An Bord Pleanála

Inspector's Addendum Report 310586-21

Development	Demolition of existing pig houses, associated buildings & slurry stores & construction of a 960 no. sow integrated pig farm.
Location	Carrigroe Pig Farm, Carrigroe, Ballynamult, Co. Waterford.
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	20/394
Applicant(s)	Fenor Pig Farms Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v. Decision
Appellant(s)	(1) Concerned Residents of Touraneena & Ballinamult (2) Noel & Kathleen Reynolds (3) Wild Ireland Defense CLG

Observer(s)	(1) Noel & Pauline Drohan (2) Noel & Kathleen Reynolds (3) The Concerned Residents of Touraneena & Ballinamult
Date of Site Inspection	10th September 2021
Inspector	Louise Treacy

1.0 Introduction

1.1. This addendum report should be read in conjunction with the original Inspector's Report on this appeal case dated 26th May 2022, which recommended that planning permission be refused for the proposed development.

2.0 Board Correspondence

2.1. The Board issued a statutory notice to the applicant on 3rd October 2022 under Section 132 of the Planning and Development Act, 2000 (as amended) which requested the following further information on/before 28th November 2022:

"The Board noted that the pig manure generated by the proposed development would be subject to land spreading and that the proposed areas for land spreading are presented in Figure B (Study Area and townland numbers assigned) of the response to the further information received by the Board. Notwithstanding the legal requirement for this land spreading of pig manure exports to be undertaken in accordance with the provisions of European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended, and such land spreading would therefore be subject to a range of required mitigation measures, the Board considered that the proposed land spreading of the pig manure has the potential to give rise to likely significant effects on European sites within the zone of influence, having regard to the relevant sites' conservation objectives and the likelihood for these effects should have been included and assessed in the applicant's submitted NIS and / or the further information submission.

In this regard and to inform the Board's appropriate assessment of the implications of the development on relevant European sites, the applicant is requested to submit a revised Natura Impact Statement which addresses the potential for significant effects arising from the proposed development inclusive of land spreading proposals in areas shown in Figure B (Study Area and townland numbers assigned).

The revised Natura Impact Statement should be based on best scientific knowledge/information in the field and should address likely indirect and in-combination significant effects for each of the relevant European sites and the specific conservation targets for the relevant qualifying interest species that occur

downstream of the proposed development including lands where pig manure from the proposed development would be spread. The revised Natura Impact Statement should follow best practice methodological guidance..."

2.2. The applicant requested a 4-week extension to respond to this request, which was granted by the Board (response to be received on/before 5th January 2023).

3.0 Responses to Board Correspondence

3.1. First Party Response

3.1.1. The applicant submitted a response to the Board's request on 19th December 2022, which includes, inter alia, a revised Natura Impact Statement (NIS) and a copy of the statutory public notice.

3.2. Third Party Response

3.2.1. Third party responses on the applicant's submission were received from: (1) Noel and Kathleen Reynolds, Drumgorey, Ballymacarbry, Co. Waterford, (2) Pauline and Noel Drohan, Knockaraha, Ballymacarbry, Co. Waterford, (3) Environmental Management Services, Ballymanus, Castlepollard, Co. Westmeath on behalf of The Concerned Residents of Touraneena and Ballinamult.

3.2.2. The issues which are raised can be summarised as follows: (1) environmental impacts on the area surrounding the pig farms, (2) slurry spreading is not monitored, (3) impact on residential amenities, (4) unclear water supply proposals, (5) the Board's concerns regarding the impact of the development on European sites are supported, (6) the Board's further information request should have included issues relating to impacts on transportation, groundwater, residential amenity, human health and well-being, (7) the Board should not have issued a second S.132 notice in relation to the further information request, (8) different information on pig numbers submitted throughout the application process, (9) a much larger pig farm is proposed than has been present since 2010, (10) the removal of the sow house building at the Carrigroe site is project splitting, (11) the conclusions of the AA screening report and NIS are inconclusive and subject to significant uncertainty, (12) increased water usage demand, (13) significant increase in volumes of slurry compared to previous years, (14) the available spread lands area is smaller than identified, with many

