation condition of the above listed qualifying interests.

Arising from the screening assessment undertaken, it is considered that as this site is a groundwater dependant system and given that a relatively significant on site abstraction of water is proposed to serve the development (c.200 cubic metres per

day) and that there is the potential for a significant failure of the proposed on site waste water treatment system or in the storage of animal / process related wastes on the site to result in contamination of groundwater, that the proposed development would have potential to have significant adverse effects on the conservation objectives of the site. During construction, there is also potential for discharges to surface and groundwater that could impact on the site.

The following table (Table 1) sets out the potential adverse effects on each qualifying interest and associated specific conservation objectives for this site and the impact on site integrity post mitigation.

Of particular note in terms of potential impacts is the separation distance between the appeal site and the SAC site (c.2.5km). The fact that the main source of water to the bog and transitional areas arises from surface water sources is also noted and the proposed development will not act to reduce these water sources. The potential for the proposed groundwater abstraction to impact on the hydrology of the bog is recognised, however the appeal site is located in a moderately productive aquifer and such that the proposed abstraction would not impact on the hydrology of the bog such as to affect the site integrity.

The potential for contamination of ground and surface waters during ***construction*** would be mitigated by the use of on site mitigation around the storage and stripping of soils and sub soils, use of silt control measures and avoidance of karst areas (mitigation measures detailed in sections 10.7 and 11.10 of EIAR and 8.1 of the NIS). Subject to the measures outlined, it is not considered that there would be any likely discharges to ground or surface waters during the construction phase of the project that would have an adverse effect on the integrity of the site having regard to the conservation objectives.

At the ***operational phase***, the main surface water discharge from the site is proposed to be to the Feeghroe Stream and not south towards the Milltown Stream and the All Saints Bog and Esker SAC. Operational phase discharges to surface waters would also be to the Feeghroe Stream and would not therefore impact on the SAC. In any event mitigation in the form of design of the waste water treatment system is proposed with specific measures to ensure monitoring of the system to maintain designed quality of outfall discharges and measures for the recycling of

effluent in the event of an exceedance of design standards or other form of failure of the system proposed, (see Appendix 8.1 of the response to further information submitted). Measures for the bunding of the plant are also proposed such that waste water could be contained in the event of a failure of the system. Measures for the containment and storage of wastes on site are also proposed so that such storage would be located within surfaced areas that drain to the wwtp. Containers are proposed to be bunded in the event of spillage and on site measures in the event of a spillage are proposed to be developed. Surface water drainage from clean areas is proposed to be collected and discharged via the new on site surface water drainage system with silt and by pass separators prior to controlled discharge to the Feeghroe Stream, thereby avoiding the Milltown Stream.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of All Saints Bog and Esker SAC in view of the conservation objectives of this site.

Table 1 All Saints Bog and Esker SAC (site code 000566)

Summary of Key issues that could give rise to adverse effects

- **Groundwater abstraction**
- **Contamination of groundwater from wwtp or on site storage**
- **Surface water impact on the Milltown Stream**
- **Construction phase discharges.**

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Semi natural dry grasslands	Habitat area stable or increasing, no decline in habitat distribution, vegetation composition and composition.	Potential contamination of grassland areas from surface water or groundwater contamination.	Construction phase mitigation to minimise the release of silt or other contaminants. Measures include silt fencing and on site management of materials and equipment. Operational phase design and operation mitigation of the potential impacts on ground and surface waters arising from failure of the onsite wwtp or storage of waste materials on site proposed that would mitigate impacts on water quality.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.

Active raised bogs	Habitat area and distribution, hydrology, transitional areas, vegetation composition & water quality.	Potential effect of ground and surface water contamination on vegetation and change in hydrology of the SAC arising from water abstraction at the appeal site. Reduction in water supply to the bog from surface water sources.	Construction phase mitigation to minimise the release of silt or other contaminants. Measures include silt fencing and on site management of materials and equipment. Operational phase design and operation mitigation of the potential impacts on ground and surface waters arising from failure of the onsite wwtp or storage of waste materials on site proposed that would mitigate impacts on water quality. Volume of water proposed to be abstracted and separation distance to the SAC such that material impacts on hydrology of the SAC unlikely to arise. The main water source feeding the SAC bog habitat are surface waters at the margins of the site / transitional areas and the proposed development will not impact on these sources.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Degraded raised bogs	No attributes or targets listed.	No clear adverse effects identified.	Construction phase mitigation as above and operational phase design an operational mitigation aimed at protection of surface and ground water quality.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.

