Inspector's Report

ABP-310787-21

Development	Extensions to the main building on site including all other associated site development works above and below ground - the development relates to a Biological Waste Treatment Facility which is operated under a Waste Licence (W0259-01) granted by the Environmental Protection Agency.
Location	Ballybeg, Littleton, Thurles Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21520
Applicant(s)	Starrus Eco Holdings Ltd.
Type of Application	Retention Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Ann Morris
Observer(s)	None

Date of Site Inspection	20.02.23
Inspector	Una O'Neill

Contents

1.0 Site Location and Description 5

2.0 Proposed Development 5

3.0 Planning Authority Decision 6

3.1. Decision 6

3.2. Planning Authority Reports 6

3.3. Prescribed Bodies 6

3.4. Third Party Observations 7

4.0 Planning History 7

5.0 Policy Context 8

5.1. National Policy 8

5.2. Tipperary County Development Plan 2022-2028 8

5.3. Natural Heritage Designations 10

5.4. EIA Screening 10

6.0 The Appeal 11

6.1. Grounds of Appeal 11

6.2. Applicant Response 12

6.3. Planning Authority Response 14

6.4. Further Responses 14

7.0 Assessment 14

7.1. Introduction 14

7.2. Principle of Development and Requirement for an EIAR 15

7.5. Impact on Residential Amenity 18

7.6. Roads and Traffic 19

8.0 Appropriate Assessment 19

9.0 Recommendation 23

10.0 Reasons and Considerations 23

11.0 Conditions 23

1.0 Site Location and Description

1.1. The site, which has a stated area of 3.58ha, is located within the townland of Ballybeg, c. 2km southeast of Littleton and c. 10km from Thurles, in County Tipperary. The site is accessed off the southwestern side of the L4101, which is 5.5km from the M8 interchange.

1.2. The site comprises an existing waste recovery/composting building and associated bio-filter (odour control unit) and condensate tank, portabkabin/staff facilities, storage containers, two firewater retention lagoons, and a parking area to the front of the building. The site operates under an Industrial Emissions Licence from the EPA. The composting building is c. 250m from the public road, with a weighbridge located at the end of the access road. The site is bounded to the west, north and east by willow plantations and to the south by farmland. There are open drains along the boundaries of the site.

1.3. The area is rural in character, with a number of rural dwellings in the vicinity of the site and a closed Bord na Mona factory is located c. 1.5km to the east (now in partial use as a plastic recycling facility).

2.0 Proposed Development

2.1. The development relates to a permitted Biological Waste Treatment Facility (composting facility) which is operated under an Industrial Emissions Licence granted by the Environmental Protection Agency and an approval from the Department of Agriculture, Forestry and the Marine under the European Union (Animal By-Products) Regulations. The annual waste intake is limited to 45,000 tonnes.

2.2. The proposed development comprises the following:

- Retention of extensions to the main building on site including all other associated site development works above and below ground - the extensions to the main building are to the northern, southern, eastern and western elevations of the existing recycling facility and measure c. 1,015.86 sqm.,

- Retention of extensions to the Biofilter that is located to the rear of the building are also sought (c. 43.23 sqm.), staff welfare prefabricated structure located to the

north of the site (c. 65.49 sqm.), 2 no. storage/maintenance containers (c. 26.6 sqm.), toilet block (c. 5.1 sqm), Bio-Filter Condenser Tank (c. 72.4 sqm.) and 2 no. Firewater retention ponds (c. 713.17 sqm.)

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 3 conditions, including the following:

C2: Surface water to be collected and disposed of within the curtilage of the site by means of soakaways.

C3: Financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- Policy ED10 relates to to non conforming uses. The extensions as designed and located are acceptable.
- EIAR is not required and it is considered that the proposal is not likely to have a significant effect on the environment having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended.
- AA is not required.

3.2.2. Other Technical Reports

District Engineer – Condition in relation to surface water.

3.3. Prescribed Bodies

EPA – This installation is authorised by the EPA under Industrial Emissions Licence W0249-01 and not a waste licence. Note concurrent application which is accompanied by an EIAR. The applicant is advised that they are required to

correspond with the Agency prior to construction or installation of additional infrastructure, some of the changes may trigger a licence review.

