



An
Bord
Pleanála

Inspector's Report ABP-308426-20

Development	Construction of a 14-bay slatted shed, a roofed collecting yard with slatted tanks, rotary milking parlour, an overground slurry storage tank, silage slabs and associated development
Location	Templehouse demense townland, Ballymote, County Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	PL20/248
Applicant(s)	Sligo Pastures Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	1 st April 2021
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	7
5.0 Policy & Context	7
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicants' Response.....	12
6.3. Planning Authority Response	12
6.4. Observations	12
7.0 Assessment.....	13
7.1. Introduction	13
7.2. Agricultural Development Policy.....	13
7.3. Visual Amenities and Cultural Heritage.....	14
7.4. Waste Management, Emissions & Water Quality	16
7.5. Ecology and Environment	20
7.6. Roads.....	23
8.0 Appropriate Assessment.....	23
9.0 Recommendation.....	28
10.0 Reasons and Considerations	29
11.0 Conditions	29

1.0 Site Location and Description

- 1.1.** The appeal site is situated approximately 5km to the northwest of Ballymote town and 750m east of the N17 national road in County Sligo. It currently comprises 5.5 hectares of agricultural grazing pastures situated centrally within the 400 hectares landholding forming Templehouse estate. The estate grounds feature agricultural paddocks, gardens and woodlands, as well as farmyard complexes and stables, walled gardens, castle ruins and lodges. A winding avenue from the local road (L1601) on the northeast boundary leads towards the main house on rising ground overlooking Templehouse Lake, with the appeal site situated to the rear of this beyond the farmyard complex. A separate service access road is available from the northern boundary of the estate with the local road.
- 1.2.** The house and grounds are used for a variety of purposes, including for visitor accommodation and as an events venue. The estate grounds are currently used for sheep grazing and cattle were housed in a large shed on site during my visit. The detached multiple-bay limestone house on site dates from approximately 1820 and is included within the Record of Protected Structures (RPS) (ref.369) appended to the Sligo County Development Plan 2017-2023 and also within the National Inventory of Architectural Heritage (NIAH ref. 32403307). The surrounding area outside of the estate grounds is primarily characterised by agricultural fields bound by mature hedgerows and trees interspersed with individual houses and farmsteads. The site is situated approximately 450m north of Templehouse Lake and 600m northwest of Owenmore River.

2.0 Proposed Development

- 2.1.** The proposed development for which permission is sought, would comprise the following:
- construction of a 14-bay slatted cubicle shed measuring a stated 1,847sq.m;
 - construction of a roofed collection yard with slatted slurry tank and rotary milking parlour measuring a stated 1,071sq.m;
 - construction of a silage slab area measuring a stated 1,590sq.m, with concrete apron;

- construction of an overground cylindrical slurry storage tank with a stated capacity of 2,709 cubic metres;
- all associated groundworks and landscaping, including a 3m-wide access road, drafting yard, meal bins, bored well water supply, rainwater harvesting, removal of a sycamore tree, replacement trees and screen planting.

2.2. In addition to the standard documentation and drawings, the planning application was accompanied by the following:

- Bat Survey Report;
- Farmer Full–Fertiliser Plan 2019;
- Supporting Supplementary (Environmental) Information report;
- Architectural Heritage Impact Assessment;
- Habitats Directive Appropriate Assessment (AA) Screening Report (Stage 1);
- Potable Water Supply Tests Results;
- Project Computer-Generated Images (CGIs);
- Site Specific Construction and Demolition Waste Management Plan;
- Land Registry details;
- Letter of Consent from the stated Landowner to submit the application;
- Correspondence addressing ‘the existing sycamore tree on site’;
- Letter of Support from the Stated Landowner;
- Letter from partner organisation involved in the proposed development.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 25 conditions largely addressing operational waste management and generally of a standard nature, including the following:

Condition 2 – resurfacing to local road entrance area;

Condition 11 – no change in agricultural waste storage or disposal, and no increase in proposed livestock numbers;

Condition 18 – site works to be undertaken preventing entry of polluting matter or sediment to surface waters;

Condition 19 – construction phase measures to address sediment control and accidental spillages;

Condition 22 – no access to watercourses by stock on site.

3.2. Planning Authority Reports

3.2.1. Planning Report

The recommendation within the report of the Planning Officer (September 2020) reflects the decision of the planning authority and noted the following:

- the site is located within a ‘sensitive rural environment’ landscape character area;
- having regard to the nature and scale of the development, the distance from the site to European sites and the AA Screening Report submitted with the application, the proposed development would not impact on European sites and an Appropriate Assessment is not required;
- the development is subthreshold for the purposes of environmental impact assessment (EIA), significant effects on the environment would not arise and a screening determination for EIA is not required;
- a derogation licence to address potential impacts on bats is not considered to be required;
- it is not considered that the development would affect the character of the protected structure Templehouse, with an alternative access route available and other buildings of similar use and nature adjacent to the site;
- the nitrates per hectare would be acceptable to the Environment Section;
- many of the matters raised in the An Taisce submission are to be addressed at a national level and farm practices can be reinforced by conditions of a planning permission;

- the proposed development is in line with the provisions of the Sligo County Development Plan 2017-2023 for agricultural developments;
- alternative layout options were considered at preplanning stage, and while the subject proposals would require the felling and removal of a sycamore tree, it is considered that this would be acceptable, as the other options would have a greater visual impact positioned on higher ground and needing to address levels changes;
- exemptions from development contributions do not apply;
- advice note - the initial route option design process for the N17 Knock to Collooney Road upgrade has been completed for this area and three of the possible route options would run through the north and north western edges of Templehouse estate (pastures 13, 14 and 15 of drawing no.100).