Depressions on peat substrates	No attributes or targets listed.	No clear adverse effects identified.	No mitigation required or specified.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Bog woodland	Habitat area & distribution, vegetation composition, woodland structure.	Potential effect of ground and surface water contamination on vegetation and change in hydrology of the SAC arising from water abstraction at the appeal site. Reduction in water supply to the bog from surface water sources.	Construction phase mitigation to minimise the release of silt or other contaminants. Measures include silt fencing and on site management of materials and equipment. Operational phase design and operation mitigation of the potential impacts on ground and surface waters arising from failure of the onsite wwtp or storage of waste materials on site proposed that would mitigate impacts on water quality. Volume of water proposed to be abstracted and separation distance to the SAC such that material impacts on hydrology of the SAC unlikely to arise.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

9.2.6.2 River Shannon Callows SAC (site code 000216)

The River Shannon Callows SAC (site code 000216) is located approximately 3.2km to the north west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Feeghroe Stream which connects with the Rapemills River and onwards to the River Shannon at a confluence approximately 1km to the west (downstream) of Banagher. The section of the Rapemills River downstream of approximately Lusmagh Bridge is within the SAC and the total length of hydrological connection between the appeal site and the SAC is approximately 4km.

The qualifying interests for this site are:

- Molinia meadows on calcareous, peaty, or clayey-silt-laden soils
- Lowland hay meadows
- Alkaline fens
- Limestone pavements
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior
- Lutra lutra (Otter)

The conservation objective as per the generic conservation objectives document is '*To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*'.

The site comprises lowland areas over an extensive length of the River Shannon (over 50km) and forms the largest floodplain grassland area in the country and has significant importance as a waterbird site. The main vulnerabilities identified in the site documents comprise human induced changes in hydraulic conditions, grazing / cultivation, and the use of agricultural chemicals.

Arising from the screening assessment undertaken, it is considered that the proposed development has the potential to have a significant impact on water quality within the SAC due to the proposed discharge of surface and foul water into the Feeghroe Stream. The construction phase of the proposed development also has

the potential to result in the release of sediment or contaminants (hydrocarbons) to the SAC site via the Rapemills River and the Feeghroe Stream. It is considered unlikely that deterioration in water quality that could occur in normal operation of the site would directly or indirectly impact on the conservation objectives of the qualifying habitats and species for which the site is identified however in the absence of mitigation such impacts cannot be excluded and specifically the potential for significant effects on the conservation objectives relating to Molinia Meadows, lowland hay meadows and alluvial forest. Habitat surveys of the site as detailed in Chapter 9 and Attachment 9.1 of the EIAR did not record the presence of otter on the appeal site however given the proximity of the Feeghroe Stream to the appeal site there is potential for otter to be present on the site.

The following table (Table 2) sets out the potential adverse effects on each qualifying interest and associated conservation objectives for this site and the impact on site integrity post mitigation.

Potential impacts on the qualifying interests of the site would be mitigated by a range of design, construction, and operational phase mitigation. During the ***construction phase,*** the development would be the subject of mitigation measures to minimise the potential for the discharge of contaminants and pollutants from the site. These measures are set out at section 8.1 of Volume 1 of the EIAR and are also in sections 10.7 and 11.10 of the same document. These mitigation measures contain measures to ensure the provision of silt control features as require around material storage areas and in proximity to watercourses. Measures for the controlled and phased stripping of soil are also proposed as are measures relating to dedicated storage areas for materials and equipment. Subject to the measures outlined, it is not considered that there would be any likely discharges to ground or surface waters during the construction phase of the project that would have an adverse effect on the integrity of the site having regard to its conservation objectives.

Regarding the ***operational phase*** of the project, measures for the monitoring and control of the proposed on site waste water treatment system are set out in Appendix 8.1 of the response to further information submitted. The measures proposed include continuous monitoring of the outfall from the wwtp and the provision of emergency diversion and recycling of effluent in the event that an issue arises. Measures for the bunding of the plant are also proposed such that waste water could

be contained in the event of a failure of the system. Measures for the containment and storage of wastes on site are also proposed so that such storage would be located within surfaced areas that drain to the wwtp. Containers are proposed to be bunded in the event of spillage and on site measures in the event of a spillage are proposed to be developed. Surface water drainage from clean areas is proposed to be collected and discharged via the new on site surface water drainage system with silt and by pass separators prior to controlled discharge to the Feeghroe Stream.