3.4. Third Party Observations

Four submissions were received. The issues raised are largely as set out in the grounds of appeal (see Section 6 hereunder).

4.0 Planning History

PA Reg Ref 07511853 – Permission GRANTED for facility to accommodate biological treatment of organic residues and production of class 1 compost comprising

(a) Landscaped Fenced c.3.2 Hectare complex;

(b) Main Building c.3870sqm. Housing Storage, Equipment & treatment activities;

(c) Marshalling yard;

(d) Office & staff building;

(e) Effluent storage tank (Domestic, serving staff facilities only);

(f) Entrance Road & Weighbridge;

(g) Bio-filter & associated Plant;

(h) Tree plantation (Willow & similar species);

(i) ESB substation and all ancillary works.

An Environmental Impact Statement (EIS) is included with the application documents.

Concurrent Application:

ABP-310786-21 (PA Reg Ref 20550) – Permission is sought for:

(1) an increase in the annual waste intake from 45000 tonnes/year to 80,000 tonnes;

(2) single storey extensions to the east and west of the existing building (having a combined floor area of 6,083m2),

(3) relocation of existing firewater lagoon (324m2),

(4) construction of new firewater lagoon (401m2) and all associated site works and services to accommodate the biological treatment of the additional organic residues and production of compost. The existing biological treatment of the additional organic residues and production of compost.

The existing biological treatment process is carried out in accordance with an Industrial Emissions Licence granted by the Environmental Protection Agency. An Environmental Impact Assessment Report (EIAR) shall be submitted with this planning application.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018)
- National Climate Policy
- A Waste Action Plan for a Circular Economy, Ireland's National Waste Policy 2020-2025 (Sept 2020; updated Sept 2022)
- Regional Spatial and Economic Strategy for the Southern Region 2020-2026 (January 2020)
- Regional Waste Management Plan (Southern Region of Ireland 2015-2021)

5.2. Tipperary County Development Plan 2022-2028

Chapter 8 Enterprise and Rural Development

- Policy 8-3 Facilitate proposals for employment generating developments of a 'strategic/regional scale' at locations outside of designated lands in settlements, subject to the demonstration of a need to locate in a particular area. These will be considered on a case by case basis, and must demonstrate that;

  (a) They are compatible with relevant environmental protection standards, the protection of residential amenity and the capacity of water and energy supplies in the area, and,

(b) They would not compromise the capacity of strategic road corridors in line with the Spatial Planning and National Roads, Guidelines for Planning Authorities (DHLGH, 2012).

- Policy 8-9 Where commercial/industrial enterprises exist as non-conforming but long-established uses, to support their continued operation and expansion, provided such does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard.

Chapter 10 Renewable Energy and Bioeconomy

Section 10.8 The Circular Economy and Sustainable Waste Management:

- The new National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) will replace the Southern Region Waste Management Plan 2015-2021. The National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) will include the new guidance document Waste Management Infrastructure – Guidance for Siting Waste Management Facilities, the scope of which includes broad siting criteria and facility specific guidance for consideration when siting a waste facility.

- It is a key objective of the Council to support the sustainable management of waste in line with the National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) and associated guidance across the delivery of its services and in the management of new development.

- Policy 10-4 Ensure the sustainable management of waste and the application of the ‘Circular Economy’ concept in line with the provisions of the National Waste Management Plan for a Circular Economy and the Waste Management Infrastructure – Guidance for Siting Waste Management Facilities, (Government of Ireland, 2022) in the development and management of new development.

- Objective 10-B Support the National Policy Statement on the Bioeconomy (Government of Ireland, 2018) and any review thereof, having consideration to the strategic importance of the bioeconomy to rural Tipperary and support the preparation of a Bioenergy Implementation Plan for the Southern Region in

conjunction with the Local Authorities and the Southern Regional Waste Management office.

5.3. Natural Heritage Designations

The site is not located in or close to any European sites. The closest European sites are the River Barrow and River Nore SAC (002162), which is c.12.5km to the east, and the Lower River Suir SAC (002137), which is c.8.3km to the west.

