



An
Bord
Pleanála

Inspector's Report ABP-312450-22

Development	Construction of a covered geomembrane lined manure storage basin.
Location	Kedrah, Cahir, Co. Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	201348
Applicant(s)	Michael McEniry
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	1. Jim and Marie Casey 2. Seamus Maloney
Observer(s)	Ann Ita Doolan
Date of Site Inspection	4 th March 2024
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The 0.44 ha appeal site lies c. 4.5km to the north east of the town of Cahir, Co. Tipperary and c. 2km to the east of the M8 motorway. It is located on a local road – L7108 which links two regional roads – R639 and R687.
- 1.2. The appeal site lies in a gently undulating rural landscape of agricultural fields. Development in the area consists of low density rural housing and a disused quarry is located on the opposite side of the road to the site in the landholding of the applicant. Existing development on the site consists of a number of old farm buildings and a derelict dwelling.
- 1.3. The Lower River Suir SAC is located c. 2.5km west of the site and a Natura Impact Statement was submitted in response to a Further Information Request.

2.0 Proposed Development

- 2.1. Planning permission is sought to construct a geo membrane lined storage basin with an internal area of c. 920m². It is proposed that the development will be used to store organic fertiliser for the applicant's farming operations. A letter submitted with the application indicates that the organic fertiliser will be sourced from food processing sources and the dairy farm operated by the applicant's family.
- 2.2. It is proposed that the basin construction would consist of excavating the central area of the proposed site approximately 2m deep and the excavated material will be used to construct the sides of a berm around the basin c. 2.5m in height.
- 2.3. The further information submission dated 14th of October 2021 includes the following:
 - Revised drawings indicate that the main yard and site driveway and circulation areas are to be hardcored. The agitation point and extraction point are to be concreted to slope inwards so any spillages do not escape the concrete bund. A location for an inspection chamber has also been indicated. Revised drawings also indicate how sightlines are to be provided.
 - Details of land spreading and fertiliser plan
 - Details of leak prevention

- Details of traffic movements
- Flood risk assessment
- Details of bedrock and watertable
- Hydrological report
- Natura Impact Statement

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 6 No. Conditions. Condition No. 4 required a revised layout providing for a concrete apron and a cattlegrid. Condition No. 6 required that the installation of the geomembrane lined slurry store to be in compliance with S126 (Dept of Agriculture Regulations).

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report considered that inadequate details were submitted and required Further Information including a Natura Impact Statement.
- Planner's report dated 4th of January 2021 notes that the Flood Report incorrectly states that there is no recorded flooding on the site. The planner notes that the OPW PFRA maps show pluvial flooding. Notwithstanding this, the planner considers that there is sufficient information to demonstrate that pluvial flooding risks are low.

3.2.2. Other Technical Reports

Environment Section: Consider that Nutrient Management Plan is not compliant with the NMP Assessment protocol developed by the Environment Section.

Area Engineer: Requires Further Information in relation to sightlines.

Roads Engineer: Recommends referral to Regional Design Office as site is located within the corridor of the N24 Cahir to Waterford scheme.

3.3. Prescribed Bodies

Traffic Infrastructure Ireland: No objections.

Regional Design Office: Development located within the N24 constraints study area. No conflict with development of options for this project.

3.4. Third Party Observations

A total of 27 No. third party observations were submitted to the Planning Authority. The issues raised are similar to those raised in the appeal.

4.0 Planning History

No relevant history.

5.0 Policy Context

5.1.1. National Policy Objective 23

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

5.1.2. The European Union (Good Agricultural Practice for Protection of Waters)

Regulations 2017 provides the relevant standards for the collection and disposal of farm yard manure to give effect to Ireland's Nitrates Action Programme for the protection of waters against pollution caused by agricultural sources

5.2. Development Plan

The operative plan for the area is the Tipperary County Development Plan 2022 – 2028.

Under this plan (CDP) the site is shown as lying within a rural area to north east of Cahir, a district town within the settlement typology as set out in the plan. This area

lies within the archetype known as the plains and in the landscape character type described as the River Suir Central Plain, which is largely composed of lowland pasture and arable lands that are deemed to have a high capacity/low sensitivity to agricultural development.

Section 8.4.1 deals with agriculture and horticulture. The Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within a designated Natura 2000 site. The Lower River Suir SAC Site Code 002137 is located c. 2.5km to the west of the site and the Galtee Mountains SAC Site Code 000646 is located c. 11.8km to the west of the site.