With specific regard to ***otter***, no sign of the species was observed during the ecological surveys of the site and the separation distance between the SAC and the appeal site is such that the site is very unlikely to be an important habitat for the population connected with the SAC, The even temporary loss of habitat due to disturbance or possible direct impact during the construction phase would not impact on the integrity of the SAC site. At operational phase, no significant disturbance impacts are considered likely to arise. Potential for the site to become more significant otter habitat with construction of the integrated constructed wetlands.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Shannon Callows SAC in view of the conservation objectives of this site.

Table 2: River Shannon Callows SAC (site code 000216)

Summary of Key issues that could give rise to adverse effects

- **Contamination of groundwater from wwtp or on site storage**
- **Surface water impact on the Feeghroe Stream from wwtp and surface water discharges**
- **Construction phase discharges.**
- **Disturbance of otter.**

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Molinia meadows on calcareous, peaty, or clayey soils.	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and species for which the SAC has been selected. No site specific conservation objectives or associated attributes and targets provided.	Potential impact on water quality during the operational and construction phases could impact on this habitat.	Construction phase mitigation in form of silt fencing, control of stripping and storage of soils and management of other contaminants on site. Outfall quality of wwtp design and surface water design, associated monitoring and on site protection against discharges to groundwater.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Lowland hay meadows	As above.	Potential impact on water quality during the operational and construction phases could impact on this habitat.	Construction phase mitigation in form of silt fencing, control of stripping and storage of soils and management of other contaminants on site. Outfall quality of wwtp design and surface water design, associated monitoring and on site protection against discharges to groundwater.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Alkaline fens	As above.	Potential impact on water quality during the operational	Construction phase mitigation in form of silt fencing, control of stripping and storage of soils and	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to

		and construction phases could impact on this habitat.	management of other contaminants on site. Outfall quality of wwtp design and surface water design, associated monitoring and on site protection against discharges to groundwater.		absence of effects on these qualifying interests in view of their conservation objectives.
Limestone pavements	As above.	No direct or indirect impacts on this habitat likely.	None required.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Alluvial forests	As above.	Potential impact on water quality during the operational and construction phases could impact on this habitat.	Construction phase mitigation in form of silt fencing, control of stripping and storage of soils and management of other contaminants on site. Outfall quality of wwtp design and surface water design, associated monitoring and on site protection against discharges to groundwater.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Lutra lutra (otter)	As above.	Otter not recorded in on site ecological surveys and site not within known range but some potential for them to be present on the site given proximity to watercourses. Disturbance during construction and operation therefore possible and reduction in food due to reduced water quality. .	Significant separation between the SAC and appeal site is such that it is very unlikely that the site would be a significant habitat for the population connected with the SAC. Potential otter habitat on western side of site where ICW construction proposed.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

9.2.6.3 All Saints Bog SPA (site code 004102)

All Saints Bog SPA (site code 004103) is located approximately 2.5 km south west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Milltown Stream which connects with the Rapemills River on the northern side of the SAC and also for discharges to groundwater.

The qualifying interests for this site relate to a single species, the Greenland White Fronted Goose and the generic conservation objective for the site are '*to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'*. The main vulnerabilities to the site identified in the site documents relate to peat extraction, sand and gravel extraction and agricultural practices and pollution.

Arising from the screening assessment undertaken, it is considered that as this site is a groundwater dependant system and given that a relatively significant on site abstraction of water is proposed to serve the development (c.200 cubic metres per day) and that there is the potential for a significant failure of the proposed on site waste water treatment system or in the storage of animal / process related wastes on the site to result in contamination of groundwater, that the proposed development would have potential to have significant adverse effects on the conservation objectives of the site.

The following table (Table 3) sets out the potential adverse effects on each qualifying interest and associated conservation objectives for this site and the impact on site integrity post mitigation.

Potential impacts on the qualifying interests of the site would be mitigated by a range of design, construction, and operational phase mitigation. During the ***construction phase,*** the development would be the subject of mitigation measures to minimise the potential for the discharge of contaminants and pollutants from the site. These measures are set out at section 8.1 of Volume 1 of the EIAR and are also in sections 10.7 and 11.10 of the same document. These mitigation measures contain measures to ensure the provision of silt control features as require around material storage areas and in proximity to watercourses. Measures for the controlled and

phased stripping of soil are proposed as are measures relating to dedicated storage areas for materials and equipment. Subject to the measures outlined, it is not considered that there would be any likely discharges to ground or surface waters during the construction phase of the project that would have an adverse effect on the integrity of the site having regard to the conservation objectives.