5.4. EIA Screening

5.4.1. The applicant has submitted an Environmental Impact Assessment Screening Report. The applicant contends that Class 13(a)(ii) of Part 2 of Schedule 2 of the regulations is not applicable as there is no increase in the size of the site, there will be no change to the quantities of waste already authorised and therefore no exceedance of the appropriate threshold. The Report concludes that the proposed development does not require permission to be used as a biological waste treatment facility and does not require permission to increase the quantities of waste accepted annually, therefore it does not fall under any of the listed activities in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended.

5.4.2. Part 2, Class 11(b) of Schedule 5 of the Planning and Development Regulations 2001 (as amended) relates to ‘Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule’. As the waste facility is permitted to take in 45,000 tonnes, this is application to which Class 13(a) relates: ‘Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

5.4.3. I note the size of the site, as stated in the parent application (pa reg ref 07/511853), was 3.2ha and in the current application it is stated to be 3.8ha, which is an 11% increase in site area. The applicant has confirmed that the tonnage permitted (45000 tonnes) to be accepted into the site has not increased as a result of the increased floor area and therefore the appropriate threshold has not been increased by 50% as it remains at that permitted. The permitted composting/biological treatment building (reg ref PA 07/511853) was 3870sqm in area with a stated gross floor area of all works, ie the main building, bio filter and offices (as per the then application form) of 5200sqm. The application form with this application states that this development is for retention of a total floor area of 1113.05sqm, which is 21% greater than the permitted floor area. The main composting/waste building is stated to have increased in size by 893sqm/23% greater than that permitted. Having regard to all the information submitted, I do not consider the development gives rise to a requirement for an EIAR.

5.4.4. Having regard to:

(a) the nature and scale of the proposed development, which is an extension to a permitted facility,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a third party and the issues raised are summarised below:

- Development exceeds the relevant threshold listed in Part 2, Class 11(b) of Schedule 5 of the Planning and Development Regulations 2001 (as amended) as proposal increases floor area by 25%. An EIAR is required.
- The unauthorised increase in the size of the main building will have resulted in differing air volume and consequently emissions to air, the impact of which has not been assessed.
- The Bio Filter Condenser Tank and Fire Retention Ponds have the potential to cause environmental pollution. It has not been demonstrated that the proposed development would not give rise to significant effects on the environment and an EIAR is therefore required.
- Submitted EIA screening report from the applicant is inadequate. As the facility has not been constructed in line with the permission, the processes on site have not been assessed and it cannot be assumed that the works will not result in significant impacts on the environment.
- The development is located near sensitive receptors of dwellings that are affected by the processes carried out. The related application of PPR20550 acknowledges these sensitive receptors and assesses the impacts in terms of noise, air pollution, etc.
- The screening report does not consider cumulative impacts of nearby facilities, including the former Bord na Mona factory which is proposed to be reused as a plastics recycling facility, which is now operational.
- Previous accidents as reported in EIAR with file PPR20550 have not been considered.
- The proposed wastewater treatment system on site has not been altered.

6.2. Applicant Response

The applicant's response to the grounds of appeal is summarised as follows:

- Proposal is in line with policy of the development plan to support non-conforming but long established commercial/industrial enterprises, as long as

there is no loss of amenity, adverse impact on the environment, visual detriment to the character of the area or creation of traffic hazard.

- The extensions were developed to provide enlarged working areas for existing operations. There has been no increase in the intensity of use nor any alteration to the balance of the development. Additional office space and a plant room also form part of the retention application for the main building but do not affect the balance of development/intensity of applications.
- Facility operates under an EPA licence and an approval from the Department of Agriculture with all activities carried out within the enclosed building with air extraction and biofiltration. The process takes 5-7 weeks from when the material enters the building to when it leaves.
- Compost produced is an EPA Class 1 quality product, used by local tillage farmers as an organic fertiliser and soil improver given the high organic matter, which is of significant commercial and environmental benefit.
- The facility provides a secure and ethical outlet for ‘brown bin’ waste, contributing to the circular economy.
- There is no increase in tonnages accepted at the site. The building is approx. 23% greater than that permitted. No material EIAR or planning issues arise.
- There has been no intensification of works on the site as a result of the extensions and there has been no alteration to the balance of the development.
- No material change is proposed to the bio filter condenser tank or the firewater ponds and there have been no complaints made relating to odours or air quality.
- There can be no impact on neighbours as the operations remain the same as those previously approved. The impact on surrounding properties is negligible.
- Any cumulative impact with the Bord na Mona site is considered negligible and does not warrant an EIAR.