3.2.2. Other Technical Reports

- Environmental Services – no objections, subject to conditions;
- National Roads Project Office – no objection, subject to advice note;
- Area Engineer (Roads) – grant, subject to a condition;
- Water Services – no response;
- Heritage Officer – no response.

3.3. Prescribed Bodies

- An Taisce – further information should be requested. The issues raised in this submission are similar to those raised in the grounds of appeal and they are collectively summarised below under the heading ‘Grounds of Appeal’;
- Department of Culture, Heritage and the Gaeltacht (architectural heritage) – no response;
- Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service) – no response;
- The Heritage Council – no response;
- Irish Water – no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application by the planning authority, no third-party observations were received.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Preplanning discussions regarding the construction of a cubicle shed, a milking parlour, a silage slab, a roofed collecting yard and an over ground slurry storage tank on the appeal site were held between representatives of the planning authority and the applicant during May 2019, under planning authority reference (ref.) PP/4384.
- 4.1.2. The planning authority, the applicant and the appellant have each referred to two withdrawn planning applications relating to the site (planning refs. 19/223 and 19/413). I am not aware of any other planning applications relating to the site.

4.2. Surrounding Sites

- 4.2.1. Reflective of the character of the area, planning applications for development in the immediate area relate to one-off housing (planning refs. 18/217 and 18/253), domestic alterations (planning ref. 14/115) and an agricultural shed (planning ref. 16/223).

5.0 Policy & Context

5.1. Sligo County Development Plan 2017-2023

- 5.1.1. General planning policies and objectives for the county are outlined in Volume 1 of the Sligo County Development Plan 2017-2023, while more specific local policies and objectives for settlements are outlined in Volume 2 of this Plan. Section 4.3 of the Development Plan addresses rural development and enterprise, including policy P-RDD-1 addressing proposals for development of rural resource-based enterprise subject to planning considerations and the protection of the environment, while development management standards for agricultural development are set out in section 13.9.1.

5.1.2. As stated in section 1 of the report, the main house on the estate is included in the RPS under ref. 369, as are the stables, courtyard, walled garden and farmyard (RPS ref.370), the main gate lodge (RPS ref.371), the hunting lodge (RPS ref.372), the boathouse (RPS ref.373), Carrowntawy lodge (RPS re.374) and a bridge over the Owenmore River (RPS ref.375).

5.1.3. Other relevant policies and sections of the Development Plan include:

- Section 7.1.1 – Designated sites for Nature Conservation;
- Section 7.2 – Archaeological Heritage;
- Section 7.3 – Architectural Heritage;
- Section 7.4 – Landscape Character;
- SP-TRA-4 - ensure that new development does not compromise the expansion of rail, road and cycling corridors in the County;
- P-NR-2 - protect the route corridors necessary for the construction of new roads;
- Section 9.5 – Waste Management.

5.2. National Guidelines and Legislation

5.2.1. The following guidelines and legislation are relevant:

- EU Good Agricultural Practices for the Protection of Waters Regulations (2017) Statutory Instrument (SI) No.605 of 2017, as amended by SI No.65 of 2018 and SI No.40 of 2020;
- National Planning Framework – Project Ireland 2040 (Government of Ireland, 2018);
- The Climate Action and Low Carbon Development Act 2015;
- Food Wise 2025 – A 10-year Vision for the Irish Agri-Food Industry (Department of Agriculture, Food and the Marine, 2017);
- Spatial Planning and National Roads - Guidelines for Planning Authorities (Department of Environment, Culture and Local Government, 2012).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
000636	Templehouse and Cloonacleigha Loughs SAC	400m	east
001898	Unshin River SAC	6.1km	northeast
002298	River Moy SAC	7.1km	west
000637	Turloughmore (Sligo) SAC	7.9km	southwest
002006	Ox Mountains Bogs SAC	8.9km	west
000492	Doocastle Turlough SAC	10km	south
000622	Ballysadare Bay SAC	10.1km	north
004129	Ballysadare Bay SPA	10.1km	north
001656	Bricklieve Mountains and Keishcorran SAC	10.6km	southeast
000497	Flughany Bog SAC	10.7km	south
000638	Union Wood SAC	10.8km	northeast

5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. Environmental Impact Assessment (EIA) is not mandatory for the proposed project having regard to the categories of development set out within Schedule 5 of the Planning and Development Regulations 2001-2021. Processing of milk or other food processing is not proposed as part of this site specific project.