5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

There are two third party appeals which are summarised separately below:

6.1.1. Jim and Maire Casey

- Concerns regarding road safety and increase in traffic.
- Applicant has inadequate sightlines as he does not own the land to the west of site.

- Applicant has not provided the type and volumetric weight he intends importing to this greenfield site.
- Over 20 objections were submitted by local residents to this application.

6.1.2. **Seamus Moloney**

- Concerns regarding road safety.
- The applicant is a landowner and not a farmer. This is a commercial development.
- Development would significantly increase volume of traffic on the road. Fertiliser deliveries on HGV's would increase 59 fold.
- All HGV and agricultural machinery have increased significantly in size since 2000 and no consideration has been given to this.
- There is significant concern locally about the proposed development.
- The applicant has not provided information in relation to the source of 'organic fertiliser from food processing sources' in relation to item 1 of the Further Information Request.

6.2. **Applicant Response**

6.2.1. The response received from the applicant can be summarised as follows:

- Details in relation to traffic movements were submitted in the Further Information Response.
- The Further Information response also demonstrated that the required sightlines could be provided by cutting back foliage in a westerly direction and removing some of the hedgerow in an easterly direction.
- The applicant is a part time farmer who manages livestock and crops at a number of locations in the south-west of Tipperary.

- Documentation from the Department of Agriculture is attached to the response which verifies that the applicant is a herd keeper and a farmer.
- All vehicles using the road will have to comply with Road Safety Authority Guidelines. Whilst it is true that vehicles have become larger than they were 20 years ago, they can now move greater volumes of material resulting in fewer traffic movements.
- Spreading of organic manure on the farm will not require spreading equipment operating on the public road network merely crossing the road.
- Deliveries to proposed facility will normally be after peak morning and before peak evening traffic.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- The principle of developing a storage basin for organic fertiliser is acceptable.
- The traffic movements associated with the development have been examined by the Municipal District Engineer who raised no objections to the development on grounds of road capacity or traffic impact.
- It is acknowledged that limited information was provided regarding the source of organic fertilizer from food sources. This matter was examined by the Council's Environmental Section and no issues were raised over the source of the fertilizer. The Environmental Section note that the facility will be regulated by a waste permit and a comprehensive Nutrient Management Plan will be required as part of this process.

6.4. Observations

6.4.1. One observation was submitted from Ann Ita Doolan which can be summarised as follows:

- Concern regarding traffic safety and impact of HGV's on narrow roads.
- Concern regarding visual impact.
- Concern regarding environmental impact.

- Concern regarding escaping odours and biogas and other emissions.
- Concern regarding potential leaking from the lagoon and impact on groundwater.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the observation and submissions received in relation to the appeal, and inspected the site, and having regard to local/ regional/ national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Visual Impact
- Drainage and Flooding
- Traffic Safety
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The grounds of appeal argue that this is a commercial development and not an agricultural development. It is stated that the applicant is not a farmer and that the application site is not a working farm.

7.2.2. The description of the development submitted with the application indicates that the proposed development is intended for the storage of organic fertilizers for the applicant's farming operations. The Further Information response indicates that the purpose of the application is to lower the carbon intensity of the farming enterprise. It is stated that the proposed development will remove a minimum of 16,000Kg CO₂ from the farming enterprise through the substitution of chemical fertilizer with organic materials from the food processing industry.

- 7.2.3. The applicant's response to the appeal indicates that he is a part time farmer and that he manages livestock and crops at a number of locations in the south-west of Tipperary.
- 7.2.4. The Planning Authority response to the appeal indicates that the principle of developing a storage basin for organic fertilizer is acceptable. It is acknowledged that limited information was provided regarding the source of organic fertilizer from food sources. This matter was examined by the Council's Environmental Section and no issues were raised over the source of the fertilizer.
- 7.2.5. I accept the concerns raised by the appellants that no information was provided in relation to the source of organic fertilizer. The Further Information response states that the 'organic fertilizer will be sourced from food processing, due to commercial sensitivities surrounding the product, details of the source cannot be disclosed.' I also accept that there is limited farming activities at this location. Notwithstanding this, there is no evidence available to me that a commercial activity of any kind is proposed and the applicant has demonstrated that he is a 'part-time farmer'. The application site is located on agricultural lands outside any designated settlement. Currently the landholding is in grassland however it is proposed to be used for beet and maize production according to information submitted in the Further Information Response. It is proposed to substitute the current use of chemical fertilizer with organic fertilizer.
- 7.2.6. The proposed development is in line with Section 8.4.1 of the Development Plan which states that the Council will support the sustainable development of agriculture and horticulture and as such, I consider that the principle of development is acceptable at this location.