At the ***operational phase*** of the project, measures for the monitoring and control of the proposed on site waste water treatment system are set out in Appendix 8.1 of the response to further information submitted. The measures proposed include continuous monitoring of the outfall from the wwtp and the provision of emergency diversion and recycling of effluent in the event that an issue arises. Measures for the bunding of the plant are also proposed such that waste water could be contained in the event of a failure of the system. Measures for the containment and storage of wastes on site are also proposed so that such storage would be located within surfaced areas that drain to the wwtp. Containers are proposed to be bunded in the event of spillage and on site measures in the event of a spillage are proposed to be developed.

Of particular note in terms of potential impacts arising on the hydrology of the bog is the separation distance between the appeal site and the SAC site (c.2.5km). The fact that the main source of water to the bog and transitional areas arises from surface water sources is also noted and the proposed development will not act to reduce these water sources. The potential for the proposed groundwater abstraction to impact on the hydrology of the bog is recognised, however the appeal site is located in a moderately productive aquifer and such that the proposed abstraction would not impact on the hydrology of the bog such as to affect the site integrity.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of All Saints Bog SPA in view of the conservation objectives of this site.

Table 3: All Saints Bog SPA (site code 004102)

Summary of Key issues that could give rise to adverse effects

- **Water abstraction at the proposed development site.**
- **Contamination of groundwater from spillages from the wwtp or other wastes stored on the site at the operational phase.**

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Greenland White Fronted Goose	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. No site specific targets or attributes identified.	Potential for water abstraction at the proposed development site to result in a change in the hydrology of the bog. Drying out of the site such that it would not be suitable habitat for geese. Potential for discharges to groundwater from the construction and particularly operational phases of the project to lead to pollution of the sources feeding the bog.	Construction phase mitigation to minimise the release of silt or other contaminants. Measures include silt fencing and on site management of materials and equipment. Operational phase design and operation mitigation of the potential impacts on ground and surface waters arising from failure of the onsite wwtp or storage of waste materials on site proposed that would mitigate impacts on water quality. Volume of water proposed to be abstracted and separation distance to the SAC such that material impacts on hydrology of the SAC unlikely to arise. The main water source feeding the SAC bog habitat are surface waters at the margins of the site / transitional areas and the proposed development will not impact on these	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

9.2.6.4 Middle Shannon Callows SPA (site code 004096)

The Middle Shannon Callows SPA (site code 004096) is located c.3.2km to the west of the appeal site at the closest point. The potential connections between the appeal site and this European site comprise the potential for surface water drainage from the site to the Feeghroe Stream which connects with the Rapemills River and onwards to the River Shannon at a confluence approximately 1km to the west (downstream) of Banagher. The section of the Rapemills River downstream of approximately Lusmagh Bridge is within the SAC and the total length of hydrological connection between the appeal site and the SAC is approximately 4km.

The qualifying interests of the site as listed in the generic conservation objectives for the site are:

- Whooper Swan
- Wigeon
- Corncrake
- Golden Plover
- Lapwing
- Black-tailed Godwit
- Black-headed Gull
- Wetland and Waterbirds

The conservation objective for the site is *'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'*.

Arising from the screening assessment undertaken, it is considered that there is potential for the discharge of stockpiled material or construction related contaminants from the construction area to watercourses that would impact on the European site. At the operational phase of the proposed development, there is potential for the onsite waste water treatment system to result in contamination of surface waters or for a more significant failure of the system to have such an effect that would potentially impact negatively on the environment of the Callows such as would impact negatively on the conservation objectives of the site.

None of the wintering bird species listed as qualifying interests of the site were recorded in the surveys undertaken for the EIAR / NIS (October 2018 and January 2019) or the additional survey undertaken in November 2019 and included as part of the response to further information (Appendix 3 of RFI – Breeding Bird Survey). The appeal site is very much at a remove from the SPA site and does not have any lakes, significant watercourses or other features that would be attractive to wintering birds.

With regard to breeding bird species, (lapwing, black headed gull, and corncrake), as detailed in the Breeding Bird Survey report submitted, the habitat on site is unremarkable in the context of the wider area and not suitable for breeding birds. The separation distance between the site and the SPA is such that there is a significant degree of separation and there is nothing to suggest that the site is a significant habitat for breeding birds or that a reduction in habitat on the appeal site either by direct habitat loss or disturbance would have any adverse effect on the conservation objectives of the site.