- Two fires took place in 2011 and in 2015. In 2015 the EPA amended the licence to bring it into conformance with the Industrial Emissions Directive. There were no environmental impacts caused by the fire.
- There have been no alterations to the wastewater treatment system on site.

6.3. Planning Authority Response

None.

6.4. Further Responses

A further response was received by the third party appellant, which is summarised as follows:

- Air pollution from odour's comings from the plant 1.5 miles from the village – concern odours are hazardous, causing uncertainty, stress and anxiety among the community.
- Impact on household and quality of life - odour resulting in COPD itchy, red and tearing eyes; unable to open windows; smell coming through vents; embarrassment when visitors call; unable to hang out washing; can't allow children out to play; stress; anxiety.
- Increase in volume of traffic passing through the village has made the road dangerous.
- Extra traffic passing the school causing risks to kids.
- Poor road leading to the site, uneven surfaces, bumps, treacherous conditions in winter and ongoing situation of loose horses.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and having inspected the

site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development and Requirement for an EIAR
- Impact on Residential Amenity
- Roads and Traffic
- Other Matters

7.1.2. Appropriate assessment issues are dealt with in section 8.0 of this report.

7.1.3. Tipperary County Development Plan 2022 – 2028 was made on the 11th July 2022. I note the Planning Authority's assessment of this application was undertaken under the previous development plan, which was also in force at the time of the appeal submission. I assess hereunder the application against the operative development plan, namely Tipperary County Development Plan 2022-2028.

7.2. Principle of Development and Requirement for an EIAR

7.2.1. The existing development of a compost waste facility was permitted under PA reg ref 07511853, which included an EIS (permitted on 5th November 2008), and the facility operates under an EPA licence. The Planning Report submitted with the application sets out the rationale for the application, stating that due to changes in interpretation of requirements of EU regulations at the time of construction and to achieve efficiencies in the facility, additional space was required and constructed, hence the requirement for this retention application. It is further stated there has been no change to the permitted tonnage accepted on the site (45,000 tonnes) and no change to the intensity of the operation.

7.2.2. The PA references the development plan policy for non-conforming uses in the open countryside. Policy 8-9 of the operative development plan supports rural enterprises which may be considered as non-conforming uses, stating: 'Where commercial/industrial enterprises exist as non-conforming but long-established uses, to support their continued operation and expansion, provided such does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the character of the area or creation of a traffic hazard'.

7.2.3. The permitted composting/waste facility as it currently operates takes ‘brown bin’ waste and commercial food waste from commercial waste companies (not directly from the public) and this waste is composted over a five to seven week process, resulting in the production of a soil improver and organic fertiliser.

7.2.4. The principle of this development on this site has been previously established under parent permission 07511853, which permitted this use at this rural location. The Tipperary County Development Plan 2022-2028 under chapter 10 states that it is a key objective of the Council to support the sustainable management of waste in line with the National Waste Management Plan for a Circular Economy (Government of Ireland, 2022) and associated guidance across the delivery of its services and in the management of new development. The proposed development relates to a facility for the treatment of organic waste which would otherwise be treated at a landfill and the development therefore supports the sustainable management of waste. The development was previously permitted at this location and is therefore in compliance also with Policy 8-9 of the operative development plan, as referenced above, and is supported by development plan policy.

7.2.5. A third party submission considers the increase in the floor area proposed for retention will result in the proposal requiring the submission of an EIAR.

7.2.6. The applicant has submitted an EIA Screening Report and in response to the grounds of appeal states that the retention works relate to the structures on site and that the scale of waste treated is as permitted, has not increased, with no intensification as a result of the increased floor area. The building is approx. 23% greater than that permitted. No material EIAR or planning issues arise. The applicant contends there has been no intensification of works on the site as a result of the extensions and there has been no alteration to the balance of the development/intensity of development.