7.3. Visual Impact

- 7.3.1. Concerns have been raised in the observer's submission regarding the visual impact of the proposed development. It is considered that the area is rich in culture and heritage and the proposed development would detract from the scenic amenities of the area.

- 7.3.2. The proposed development consists of a geomembrane storage lagoon which requires the land to be excavated and then lined with a membrane floor. It is proposed that the lagoon will be covered and earth berms would be built around it c. 2.5m in height.
- 7.3.3. The location of the development is towards the rear of the site, a significant distance from the local road L7108 and partially behind existing disused farm buildings and outhouses.
- 7.3.4. The site is located in a landscape character type described as the River Suir Central Plain, which is largely composed of lowland pasture and arable lands that are deemed to have a high capacity/low sensitivity to agricultural development.
- 7.3.5. I am satisfied that the proposed development is appropriate at this location and fits in with the surrounding context of its location within agricultural lands and buildings.

7.4. Drainage and Flooding

- 7.4.1. As outlined in the Further Information Response, baseline information gathered as part of a disused quarry operation in the applicant's ownership opposite the site, record the bedrock and water table levels. The bedrock level is 2.4m below ground levels and the water table is 1.2m below the base level of the basin.
- 7.4.2. A site specific flood risk assessment was carried out which incorrectly states that there is no recorded pluvial flooding on the site. This was noted in the planner's report but it was considered that there is sufficient information in the flood risk assessment to demonstrate that pluvial risks are low.
- 7.4.3. I concur with this and consider that flood risks are low. Any increase in surface water run-off from the site will be negligible given the small increase in hardstanding anticipated as a result of the proposed development.

7.5. Traffic Safety

- 7.5.1. Concerns have been raised by the appellants in relation to the volumes of traffic that the proposal will generate and the nature of the existing road infrastructure which

they claim is incapable of dealing with additional demand. In addition, concerns are raised in relation to sightlines at the access.

- 7.5.2. Item 4 of the Further Information request required the applicant to submit details of traffic movements to and from the site. Table 1 of the response indicates existing traffic movements to the site and Table 2 indicates proposed traffic movements. The annual number of fertilizer deliveries is stated to be 118. The annual movements associated with fertiliser spreading is indicated to be 5.
- 7.5.3. The report received from the Area Engineer indicates that there will be increased traffic movements on the roadway but does not indicate any concerns on the grounds of road capacity or traffic impact.
- 7.5.4. Item 5 of the Further Information Request required the applicant to submit details of 70m measured from the centre line of the approach carriageway. The applicant submitted revised drawings in response to same providing for the hedgerow to be set back and cut back to achieve the necessary sightlines both sides of the entrance. I am satisfied that this can be achieved within the applicant's landholding as outlined in blue in the map submitted to the Planning Authority dated the 16th of November 2020.
- 7.5.5. The applicant's response to the Board indicates that all agricultural machinery using the road will be required to comply with the provisions of the Road Traffic Acts and Regulations. It is stated that spreading of organic manure on the farm from the storage lagoon will not require spreading equipment operating on the public road merely, crossing the road.
- 7.5.6. The proposed storage basin is located in a rural location and the road network is typical of these areas. I do not consider that there is any deficiency in the network that would render it unsuitable to carry the additional traffic movements associated with the proposed development. The road network and junctions have sufficient capacity to accommodate additional traffic, and there is adequate visibility at the entrance provided that the works indicated in the Further Information Response are carried out. The increase in traffic movements per annum is considered to be relatively modest and would have no discernible impact on the road network. As such, the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

8.0 Appropriate Assessment

8.1. Compliance with Articles 6(3) of the EU Habitats Directive

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

8.2. Background on the Application

- 8.2.1. A screening report for Appropriate Assessment was not submitted with this application/ appeal case.
- 8.2.2. The PA has undertaken a screening exercise. It notes that the relevant European sites are the Lower River Suir SAC and Galtee Mountains SAC. It concluded that the Lower River Suir is within the drainage catchment of the site and that it is uncertain whether the proposal will have a significant effect on a European site.
- 8.2.3. The Further Information Request issued by the Planning Authority required the applicant to submit an NIS.
- 8.2.4. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.3. Screening for Appropriate Assessment- Test of likely significant effects