The following table (Table 4) sets out the potential adverse effects on each qualifying interest and associated conservation objectives for this site and the impact on site integrity post mitigation.

Potential impacts on the qualifying interests of the site arising from contamination of waterbodies would be mitigated by a range of design, construction, and operational phase mitigation. During the ***construction phase,*** the development would be the subject of mitigation measures to minimise the potential for the discharge of contaminants and pollutants from the site. These measures are set out at section 8.1 of the EIAR and are also in sections 10.7 and 11.10 of the EIAR. These mitigation measures contain measures to ensure the provision of silt control features as require around material storage areas and in proximity to watercourses. Measures for the controlled and phased stripping of soil are proposed as are measures relating to dedicated storage areas for materials and equipment. Subject to the measures outlined, it is not considered that there would be any likely discharges to ground or surface waters during the construction phase of the project that would have an adverse effect on the integrity of the site having regard to the conservation objectives.

At the ***operational phase*** of the project, measures for the monitoring and control of the proposed on site waste water treatment system are set out in Appendix 8.1 of the response to further information submitted. The measures proposed include continuous monitoring of the outfall from the wwtp and the provision of emergency diversion and recycling of effluent in the event that an issue arises. Measures for the bunding of the plant are also proposed such that waste water could be contained in the event of a failure of the system. Measures for the containment and storage of wastes on site are also proposed so that such storage would be located within surfaced areas that drain to the wwtp. Containers are proposed to be bunded in the event of spillage and on site measures in the event of a spillage are proposed to be developed.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Middle Shannon Callows SPA in view of the conservation objectives of this site.

Table 4: Middle Shannon Callows SPA (site code 004096)

Summary of Key issues that could give rise to adverse effects

- **Construction phase contamination of watercourses that connect with the site.**
- **Contamination of ground or surface waters from emergency discharges from the wwtp or other wastes stored on the site at the operational phase.**

		Summary of Appropriate Assessment			
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Whooper Swan	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. No site specific targets or attributes identified.	Potential impact on water quality during the operational and construction phases could impact on this habitat	Construction phase mitigation in form of silt fencing, control of stripping and storage of soils and management of other contaminants on site. Outfall quality of wwtp design and surface water design, associated monitoring and on site protection against discharges to groundwater.	None.	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Wigeon	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Corncrake	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.

Golden Plover	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Lapwing	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Black-tailed Godwit	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Black-headed Gull	As above.	As above.	As above.	None	Yes Adverse effects on site integrity can be excluded as there is no doubt as to absence of effects on these qualifying interests in view of their conservation objectives.
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

9.2.6.5 Other Unidentified European Sites

The screening assessment undertaken identified the potential for other unidentified European sites that could potentially be impacted by ex situ impacts arising from the land spreading of wastes / by products generated by the proposed development and as set out in Table 16.7 of the EIAR. A number of these wastes / by products, namely effluent sludge, lairage sludge and belly paunch, identify land spreading as one of a number of options for disposal of this material. Specifically, the disposal of such material off site raises the potential for the increase in nutrient loading in ground and surface waters with potential negative impacts on conservation objectives of European sites which have species or habitats that are sensitive to water quality.

As detailed previously at 8.2 and 8.4 of this report under the heading of EIA, based on the application documentation, it is unclear to what extent it is feasible at this stage of the project for the applicant to identify specific sites for land spreading. As set out under the EIA heading, a case can be made that it is not feasible for the first party to identify specific locations for the spreading of material and that subject to mitigation in the form of the use of registered hauliers, preparation of a Nutrient Management Plan and compliance with the appropriate regulations, that post mitigation, the potential for significant negative environmental impacts can be concluded to be low. In the case of Appropriate Assessment however the standard to be met is clearly different, and the competent authority has to be able to conclude that the proposed development would not adversely affect the integrity of a site in view of its conservation objectives. In order to reach this conclusion, no reasonable scientific doubt can remain as to the absence of adverse effects on the site.