7.2.7. I note under Part 2, Class 11(b) of Schedule 5 of the Planning and Development Regulations 2001 (as amended) relates to ‘Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule’. As the waste facility is permitted to take in 45,000 tonnes, this is application to which Class 13(a) relates: ‘Any change or extension of development already authorised,

executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

7.3. The extension in question relates to the buildings and facilities, with the threshold of waste not having increased or intensified above what was permitted. The site area as stated in the parent application (pa reg ref 07/511853) was 3.2ha and in the current application is 3.8ha, which is an 11% increase in site area. The permitted composting/biological treatment building (reg ref PA 07/511853) was 3870sqm in area with a stated gross floor area of all works, ie the main building, bio filter and offices (as per the then application form) of 5200sqm. The application form with this application states that this development is for retention of a total floor area of 1113.05sqm, which is 21% greater than the permitted floor area. The main composting/waste building is stated to have increased in size by 893sqm/23% greater than that permitted. The applicant has confirmed that the tonnage permitted (45000 tonnes) to be accepted into the site has not increased as a result of the increased floor area and therefore the appropriate threshold has not been increased by 50% as it remains at that permitted.

7.4. It is noted that the retention areas have not affected the volume of waste permitted to be accepted, and have not resulted in any new emissions to air, surface water, ground or groundwater, any change to the volume or quality of the existing stormwater emission, any changes to the methods of waste processing and operational house, or any new processing plant and equipment.

7.4.1. I do not consider the proposed development gives rise to EIAR and I consider the proposal acceptable in principle at this location. I have reviewed the submitted EIA Screening Report and I am satisfied that the development for which retention permission is sought will not likely give rise to a significant effect on the environment.

7.5. Impact on Residential Amenity

Visual Impact

7.5.1. The areas of retention relating to the main waste building involves an overall area of c. 1941.85 sqm, which comprises alterations to the northern and southern elevations and to the eastern and western wings of the building, relating to the waste reception area, and primary and secondary processing areas. The building as permitted was a stated 3870sqm in area, with the constructed building being 4763sqm. In terms of visual impact, the proposed works are in keeping with the design and scale of the existing building on site.

7.5.2. The additional areas of development for which retention is sought relates to a biofilter that is located to the rear of the building (c. 43.23 sqm.), staff welfare prefabricated structure located to the north of the site (c. 65.49 sqm.), 2 no. storage/maintenance containers (c. 26.6 sqm.), toilet block (c. 5.1 sqm), Bio-Filter Condenser Tank (c. 72.4 sqm.) and 2 no. Firewater retention ponds (c. 713.17 sqm.) The additional works are modest in scale and are not highly visible from areas outside of the site given its low lying nature and given it is bound on either side by willow plantations. The firewater retention ponds have no visual impact and their operation is governed by EPA licence, as is the overall facility.

Odour

7.5.3. The third party raises concerns in relation to the emissions of odours from the site and the impact on the health and quality of life of the community.

7.5.4. I note the facility has not increased or intensified its operations above that permitted and the issue of odours is governed separately by the EPA under licence. The odour emissions from the plant are monitored regularly and the EPA has not indicated any issues relating to odours from the site. I refer the Board to the submitted copies of Annual Environmental Reports relating to the facility. The latest report from 2019 has recorded three complaints received in relation to odours from the facility dated over three consecutive days in January. The EPA carried out a site inspection on the second day of one of the complaints and noted no unusual activities on site noting odour possibly caused by trucks delivering waste. In the preventative action section

of the report it is stated that operator is to ensure all trucks covered when arriving on site and no vehicles to take breaks on driveway or entrance to the facility.

7.5.5. Having regard to all the information on file and given the licensable nature of the activity I do not consider that there is any clear basis relating to odours on which permission should be refused by the Board.

7.6. Roads and Traffic

7.6.1. The third party had raised concerns in relation to the volume of traffic arising from the development and impacts in terms of road safety.

7.6.2. I note the parent permission approved in 2008 was accompanied by an EIS and traffic impact was assessed and the development permitted having regard to the road network.

7.6.3. The approved volume of waste was 45,000 tonnes per annum, which remains the volume of waste treated on site. There has therefore been no increase in waste output or associated truck movements as a result of this proposed development for retention. I note the roads conditions in the surrounding area were, upon site inspection, observed to be in good condition and the PA has raised no concerns in relation to the quality or capacity of the existing road network.