- 8.3.1. 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).
- 8.3.2. 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. Brief description of development

- 8.4.1. In summary, the development comprises:

- Geomembrane storage lagoon with an internal area of c. 920m².
- The lagoon will require excavations of c. 2m with the material to be used for the construction of earth berms around the lagoon of a 2.5m height.
- A leak detection system will be installed in accordance with S126 minimum specification for geomembrane-lined slurry/ effluent stores.
- The intended use of farm is for the storage of organic fertilizers for the applicant's farming operations.
- Organic fertilizer would be sourced from food processing sources and from the dairy farm operated by the applicant's family.

8.4.2. Taking account of the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction phase impacts on surface water due to pollution or contamination with silt, chemicals, oils, hydrocarbons, etc.
- Habitat disturbance/ species disturbance (construction and/or operational).

8.5. European Sites

8.5.1. The development is not located in or immediately adjacent to a European site. The NIS submitted in response to the Further Information Request considers that the following two sites are the only two sites within a possible zone of influence of the proposed development.

European Site	Site Code	Distance from site	Connectivity/ pathway
Lower River Suir SAC	002137	2.5km to W	Yes
Galtee Mountains SAC	000646	11.8km to W	No

- 8.5.2. I am satisfied that the other European sites outside of this potential zone of influence can be discounted as having potential for significant effects on the basis of separation distance and the lack of any complete source-pathway-receptor chain.
- 8.5.3. In relation to consideration of Lower River Suir SAC, a hydrological pathway exists between this site and the application site. The proposed development is located within the Suir sub-catchment which is part of the Suir Catchment. The closest watercourse is the Cloghabreedy which is located 370m west of the site entrance. This joins the Outeragh Stream which flows for 1.5km and joins the River Suir. Approximately 670m of the Outeragh Stream is designated as part of the Lower River Suir SAC. Given the source-pathway-receptor link between the two there is potential for impacts to the qualifying interests/ special conservation interests of the Lower River Suir SAC and this site cannot be screened out. Therefore this site requires further consideration at Appropriate Assessment Stage 2.
- 8.5.4. Having regard to the separation distance and the absence of any hydrological connection I consider that the following site can be screened out:

- Galtee Mountains SAC (Site Code 000646)

8.6. Appropriate Assessment Stage 1 – Screening Conclusion

- 8.6.1. Potential for significant effects on the Lower River Suir SAC (Site Code 002137), noting the sites conservation objectives cannot be screened out for the reasons outlined above. Accordingly, a Stage 2 Appropriate Assessment is required to determine the integrity of potential of the existing development to adversely affect the integrity of this site.
- 8.6.2. It is reasonable to conclude on the basis of information on file, which I consider to be adequate in order to issue a screening determination, that the existing development, individually or in combination with other plans or projects would not be likely to have a significant effect on Europeans site:
- Galtee Mountains SAC (Site Code 000646)
- or any other sites in view of their Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

8.7. Appropriate Assessment- Stage 2

- 8.7.1. The planning documentation included a Natura Impact Statement (NIS). The NIS examines and assesses the potential for adverse effects of the development on the Lower River Suir SAC.
- 8.7.2. The NPWS site synopsis for the Lower River Suir SAC outlines that ‘the Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford.’
- 8.7.3. The Lower River Suir contains excellent examples of a number of Annex 1 habitats, including the priority habitat alluvial forest and Yew woodland. The SAC is of particular conservation interest for the presence of a number of Annex II animal species including Freshwater Pearl Mussel, White-clawed Crayfish, Salmon, Brook and River Lamprey and Otter.
- 8.7.4. Full details of Qualifying Interests are available on the NPWS website - [SITE SYNOPSIS \(npws.ie\)](http://npws.ie).

Table 1

Qualifying Interests Lower River Suir SAC
[1330] Atlantic Salt Meadows
[3260] Floating River Vegetation
[6430] Hydrophilous Tall Herb Communities
[91A0] Old Oak Woodlands
[91E0] Alluvial Forests*
[91J0] Yew Woodlands*
[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)
[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)

[1095] Sea Lamprey (*Petromyzon marinus*)

[1096] Brook Lamprey (*Lampetra planeri*)

[1099] River Lamprey (*Lampetra fluviatilis*)

[1103] Twaite Shad (*Alosa fallax*)

[1106] Atlantic Salmon (*Salmo salar*)

[1355] Otter (*Lutra lutra*)

8.7.5. The Conservation Objectives for the Lower River Suir SAC, notes that the overall aim of the habitats directive is to maintain or restore the favourable conservation status of the habitats and species of community interest. A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at the site. The NPWS has prepared specific attributes and targets for the qualifying interests protection of habitats and species associated with the Lower River Suir SAC.