5.4.2. Having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity and connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. In conjunction with their prescribed body submission, which was accompanied by various submissions with respect to agricultural policy, the grounds of appeal of the appellant, An Taisce, can be collectively summarised as follows:

Development Specifics

- there are inconsistencies in the proposals provided, including the associated area for the proposed dairying operations;
- the planning authority has failed to assess the application in accordance with the Habitats, Nitrates and Water Framework Directives and the exceedance of ammonia air pollution thresholds;
- the implications of the intensified bovine agriculture practices on the estate needs to be fully considered cognisant of similar contexts, given the potential for biodiversity loss, the impact of monoculture fertilised grassland, nitrates runoff, the ecological impact of ammonia emissions and the impact on the historic landscape;
- direct impacts of the intensified grazing and silage production areas draining into Templehouse and Cloonacleigha Loughs SAC need to be considered, particularly as agricultural sources are listed as a potential threat to this designated site;
- the owners rationale for the proposed development in terms of maintaining the property is acknowledged and supported, however, justification regarding how the leasing of the associated land for intensive dairying would provide the income to restore buildings is absent from the application;
- the proposed shed structures would not have a direct visual impact on protected structures or the castle remains;
- proposals fail to address the ecological impacts of the development via intensified grazing on the estate and the lakeland habitat;

- the letter submitted with the application from Devenish is unclear with regards to their role in the project, as are the details addressing run-off coefficients, soil surveys, terrain modelling, storm water discharge, hydrological and hydrogeological data and livestock roads;
- the absence of direct or indirect links with the SAC has not been fully established and a Natura Impact Statement is required. Consequently, there is uncertainty as to whether the project would have adverse effects on the integrity of a site and under case law there cannot be lacunae in reaching a conclusion regarding appropriate assessment;
- further information is required regarding whether or not a derogation licence would be required for the operations under the Nitrates Directive;
- further information is required to address areas of grassland reseeding, cumulative impacts of additional bovine livestock, fertilizer and slurry spreading, cumulative impacts with other neighbouring existing and proposed projects, including dairy productions, and the adverse agricultural impacts on protected habitats;

Bovine Agriculture - Wider Implications

- proposals need to be considered in the context of EU plans, including ‘A Farm to Fork Strategy for a Fair Healthy and Environmentally-Friendly Food System’, and it is not tenable for the Irish beef and dairy sector to state that a reduction in production would be damaging for production;
- the current and continuing level of bovine agriculture in Ireland sustained by nitrate-fertilised grass is incompatible with the objectives of the ‘EU Biodiversity Strategy for 2030 – Bringing Nature Back into Our Lives’;
- the dairy processing and export targets of Foodwise 2025 need to be reviewed and the application is premature pending the revised Common Agricultural Policy (CAP);
- the climatic implications of increased bovine agriculture need to be addressed, including the risks to agriculture in adopting an increasing dependence on a single species;

- there is a major conflict in Ireland between agriculture and biodiversity with agriculture placing significant pressure on habitats with copies of submissions, articles and a report appended to the appellant's submissions, as evidence to demonstrate same;
- the appellant has taken Judicial Review proceedings regarding the Board's decision in relation to a cheese factory at Belview, County Kilkenny, as well as planning appeals of other bovine agricultural developments;
- the impact and reliance of emissions-intensive bovine agriculture needs to be reduced and under the terms of the Climate Action and Low Carbon Development Act 2015, in the performance of its functions An Bord Pleanála must address the objective to mitigate greenhouse gas emissions and adapt to the effects of climate change in the state;
- An Bord Pleanála decision regarding the Shannonbridge peat power plant is of relevance, as this confirms the principles in requiring consideration of the indirect impacts of the increased raw material milk supply for dairy processing in Ireland.

6.2. Applicants' Response

6.2.1. The applicant did not respond to the grounds of appeal.

6.3. Planning Authority Response

6.3.1. The planning authority's response to the grounds of appeal reaffirms their assessment of the proposed development, as outlined in the planning officer's report, and states that the appellant has not submitted any additional information that would alter the planning authority's decision.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

- 7.1.1. The proposed development comprises the construction of various animal housing, feed and waste storage structures, including a 14-bay slatted shed to accommodate 250 cows, which would facilitate the commencement of dairy farm operations using approximately 122 hectares of grazing pastures in the immediate estate grounds, as well as associated spread lands, cow paths and paddock fencing.
- 7.1.2. Having regard to the information presented by parties to the appeal and in the course of the planning application, and following my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following headings:
- Agricultural Development Policy;
 - Visual Impact and Built Heritage;
 - Waste Management, Emissions and Water Quality;
 - Ecology and Environment;
 - Roads.

7.2. Agricultural Development Policy

- 7.2.1. The Department of Agriculture, Food and the Marine have developed a ten-year plan for the agri-food sector titled 'Food Wise 2025', which acknowledges that there are opportunities for expansion and growth of the dairy herd and milk output, particularly due to the rapid growth in demand for dairy products, but that this should involve sustainable intensification considerate of environmental impacts. The appellant raises concerns regarding Government support for the growth of agricultural industry in Ireland and the climatic implications of increased bovine agriculture. I am satisfied that the appellant's present a fundamental challenge to issues of Government policy and principle that are beyond the scope of this appeal. Government policy clearly sets out where intensification of farming is to occur, such as in the subject case, this should only occur in a sustainable manner and having regard to environmental impacts, which I address as part of my assessments below.