7.6.4. I am satisfied that the development as proposed does not give rise to significant additional traffic volumes over and above that which arises from the existing permitted development.

8.0 Appropriate Assessment

8.1. Permission is sought for retention of extensions to the main composting building on site including all other associated site development works above and below ground - the extensions to the main building are to the northern, southern, eastern and western elevations of the existing recycling facility and measure c. 1,015.86 sqm. Retention permission is also sought for extensions to the Biofilter that is located to the rear of the building (c. 43.23 sqm.), staff welfare prefabricated structure located to the north of the site (c. 65.49 sqm.), 2 no. storage/maintenance containers (c. 26.6 sqm.), toilet block (c. 5.1 sqm), Bio-Filter Condenser Tank (c. 72.4 sqm.) and 2 no.

Firewater retention ponds (c. 713.17 sqm.). It is noted that the retention areas have not affected the volume of waste permitted to be accepted, and have not resulted in any new emissions.

8.2. The site is not located within or adjacent to any European site. There is a drainage ditch along the northern and western boundaries of the site where surface water is discharged to, and from here its enters the Ballyley Stream/Breegagh River (c. 120m south of the site). From here the river tavels c. 7.1km northwest to meet the Drish River, which flows into the River Suir a further c. 680m to the west. The Lower River Suir SAC is a further 2.8km to the east.

8.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

8.4. There are two European sites in the wider area, namely the River Barrow and River Nore SAC (002162), which is c.12.5km to the east, and the Lower River Suir SAC (002137), which is c.8.3km to the west. The qualifying interests/features of interest associated with the European site closest to the site and indirectly connected hydrologically via the Breegagh stream to the southern boundary of the site is the Lower River Suir SAC (002137). The River Barrow and River Nore SAC is not hydrologically connected to the site and is not therefore considered further.

8.5. Site specific conservation objectives and qualifying interests have been set for the River Barrow and River Nore SAC as follows:

European Site	**Conservation Objective**	**QIs/SCIs**
Lower River Suir SAC (002137)	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Further detailed	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and

	conservation objectives for each qualifying interest are provided by the NPWS.	Callitricho-Batrachion vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]

8.6. It is noted that site management measures in relation to emissions are not for the purposes of avoiding or reducing any potential harmful effects to any European sites and relate to the overall maintenance of the site as controlled by an EPA licence for such waste facilities. No mitigation measures have been proposed for the purposes of avoiding or reducing any potential harmful effects to any European sites. The current EPA licence specifies control measures that must be implemented to ensure

emissions from the site as it currently operates do not cause pollution and the licence requires the monitoring of emissions to air and surface water, a noise survey and groundwater monitoring, with all results reported to the EPA.

8.7. Given the limited scale of works involved in the retention application, the nature of the existing intervening environment, the distance from the stream to the Lower River Suir SAC, and discharge from the site of clean water only into the Breegagh Stream as governed by the Industrial Emissions Licence from the EPA, I am satisfied that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the Lower River Suir SAC. Furthermore, given the significant distance separating the proposed works and the SAC, in the event of pollution or sediment entering an adjacent watercourse, such pollution would be diluted and dispersed to an imperceptible level at the point of contact with the Lower River Suir SAC and as such significant effects to this designated site is not likely to arise and can be ruled out.

8.8. No cumulative impact issues arise.

Screening Determination

8.9. Having regard to the nature and scale of the proposed development, to the intervening land use, and distance from European sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no. 002137 (Lower River Suir) or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

8.10. This determination has been based on the significant distance of the proposed development from any designated sites and the lack of any meaningful pathway between the development site and such designated sites. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

9.0 Recommendation

9.1. It is recommended that permission for retention is granted.

10.0 Reasons and Considerations

Having regard to the provisions of the Tipperary County Development Plan 2022-2028, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be retained 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.	Apart from any departures specifically authorised by this permission, the development shall be carried out in accordance with the terms and conditions of the permission granted on 1st day of October 2000, under planning register reference number 07/511853, and any agreements entered into thereunder. **Reason**: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous 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.

Una O'Neill
Senior Planning Inspector

31st March 2023