farms have a soil index of 4 which eliminates the ability to spread phosphorus, (15) S.I. No. 113 of 2022 and No. 393 of 2022 will further reduce the area of spread lands, (16) the quoted number of farming animals in the area is 4 years old (2018 CSO statistics) and ignores the increased intensification of Waterford as a dairying region, with increased cow numbers (5%) reducing the need to import extra slurry (17) inappropriate land spreading in breach of regulations, (18) the spread lands map is inaccurate and cannot be relied upon, (19) farmers who will accept slurry have not been identified and as such, the Board does not have full and complete information in carrying out an AA, (20) applicant cannot enforce recipient farmers to ensure slurry is spread in accordance with best practice, (21) risks to surface and groundwater quality, (22) the spreading of pig manure is an intrinsic part of the development and the pig farms cannot operate without the export of slurry, (23) the revised NIS has not addressed the Board's request for further information, (24) development does not align with the national climate action plan, (25) the Board's further information request has not addressed all third-party concerns.

3.3. **Planning Authority Response**

3.3.1. None received.

4.0 Policy Change

4.1 Climate Action Plan 2023

4.1.1 Section 16.1.1 of the Plan notes that agriculture is the largest contributor to Ireland's greenhouse gas (GHG) emissions. Overall emissions in this sector have grown 19% in the last decade, related almost entirely to the removal of milk quotas. Measures identified to meet 2025 and 2030 emissions targets include, inter alia, significantly reducing the use of chemical nitrogen as a fertiliser; increasing the uptake by farmers of low-emission slurry spreading to 90%; and reducing the crude protein content of animal feed. The Government has also made a commitment to deliver up to 5.7 TWh of indigenously produced biomethane based on agricultural feedstock by 2030.

4.2 Waterford City and County Development Plan 2022-2028

4.2.1 The Waterford City and County Development Plan 2022-2028 has been adopted since the completion of the Inspector's Report of 26th May 2022. The development plan provisions which are relevant to this appeal case are identified below.

4.3 Climate Change

4.3.1 **Policy Objective CA 01**: To support and implement the policies of the Waterford Climate Adaptation Strategy in collaboration with Waterford Climate Action Team the Climate Action Regional Office (CARO), and review/replace the strategy pursuant to the provisions of the Climate Action Plan 2021 and Low Carbon Development Act. We will vary the development plan as necessary following the review/replacement of the strategy.

4.4 Water Quality

4.4.1 **Policy Objective WQ 01**: We will contribute towards, as appropriate, the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, wetlands, the coastline, groundwater and associated habitats and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended), the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (Groundwater) Regulations 2010 (as amended) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same). To support the application and implementation of a catchment planning and management approach to development and conservation, including the implementation of Sustainable Drainage System techniques for new development.

4.4.2 **Policy Objective WQ 04:** We will encourage the use of catchment-sensitive farming practices, in order to meet Water Framework Directive targets and comply with the River Basin Management Plan.

4.5 Environmental Quality

4.5.1 **Policy Objective ENV 06:** Assess proposals for development in terms of; inter alia, potential impact on existing adjacent developments, existing land uses and/or the surrounding landscape. Where proposed developments would be likely to have a significant adverse effect on the amenities of the area through pollution by noise, fumes, odours, dust, grit or vibration, or cause pollution of air, water and/or soil, mitigation measures shall be introduced in order to eliminate adverse environmental impacts or reduce them to an acceptable operating level.

4.5.2 **Landscape Policy Objective L02**: We will protect the landscape and natural assets of the County by ensuring that proposed developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area and ensuring that such proposals are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the uplands, along river corridors, coastal or other distinctive landscape character units.

4.5.3 The site is located in a low sensitivity landscape with reference to Fig. 10 (Waterford Landscape and Seascape Character Assessment) of the plan.

4.6 Development Management Standards

4.6.1 **Rural Development**: In visually sensitive areas, the Planning Authority will require that:

(i) Agricultural buildings/structures be sited as unobtrusively as possible, and the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

(ii) Appropriate materials and colours are used. The use of dark colours, notably, dark green/reds and greys are most suitable for farm buildings.

(iii) The planting of shelter belts will be required to screen large scale sheds and structures.

(iv) Buildings should generally be located a minimum of 100 metres from the nearest dwelling other than the applicant's dwelling.

(v) The Council will generally seek to cluster agricultural buildings and structures together, and siting to assimilate effectively into the landscape.