- 7.2.2. Sligo County Development Plan 2017-2023 states that the Council will seek to ensure that agricultural activities are carried out to the highest environmental standards and various standards are to be applied when assessing agricultural developments, including impacts on residential amenities. The applicant states that previous farm practices that took place on the estate, included dairy, beef, sheep and tillage, therefore, the agricultural use of the estate is well-established. The operational requirements relating to the need for an associated livestock grazing area to serve this substantive dairy operation dictates the central location for the facility within the landholding. The location would also appear to be dictated by the potential visual impacts that I assess directly below (section 7.3), while there would also appear to be practicalities in locating the development in an area immediate to the existing farm operations. The closest house is the main residence on the estate, which is 200m from the appeal site, with other houses substantively further than this, including the various lodges on the estate. The residents of this main residence support the development as a financial means to provide additional scope to maintain and restore aspects of the architectural heritage of the wider landholding.
- 7.2.3. In conclusion, considering the context for this development, including the existing substantive sheep farming operations and small-scale bovine operations on site, the predominance of agriculture in the wider area, and as agricultural operations are constantly transforming and adapting, I am satisfied that the principle of the proposed development facilitating a dairy farm operation at this location would be satisfactory, subject to more detailed consideration of the planning and environmental impacts addressed below.

7.3. Visual Amenities and Cultural Heritage

- 7.3.1. Parties to the appeal do not object to the visual impacts of the proposed development despite the location of the development proximate to numerous protected structures. According to the Development Plan, where possible proposals for agricultural development should be located within or adjoining existing farmyard complexes. The appeal site is located in a sensitive rural landscape character area based on Development Plan maps, which are areas with an intrinsic scenic quality and a low capacity to absorb new development. Any new developments in such areas must demonstrate a high standard of siting, layout and design. The

Development Plan also illustrates the location of a visually-vulnerable area overlooking the neighbouring lakeside, as well as the ruins of a castle and a fifteenth-century house to the west of the subject site.

- 7.3.2. Due to scale of the estate, the rolling topography and mature woodlands, substantive views of the proposed structures would not be available from beyond the estate. As outlined within the Architectural Heritage Impact Assessment submitted by the applicant, the development is not visible from or alongside Templehouse (RPS 369), which is due to the intervening mature woodland, and I also acknowledge that the development location would not interfere with the visually-vulnerable lakeside area further to the southeast. The applicant has submitted rationale and drawings showing a range of layout options initially considered in order to address the site constraints and the potential development impacts, including the visual impacts arising from the extensive ground-levelling works to facilitate level access throughout the dairy farm facility. As part of the preferred proposed layout a single mature sycamore tree would need to be felled, the impacts of which I address under section 7.5 below.
- 7.3.3. The applicant has stated in their 'Supporting Supplementary Information' report (p.10) that the proposal is for a dairy farm that will not engage in other beef or sheep farming and that the existing dry agricultural calving shed on site would be used for the ancillary storage of hay and straw. As per the application contiguous elevation drawings (no.102 and 103), the proposed buildings and structures would be of similar scale and appearance to this existing shed and they would be constructed on a finished-floor level 2.7m below the existing shed and further from the historic farmyard complex and stables that are included in the record of protected structure (RPS 370). A booklet of CGIs illustrates the context and scale of the development relative to neighbouring buildings and I note that the materials proposed would comprise a green roof cladding to aid in blending the structures into the rural landscape. Final materials should be agreed as part of a condition in the event of a permission. Screen planting is also proposed along the northern side of the sheds, while four replacement sycamore trees are also proposed on the western side, the final location of which would need to be revised by condition to address the proposed positions of underground soakaways.

7.3.4. The proposed development would be of similar scale and appearance to the existing shed structure and would generally accord with rural building principles supported in the Development Plan. I recognise that extensive groundworks would be required for underground storage and to allow for level access throughout the facility, and I also recognise that the scale of the structures is relatively large when compared with other agricultural structures in the surrounding countryside outside the estate. Notwithstanding this, I am satisfied that visibility of the development would be restricted to the immediate 'working area' of the estate lands, with no views interfering with protected landscapes or built heritage features. Accordingly, I am satisfied that the proposed development would not serve as an obtrusive visual addition to the historical estate and sensitive rural landscape. Accordingly, permission for the proposed development should not be refused for this reason.

7.4. Waste Management, Emissions & Water Quality

Context

7.4.1. The grounds of appeal assert that further information is required with respect to the direct and indirect impacts of the proposed development on receiving water quality. The applicant states that there are no surface water bodies on the appeal site, although I would note that an open land drain traverses the north western corner of the site approximately 190m from the proposed development area. An existing agricultural access traverses this land drain and the appeal site slopes steadily downwards in a northwest direction towards this open drain. The land drain connects with a stream on the estate lands, 300m to the southwest of the appeal site, and this stream flows southwards before flowing into Templehouse Lake. Using the Environmental Protection Agency (EPA) online mapping resources (<https://gis.epa.ie/EPAMaps/Water>), it is possible to identify that the receiving river waterbodies for Templehouse estate are each identified as having a 'poor' water status under the Water Framework Directive (WFD) for the period 2013 to 2018, while Templehouse Lake is identified as having a 'bad' water status. In the latest third cycle risk assessment, each of these river and lake waterbodies is identified as being 'at risk' of not meeting their WFD objectives by 2027. The significant pressure that needs to be addressed in order to improve water quality in these river and lake waterbodies is identified as arising from agriculture. Owenmore/Templehouse Lake

is included as an 'Area for Action' identified under the WFD. The relevant groundwater body, Ballymote, is identified as having a 'good' water status under the WFD for the period 2013 to 2018 and is not at risk of meeting the 2027 objectives.