In the case of the proposed development, I consider that the mitigation measures set out in the EIAR in the form of the requirement for the contractor disposing of material to prepare a Nutrient Management Plan in accordance with the Nitrates Regulations and adhere to relevant regulations including the EU (Good Agricultural Practice for Protection of Wastes) Regulations, 2017 would act to substantially mitigate the risk of pollution of ground and water sources due to land spreading. For an adverse impact on the integrity of a European site to arise, the land spreading location would have to be in a location such as it would have a potential pathway to a European site

whose qualifying interests and associated conservation objectives are such that they would be potentially impacted by a deterioration in water quality.

The fact remains however that the application documentation does not provide any information with regard to land spreading locations, even to the level that specific water catchments could be identified and does not specify likely volumes or tonnages to be disposed of via this method. For this reason, on the basis of the information presented, I do not consider that if land spreading is included as an option for the disposal of by products from the development that it can be determined beyond reasonable scientific doubt that the proposed development would not have a potential adverse effect on the integrity of a European site.

In sections 8.2 and 8.4 of this report under the heading of EIA, the option was presented to the Board of specifying by way of condition that no waste or by product derived from the proposed development would be disposed of by way of land spreading. As discussed in those sections, the information presented in the EIAR, and specifically, Table 16.7 indicates that there are alternative methods of disposal of waste / by products other than land spreading available and that it is considered an option for the Board to specify by way of condition that no such material would be disposed of by land spreading. In the event that such a condition was included, I am satisfied that all waste / by product materials derived from the proposed development would be disposed of to licenced and permitted facilities and therefore, subject to a condition specifying the omission of land spreading as a disposal method, I am satisfied that the proposed development, including the disposal of waste / by product material, would not have an adverse effect on the integrity of any other European sites.

As also discussed at Sections 8.2 and 8.4 of this report under the heading of EIA, in the event that the Board do not consider that this is an appropriate approach, it may consider it appropriate to request additional details from the first party regarding the off site locations where land spreading of the by products listed in Table 16.7 of the EIAR may occur, together with relevant volumes and to submit a revised Appropriate Assessment setting out the potential for adverse effects on the integrity of European sites arising.

9.2.7 Appropriate Assessment Conclusion

The extension to an existing abattoir has been considered in light of the assessment requirements of Section 177V of the Planning and Development Act, 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on

- River Shannon Callows SAC (site code 000216)
- All Saints Bog and Esker SAC (site code 000566)
- All Saints Bog SPA (site code 004102)
- Middle Shannon Callows SPA (site code 004096)
- Other unidentified European sites that may potentially be impacted by indirect impacts on water quality from disposal of wastes / by products from the development off site and specifically by way of land spreading.

Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the above listed European sites or any other European sites in light of their conservation objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the above listed European sites,
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans,
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Shannon Callows SAC (site code 000216,
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of All Saints Bog and Esker SAC (site code 000566),
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of All Saints Bog SPA (site code 004102)
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Middle Shannon Callows SPA (site code 004096)
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of other unidentified European sites that may potentially be impacted by indirect impacts on water quality from disposal of wastes / by products from the development off site and specifically by way of land spreading.

10.0 **Recommendation**

10.1. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

11.0 **Reasons and Considerations**

Having regard to:

(a) the *Climate Action Plan, 2021* and the provisions of the *Climate Action and Low Carbon Development (Amendment) Act, 2021*,

(b) the provisions of *Project Ireland 2040, the National Planning Framework* and specifically National Policy Objectives 15 and 23 relating to the development of rural area and the rural economy,

(c) the policies set out in the *Regional Spatial and Economic Strategy for the Eastern and Midlands Region, 2019-2031*

(d) the policies of the planning authority as set out in the *Offaly County Development Plan 2021-2027,*

(e) the nature, design and scale of the proposed development and the contents of the Environmental Impact Assessment Report, Appropriate Assessment – Natura Impact Statement Report and further information submitted by the applicant,

(f) the range of mitigation measures set out in the documentation received, including the Environmental Impact Assessment Report and further submissions made by Applicant in the course of the appeal,

(g) the distances of the proposed development to dwellings or other sensitive receptors,

(h) the separation distance from the site of the proposed development to sites designated as part of the Natura 2000 network and the nature of the connections between them,

(i) the topography and character of the landscape of the area in which the development is proposed,

(j) the planning history of the site and the pattern of existing and permitted development in the area, and

(k) the submissions made in the course of the planning application and appeal,

it is considered that, subject to compliance with the conditions set out below, that the proposed development:

- would be in accordance with national and regional policy on development in rural areas and the promotion of the agricultural sector and the local economy,
- would, pending the adoption of sectoral emissions plans, not be such as to be contrary to the provisions of the *Climate Action Plan, 2021* and the provisions of the *Climate Action and Low Carbon Development (Amendment) Act, 2021*,
- would be in accordance with the provisions of the *Offaly County Development Plan, 2021-202*7, including the policies relating to economic development, protection of the environment and the protection of landscapes and scenic amenity,
- would not seriously injure the visual amenities of the area or have a significant negative impact on the landscape,
- would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site,
- would not have an adverse effect on the integrity of any European site or be such as to have a significant negative impact on biodiversity,
- would not give rise to a risk of pollution,
- would not detract from archaeological features or from architectural heritage,
- would be acceptable in terms of traffic safety and convenience and
- would not be prejudicial to public health.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **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 7th day of January 2020, the 23rd of January, 2020 and the 30th June, 2020 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 mitigation measures contained in the Environmental Impact Assessment Report and Natura Impact Statement submitted with the application shall be implemented in full in the development except as may be required in order to comply with conditions attached to this order,

   Reason: To ensure the protection of the environment.

3. None of the by-product materials identified at Table 16.7 of the EIAR Main Volume shall be disposed of by way of land spreading without a further grant of permission. Prior to the commencement of operations at the permitted facility, the developer shall submit a revised Table 16.7 setting out waste / by product streams that will be generated by the facility, associated tonnages / volumes and proposed disposal methods that takes account of this requirement.

   Reason: To minimise the potential for indirect effects on water quality and to ensure that the development would not have any adverse effects on the integrity of European sites located at a remove from the development site arising from the land spreading of by product materials.

4. Activity at the site shall be restricted to a maximum slaughter rate of 140 no. animals per day to be averaged over a 4 week period. Prior to the commencement of activity at the site, details for monitoring and ensuring compliance with this condition shall be agreed in writing with the Planning Authority.

   Reason: To clarify the extent of the permission and to ensure that the permitted development reflects the description of development and analysis of environmental impacts presented in the EIAR submitted with the application.

5. The permitted development shall operate solely between 07.00 hours and 18.00 hours daily and deliveries shall be restricted to the same hours.

   Reason: In the interests of the amenity of properties in the vicinity and along the routes to and from the site.

6. Prior to the commencement of operations at the permitted facility, a licence shall be obtained from the Environmental Protection Agency and the facility shall operate in accordance with the terms of any licence issued.

   Reason: In recognition of the licensable nature of the proposed facility and to ensure that all emissions from the facility are monitored and within the limits specified by the EPA.

7. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

   Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Water supply and surface water drainage arrangements, including attenuation, shall comply with the requirements of the planning authority for such works and services.

   Reason: In the interest of public health.

9. Prior to the commencement of development, details of noise and dust monitoring locations and a mechanism for the agreement and enforcement of standards for these emissions during the course of the construction phase of the development shall be agreed in writing with the planning authority.

   Reason: To protect the amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

    Reason: In the interest of sustainable waste management.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction traffic, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

    Reason: In the interest of public safety and visual amenity.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

    Reason: In the interest of encouraging the use of sustainable modes of transport.

14. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

    (a) A plan to scale of not less than [1:500] showing –

        (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping

        (ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs

(iv) Details of screen planting

(v) Details of all roadside/boundary planting which shall not include prunus species

(vi) Hard landscaping works,

(b) Specifications for mounding, levelling, cultivation, and other operations associated with plant and grass establishment

(c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. The following roads requirements shall be complied with in the development:

(a) The Road Safety Audit Stage 1 and 2 submitted to the Planning Authority on 30th Jun, 2020 shall be complied with in the development.

(b) Prior to the commencement of development, the developer shall submit design and construction details for the proposed road level reduction and carriageway widening on the R438 and L3010 as proposed in Drg. Nos 03119/CRFI-01 and 1806-22 received by the Planning Authority on 30th June, 2020 for the written agreement of the Planning Authority, These works shall be undertaken at the expense of the developer.

(c) All internal areas including roads, junctions and parking areas shall be constructed in accordance with the detailed requirements of the Planning Authority.

Reason: In the interests of traffic safety and orderly development.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the proposed works to the R.438 received by the Planning Authority on 30th June, 2020 including a lowering of the road surface The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

    Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development.

17. The developer shall pay to the planning authority a financial contribution of €96,073 (ninety six thousand and seventy three euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

    Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Stephen Kay

Inspectorate

24th January, 2022