(vi) Any proposals for farmyard developments must make provision for runoff, and where there is a danger of groundwater or surface water contamination, the Council will require appropriate treatment of runoff. The Council shall have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 (S.I 101 of 2009) in relation to acceptable agricultural practice standards.

5.0 Assessment

5.1 I have considered that applicant's submitted further information and the submissions which have been received from third parties. The Board's request for further information required the applicant, inter alia, to submit a revised NIS which addresses the potential impact of the proposed spreading of pig manure within the identified land spreading area. The request specified that the revised NIS should address likely indirect and in-combination significant effects for each of the relevant European sites and the specific conservation targets for the relevant qualifying interest species that occur downstream of the proposed development including lands where pig manure from the proposed development would be spread.

5.2 The AA screening report (page 16) reconfirms that the site has a connection to the Blackwater (Cork/Waterford) SAC via site drainage to an unnamed stream which flows to the Drumgorey Stream, which in turn flows to the Finisk River (part of the SAC) approx. 2.3 km south of the site. It is stated that there are no hydrological links to the other Natura 2000 sites identified in table 2 of the report (Lower River Suir SAC, Neir Valley Woodlands SAC and Comeragh Mountains SAC), and "accordingly, these sites will not be discussed regarding potential impacts".

5.3 Following on from the foregoing, the revised AA has only been undertaken in relation to the Blackwater River (Cork/Waterford) SAC. The use of slurry from the proposed development on the spread lands within the study area (55 townlands) is considered as a potential in-combination impact (page 28 of the revised NIS refers). Potential pre-mitigation, in-combination impacts are considered with respect to groundwater, surface water and aerial deposition of ammonia across the identified spread lands. I note that this approach reflects that undertaken for the NIS submitted at planning

application stage (as amended in response to the Planning Authority's Request for Further Information).

5.4 In-combination conclusions are set out in Section 4.4.5 of the revised NIS and can be summarised as follows:

- **Water:** "There are no predicted in-combination effects from run-off of slurry on spread lands and adversely affecting water quality and associated qualifying interest species in the catchments of the Lower River Suir and River Blackwater SACs i.e. lamprey, salmon, twaite shad, otter and crayfish".
- **Land and Soils**: "The cumulative effects caused by the application of pig manure from the Caherbrack pig farm on land and soils have been fully considered and will not significantly affect land and soils".
- **Ammonia, Methane, Nitrous Oxide and PM Emissions**: "There is no significant impact on air throughout the study area due to spreading pig manure from the proposed development at Carrigroe. Neither is there a significant cumulative impact on air throughout the study area due to spreading pig manure from the proposed development at Caherbrack and the cumulative impact in combination with the proposed Carrigroe development have been assessed in the study area".

5.5 A range of mitigation measures are set out in Section 4.5 of the report regarding water quality, introduction of native species and disturbance and noise. I note that these reflect the measures previously identified. Stage 5 of the revised NIS concludes that the proposed works will not cause adverse impacts to the following Natura 2000 sites: Blackwater River (Cork/Waterford) SAC, Lower River Suir SAC, Neir Valley Woodlands SAC and Comeragh Mountains SAC.

5.6 In my opinion, the revised NIS continues to contain insufficient information to reach this conclusion. I consider that the submitted information does not systemically addressed the indirect and in-combination significant effects for each European site and the specific conservation targets for the relevant qualifying interest species that occur downstream of the proposed development, including lands where pig manure would be spread. This information was specifically requested by the Board.

5.7 As such, I consider that it is not possible to conclude beyond reasonable scientific doubt, that the proposed development, including the spreading of pig manure, would not result in likely significant effects on the Natura 2000 sites which falls within the identified slurry spreading area. As such, I consider that planning permission should be refused on this basis.

6.0 Recommendation

6.1 I recommend that planning permission be refused for the proposed development.

7.0 Reasons and Considerations

7.1 On the basis of the information provided with the application and appeal, including the revised Natura Impact Statement submitted in response to the Board's request for further information, and in light of the assessment carried out above, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European sites Blackwater River (Cork/Waterford) SAC (site code: 002170), Nier Valley Woodlands SAC (site code: 000668), Lower River Suir SAC (site code: 002137) and Comeragh Mountains SAC (site code: 001952), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Louise Treacy
Senior Planning Inspector

26th April 2023