- 7.4.2. Under the River Basin Management Plan 2018-2021, 'at risk' waterbodies require not only implementation of the existing measures described in the various regulations, for example, the SI No.605 of 2017 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020 (hereinafter the 'Good Agricultural Practice Regulations'), but also in many instances more targeted supplementary measures.

Construction Phase

- 7.4.3. The applicant has provided a site specific construction and demolition waste management plan setting out proposals with regards to the use of materials on site, including measures to protect surface water and groundwater. Measures to control potential pollutant or sediment-laden run-off are outlined within this management plan. The development area on the subject site would be approximately a minimum of 190m from the nearest surface water body, which is the land drain to the northeast and I am satisfied that with the incorporation of the stated measures to address any run-off during the construction phase, the potential for the development to have an adverse impact on receiving water quality during this construction would not arise.

Operational Phase – Services and Waste Capacity

- 7.4.4. In order to avoid pollution, under article 8 of the Good Agricultural Practice Regulations, general obligations are set out to ensure that the capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dung sheds, farmyard manure pits, silage pits or silage clamps on a holding, are adequate to provide for the storage on the holding for such period as are required in the Regulations.
- 7.4.5. Storm water runoff from the development would be collected and discharged to a surface water soak pit system and rainwater harvesting would be used for washing of the milking parlour and for drinking water for cows. A potable water supply via bored well is proposed to serve the development. Effluent arising from the operations, including the silage pit, collection areas, sheds and parlour, would be directed to over ground and underground slurry storage tanks, which would be

constructed and operated in accordance with the appropriate specifications, according to the application drawings. The floor area of the proposed cubicle shed would be 1,847sq.m to accommodate 250 cows, with a rotary parlour to milk 50 cows at one time. The collecting yard where cows would await milking would be roofed and would feature a 1,150 cubic metre underground tank. An over ground slurry storage tank with capacity for 2,709 cubic metres of slurry is also proposed, and within the applicant's 'Supporting Supplementary Information' report it is stated that the two tanks would cater for the total annual estimated effluent storage arising from cattle slurry, silage effluent and dairy washing. Based on the stated livestock type and number, the size of the two collection tanks proposed to serve the development would appear to exceed the minimum assigned waste storage holding volumes required for this part of the country in the Good Agricultural Practice Regulations.

- 7.4.6. The separation distance of the storage tanks from various features, including wells, the lakeshore and surface waters would be well in excess of the minimum requirements under the Good Agricultural Practices Regulations, and the area of the proposed development is not prone to flooding according to the available flood maps for this area (see www.floodinfo.ie/map/floodmaps/).

Operational Phase – Land Spreading

- 7.4.7. Any spreading of cattle manure and nutrients would be required to be in accordance with the provisions of the Good Agricultural Practice Regulations and any revisions to same, including SI 40 of 2020 - European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2020, which provide greater protection for water quality from agricultural activities. The applicant states that 67 of the 122 hectares of grazing land would be subject of land spreading of slurry and these lands drain to surface water drainage channels. Flood maps for this area do not identify the grazing lands as being within the flood extents of Templehouse Lake or Inishowen River, and the lands do not slope steeply into the receiving waters. A nutrient management plan (titled Farmer Full-fertiliser Plan 2019) is provided with the application and the applicant states that the proposed dairy operations would comply with the Good Agricultural Practice Regulations, including those regulations relating to land spreading and the application of fertilisers. The appellant asserts that a derogation licence may be required for the operations under the Nitrates Directive.

The applicant's nutrient management plan has been prepared for an operation comprising 220 dairy cows, with the nitrogen and phosphates to be produced and subsequently spread on the lands based on this level of livestock. The whole farm stocking rate at 148kg/N/hectare/year based on the 220 dairy cows would be below the requirement for a nitrates derogation (170kg/N/ha/year).

- 7.4.8. The applicant outlines a suite of measures in line with and in addition to those required under the Good Agricultural Practice Regulations, including the housing of livestock during October to February, no ploughing of land, the use of low emissions slurry-spreading techniques, no access to watercourses for livestock and measures to address runoff from cow paths. The Regulations normally only require a 20m separation distance between spread lands to a lake shoreline, however, a 570m buffer is provided for in this case.
- 7.4.9. I recognise that the planning application refers to 250 cows being accommodated by the proposed development, while the nutrient management plan submitted states that it would cater for 220 cows. I also note that the spread lands for livestock manure identified in the aerial photograph drawing (no.100) do not directly correlate with the spread lands identified at the rear of the nutrient management plan, with additional spread lands amounting to approximately 10.3 hectares within the estate and 4.7 hectares opposite the main entrance to the estate, included in the nutrient management plan spread lands. Notwithstanding this, I am satisfied that based on the information provided there would appear to be sufficient and suitable lands within the identified grazing area and away from the lake shoreline and surface waters to take all of the slurry generated, in accordance with the standards set out in the Good Agricultural Practice Regulations. The applicant has also set out supplementary features, including additional buffers for spreading activities, to those within the Good Agricultural Practice Regulations to address the potential impacts on those receiving surface waters that are 'at risk' of not meeting WFD objectives.

Emissions Impacts

- 7.4.10. The appellant raises concerns regarding the associated ammonia emissions arising from the dairy herd intended to use the proposed development and the contribution that intensive agriculture is having on climate change, including via increased greenhouse gas emissions. The grounds of appeal do not include specific details of

the extent to which the quantity of livestock associated with the subject development could potentially contribute to ammonia emissions and how this in itself would lead to harmful effects on the environment. As previously stated, the proposed development is consistent with the current planning policy framework for this sector. Any perceived limitations of the broader environmental emissions from agricultural sectors, such as dairying, arising from national agricultural policies are beyond the scope of this assessment.

- 7.4.11. The grounds of appeal also refer to the impacts that the intensification of dairy farming is having, leading to an increase in nutrient pollution of waters and biodiversity loss, and the cumulative effect of this intensification is not being assessed. As stated previously, the applicant proposes as a minimum to comply with the current appropriate standards for the development, as set out and regulated by the Good Agricultural Practice Regulations. These standards are set out to ensure compliance with National and European policy, including the protection of water quality under the Water Framework Directive. In this instance and based on the information provided and available, I am satisfied that subject to compliance with these standards, the proposed development, which features additional buffers and other supplementary features, would not be likely to give rise to an increase in nutrient pollution.

Conclusion

- 7.4.12. Having regard to the information submitted, the observed site characteristics and the proposed means to manage wastewater on site during the construction and operation phases, I am satisfied that the proposed development, including measures to address impacts on surface waters, can be undertaken and operated without substantial risk of pollution of water bodies in the vicinity of the site.

7.5. Ecology and Environment

Local Ecological Impacts

- 7.5.1. A Habitat Directive Appropriate Assessment (AA) Screening Report (Stage 1) prepared by a qualified ecologist was submitted with this application (dated September 2019). This report provides a baseline account of the habitats and species identified on the development site during surveys, as well as referring to

designated sites for nature conservation in the vicinity. The site primarily comprises the modified habitat 'improved agricultural grassland' (Fossit habitat category 'GA1'), which features short sward grass and is grazed by livestock. The plant species identified within this habitat include grasses, docks, dandelion and other species that would not be considered to be of particular ecological value. The only other habitat on the site comprises buildings and artificial surfaces (habitat category BL3). According to the applicant, habitats suitable for protected plant species or species identified as qualifying interests for the neighbouring Templehouse and Cloonacleigha Loughs SAC (Site Code: 000636) were not identified on site.

- 7.5.2. The grounds of appeal assert that the ecological implications of the intensified bovine agriculture practices on the wider demesne and lakeside habitat needs to be fully considered, including the potential for biodiversity loss and the impact of monoculture fertilised grassland. The ecological assessments prepared as part of the application focus on the site area, given that it is this area where the development works would occur. The existing demesne lands intended to be used as grazing pastures for the associated dairy herd are currently used as sheep grazing pastures. Consequently, I am satisfied that there would not be a substantial alteration in these associated habitats or the ecological value of same as a direct or indirect result of the proposed development.

Trees

- 7.5.3. Following consideration of layout options for the development and root protection zones for existing trees, a single sycamore tree, stated to be in fair condition and of early maturity, would be removed as part of the development, and the applicant has proposed planting four replacement sycamore trees along the northern side of the site in its place. As the immediate lands do not form part of the identified associated grazing infrastructures, there would be scope for additional landscaping in areas surrounding the proposed structures, which would also be to the benefit of biodiversity and further alleviation of visual impacts. The sycamore tree should not be felled during bird nesting seasons and a condition to address same should be attached in the event of a grant of planning permission. I am satisfied that given the extent of trees to be maintained within the wider estate lands and the proposed provision of replacement tree planting, a sustainable approach to developing the site has been set out in this regard.

Bats

- 7.5.4. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). As a tree is required to be felled and removed to facilitate the construction works, a preliminary bat survey was undertaken and a report was submitted with the application providing results of same. This bat survey does not appear to have been undertaken or prepared by a qualified ecologist with expertise in this area. The initial inspections undertaken by the applicant's representative in August 2019 appear to follow the guidelines contained in 'Bat Surveys for Professional Ecologists Good Practice Guidelines' and these inspections, including photographs submitted with the report, did not find evidence of bat roosting within the tree, neither were emergent bats identified during dusk. It is argued by the applicant that other more suitable bat roosting sites would be available within the immediate area outside the applicant's leaseholding.
- 7.5.5. The National Parks and Wildlife Service (NPWS) Conservation Plan for 2006-2011 for Templehouse and Cloonacleigha Loughs SAC refers to a large colony of Natterer's Bats occurring in Templehouse and a colony of Whiskered Bat in an adjacent farm building. Notwithstanding the information available and provided, and also recognising that bat roosts are not constant, to alleviate any disturbance to bats potentially roosting in the tree immediately prior to felling, the applicant should be requested to provide a method statement prepared by a qualified ecologist addressing the timing and undertaking of the proposed felling works, updated surveys prior to commencement of the development, ceasing of any work should bats be discovered during works and, if necessary, the acquiring of a derogation licence from the National Parks and Wildlife Service (NPWS). While there would also be potential for loss of commuting and feeding areas via the loss of this tree, there would remain extensive commuting and feeding areas within the immediate and wider woodland areas and the applicant has proposed replacement tree planting. I am satisfied that, subject to the attachment of a condition requiring measures to be implemented in full to address any potential disturbance of bats, and based on the limited evidence of bats roosting in the tree to be felled, there would not be significant adverse impacts on bat populations, as a result of the proposed development.

7.6. Roads

- 7.6.1. The proposed development would be served by an existing service access road separate to the main recessed gated lodge leading to Templehouse. With the exception of the construction phase of the project, the operations would have a negligible impact on traffic generation and would give rise to trip generation levels that would be expected for a typical agricultural enterprise in a rural area. The Council's Roads Engineers did not object to the development, but they did advise that the initial design for the N17 Knock to Collooney Road upgrade includes route options potentially running through the north and north western edges of the estate lands. These route options would not impact on the proposed development area and any implications for the available grazing and spread lands would need to be addressed in accordance with the Good Agricultural Practice Regulations, should this arise. The alignment of a 3m-wide section of road leading to the milking parlour would require minor revisions in order to address the position of an existing pole carrying an overhead powerline or the pole would need to be moved. In conclusion, the proposed development should not be refused for reasons relating to the impact of the development on local roads and traffic safety.

8.0 Appropriate Assessment

Stage 1 Screening - Introduction

- 8.1.1. The AA Screening Report and a 'Supporting Supplementary Information' report with additional environmental commentary were submitted with the application. I have had regard to the contents of these reports as part of my assessment below. The AA Screening Report concludes that the project can be screened out of any further stages of AA and a stage 2 Natura Impact Statement (NIS) is not required. The Department of Culture, Heritage and the Gaeltacht did not respond to the planning authority following consultation.
- 8.1.2. The grounds of appeal refer to the need for consideration of the impacts of the intensified grazing and silage production areas draining into Templehouse and Cloonacleigha Loughs SAC, particularly as agricultural sources are listed as a potential threat to this designated site. It is also asserted in the grounds of appeal that a NIS is required for the project.

Receiving Environment & Proposals

- 8.1.3. The site location is described in section 1 of this report above and expanded upon with respect to local ecology in section 7.5 above. Details regarding the status of neighbouring receiving waters are outlined in section 7.4. A description of the proposed development is provided in section 2 of this report and expanded upon in the various sections in the planning assessment above and within the application documentation.
- 8.1.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of the likely significant effects on European sites:
- discharge of silt laden / polluted waters from the site during construction works;
 - habitat disturbance / species disturbance (construction and / or operational);
 - pollution to receiving waters during the operational phase.

European Sites

- 8.1.5. The nearest European sites are listed in table 1 of section 5.3 above. The applicant's AA screening report states that the development site would not be directly connected with a European site, nor does the site contain nesting or feeding grounds for qualifying interest birds from Templehouse and Cloonacleigha Loughs SAC. Using the source-pathway-receptor model, there is connectivity via the land drain traversing the northeast corner of appeal site and the grazing pastures to serve the proposed development to Templehouse and Cloonacleigha Loughs SAC, which also connect downstream with surface waters in the Unshin River SAC.
- 8.1.6. Ballysadare Bay SPA and Ballysadare Bay SAC comprise intertidal and coastal habitats that support a range of migratory and water birds, as well as water-dependent species such as harbour seal. Ballysadare Bay SPA and Ballysadare Bay SAC and all other European sites, including those referenced in table 1, are initially screened out from this assessment, based on the conservation objectives for the sites, the separation distance from the appeal site to the European sites, the location of European sites upstream of the appeal site and the dilution effect of intervening marine waters to European sites that are downstream. Accordingly, and

in line with the AA Screening Report, I am satisfied that Templehouse and Cloonacleigha Loughs SAC and Unshin River SAC, are those sites that are within the zone of influence of this project.

Templehouse and Cloonacleigha Loughs SAC

- 8.1.7. The NPWS site synopsis document for Templehouse and Cloonacleigha Loughs SAC identifies potential threats to the site include water pollution from domestic and agricultural sources. Threats, pressures and activities with impacts on the site identified in the NPWS Natura 2000 form comprise peat extraction – mechanical removal of peat (inside and outside the site), invasive non-native species, forest and plantation management and use, species composition change (succession), removal of sediments (mud) dredging / removal of limnic sediments and non-intensive cattle grazing.
- 8.1.8. Whooper Swan and Greenland White-fronted Goose, both listed in Annex I of the EU Birds Directive, have been recorded at this SAC site, as well as otter, which is listed in Annex II of the EU Habitats Directive. The NPWS standard data form also refer to populations of Teal, Wigeon, Mallard, Pochard, Tufted Duck and Northern Lapwing using the SAC site, all of which are listed for protection in Annex II of the EU Birds Directive [2009/147/EC].

Table 2. Templehouse and Cloonacleigha Loughs SAC [Site Code: 000636]

Conservation Objective	
Objective: 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:	
Code	Description
3140	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.
3260	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation
* denotes a priority habitat	

Unshin River SAC

- 8.1.9. The Unshin River SAC is designated for its freshwater habitats, including those that support otter and salmon. The river supports a rich aquatic and emergent flora and

runs beside or through a wide variety of habitats. The site also includes the Ballysadare and Owenboy/Owenbeg rivers. The following conservation objective is set for the Unshin River SAC.

Table 2. Conservation Objective for the Unshin River SAC (Site Code: 001898)

Conservation Objective - 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 -	
Code	Description
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites – priority habitat)
6410	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)
91E0	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)
1106	Salmon
1355	Otter

Test of Likely Significant Effects

8.1.10. The proposed development is examined in relation to any possible interaction with the stated European sites, to assess whether it may give rise to significant effects on the sites in view of their conservation objectives. Factors potentially impacting on the sites arising from the proposed development comprise:

- habitat loss or modification;
- spread of invasive species;
- disturbance or displacement of qualifying species;
- ex-situ impacts.

Habitat Loss or Modification

8.1.11. The development area of the project is not directly connected to or necessary to the management of any European site and the proposed development would not result

in the direct loss of habitats within any European sites. A land drain traverses the northwest corner of the site, although no works are proposed in this area.

Groundworks to facilitate the structures on site would be approximately 190m from this land drain and 560m from the nearest point of the SAC. The proposals outlined in the Site Specific Construction and Demolition Management Plan submitted with the application include details of how it is intended to address potential risks to surface water during construction, including the use of soil bunding to corral ponding waters. As referenced in section 7.4 above, the potential for the development to have an adverse impact on water quality during the construction phase would not arise, including the receiving surface water directly down gradient of the site connecting with Templehouse and Cloonacleigha Loughs SAC and Unshin River SAC. Any emissions to air during the construction phase would be limited and short-term in nature and having regard to separation from the European sites and their respective conservation objectives, no effects on the integrity of the sites are considered likely from emissions to air.

- 8.1.12. As outlined in section 7.4, the wastewater element arising from the proposed development would not be likely to cause a deterioration in the quality of waters in the area, with details provided outlining surface and storm water management and how the proposals would comply with the Good Agricultural Practice Regulations. Substantive exclusion zones in excess of the minimum 20m separation distances required under the Good Agricultural Practice Regulations from lake shorelines to land spreading areas have also been identified in the details submitted.

Spread of Invasive Species

- 8.1.13. Invasive species have not been identified on the development site, as part of the surveying undertaken by an ecologist for the AA screening report, and the associated agricultural operations do not involve works that would lead to the spread of invasive species.

Disturbance or Displacement of qualifying interests species

- 8.1.14. Given the distance from the SAC waters and the existing levels of similar proposed agricultural activity within the surrounding rural area, including livestock rearing, the development would not lead to additional substantive disturbance effects on birds or other fauna within the SACs.

Ex-situ Impacts

- 8.1.15. Based on ecological surveying carried out for the project, the application site does not support habitats of ex-situ ecological value for the relevant qualifying interests within the zone of influence, including roosting or foraging bird species referred to in the NPWS support documents for Templehouse and Cloonacleigha Loughs SAC and Unshin River SAC. There are expansive areas of similar estate and agricultural lands in the immediate area and the subject grazing lands would largely remain grazing lands as part of the revised proposed agricultural operations.

In Combination or Cumulative Effects

- 8.1.16. I do not consider that there are any specific in-combination effects that arise from the development when taken in conjunction with other plans or projects.

Stage 1 AA Screening - Conclusion

- 8.1.17. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 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 would not be likely to give rise to significant effects on the Templehouse and Cloonacleigha Loughs SAC (Site Code: 000636) and Unshin River SAC (Site Code: 001898), or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.
- 8.1.18. 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.

9.0 Recommendation

- 9.1.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the nature, scale and appearance of the proposed development, the nature of the receiving environment, the pattern of development in the vicinity and the provisions of the Sligo County Development Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, including the sensitive rural landscapes, or of property in the vicinity, including the character and setting of protected structures, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area, would not adversely impact local ecology and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the finishes of the shed and silo structures, as well as the location of fencing of paddocks and water troughs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interest of orderly development and the visual amenities of the area.
3. Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority details for the treatment of the vehicular entrance to serve the site and revised details for the section of road

leading to the milking parlour, addressing the position of an existing overhead services pole.

Reason: In the interest of traffic safety.

4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard –
- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and;
 - (b) all soiled waters shall be directed to storage tanks. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

5. The sheds shall be used only in strict accordance with a management schedule, which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020, and shall provide at least for the following:
- a) Details of the number and types of animals to be housed.
 - b) The arrangements for the collection, storage and disposal of slurry.
 - c) Arrangements for the cleansing of the buildings and structures.

Reason: In order to avoid pollution and to protect residential amenity.

6. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

7. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to adequate soakpits

and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

8. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended by SI 65 of 2018 and SI 40 of 2020.

Reason: To ensure the satisfactory disposal of water material, in the interest of amenity, public health and to prevent pollution of watercourses.

9. A minimum of 18 weeks storage shall be provided in the storage tanks. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of environmental protection and public health.

10. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings with provision for additional planting to screen the proposed structures.

The landscaping shall be carried out in accordance with the agreed scheme.

Reason: In order to screen the development, in the interest of visual amenity.

11. The construction of the development shall be managed in accordance with a Construction Environmental 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (d) Measures to obviate queuing of construction traffic on the adjoining road network;
- (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (f) Details of appropriate measures to address noise, dust and vibration, and monitoring of such levels;
- (g) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (h) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

12. 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.

Reason: In the interest of sustainable waste management.

- 13.** The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Colm McLoughlin
Planning Inspector

17th May 2021