8.7.6. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

8.7.7. The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

8.7.8. The NIS submitted in support of the proposed development sought to examine the evidence and data collected in order to determine whether or not qualifying features of the Lower River Suir SAC should be selected for further assessment in terms of potential for significant impacts. It is considered that eight qualifying interests are relevant in terms of the proposed development given that they would be vulnerable to a potential deterioration in water quality during the construction and operational phases.

8.7.9. The relevant qualifying interests for this site include the following:

- Floating River Vegetation
- Freshwater Pearl Mussel
- White-clawed Crayfish
- Sea Lamprey
- River Lamprey
- Brook Lamprey
- Atlantic Salmon
- Otter

8.8. Potential Direct and Indirect Effects

I have summarised the potential direct and indirect effects as follows:

Potential Direct Effects

8.8.1. No direct impacts are predicted on any European site as the application is not directly located within a European site.

Potential Indirect Effects

8.8.2. Due to hydrological connectivity, the QI's of Lower River Suir has the potential to be vulnerable to the following:

- The introduction of pathogens and non-native/ invasive species during the construction phase.

- Potential for accidental spillages containing elevated solids or pollutants.
- Risk of run-off of sediment during construction.
- Possibility of silt-laden or otherwise contaminated run-off from the site's construction and drainage being released into a nearby watercourse.
- Increase of run-off of sediment could indirectly affect the habitats and food supply of QI's.

8.8.3. Having regard to the information available, I am satisfied that the proposed development has the potential to have a significant effect on the Lower River Suir SAC, in the absence of mitigation in terms of the following:

- Impact on water quality
- Impact on habitat
- Impact on species

8.9. Mitigation Measures

8.9.1. Mitigation measures proposed are set out in Section 8.0 of the NIS and include the following:

- Contractor to adhere to standard construction best practice.
- Construction works to adhere to 2016 Inland Fisheries Guidelines – 'Guidelines on Protection of Fisheries During Construction Works'.
- Only clear vegetation when works are required to prevent leaving exposed ground for long periods of time.
- Reseeding of proposed earth berms shall be undertaken as soon as possible to stabilise the soil and prevent run-off.
- Slurry spreading to adhere to minimum distance from watercourses observed by the Nitrates Directive and Good Agricultural Practices for Protection of Waters Regulations.
- The NMP to be adhered to for the spreading of organic waste within the farm holding.

- Daily visual inspections would be undertaken of the site access to ensure no silt-laden surface water leaves the site, with the potential to either join with any adjacent surface water drainage systems within the vicinity.
- Silt fencing to be placed along the boundary of the site with any drainage ditch that has the potential to connect with watercourses in the area.
- Spoil areas to be temporary only and located away from any drainage ditch.
- Spoil to be covered.
- Excavations and earth-moving activities to be planned outside periods of heavy rain.
- The tank/ tanker to be located away from any steep sloping ground.
- The construction contractor would ensure that all staff are trained in spillage control.
- In the unlikely event of a suspected deterioration in water quality within the Cloghabreedy or the Outeragh (stream), due to construction works, works would immediately cease, an investigation into the cause undertaken and the relevant NPWS and Inland Fisheries personnel informed.
- Should a protected species such as Otter or Badger be found during the construction phase, an officer from the NPWS would be notified prior to resumption of construction works.

8.9.2. Overall, I am generally satisfied that the mitigation measures proposed are appropriate to address the identified risks associated with the Lower River Suir site, and if implemented in full would be sufficient to avoid significant impacts arising with regard to water quality, habitats or species associated with the SAC.

8.10. In-combination effects

8.10.1. The potential of in combination effects were considered in Section 9.0 of the NIS. There are no significant effects from this stand alone site and therefore a significant contribution to cumulative or in combination effects are not anticipated.

8.10.2. I am satisfied that the current site would not act in combination with any other projects such to result in any significant effects on the Lower River Suir SAC or any of the qualifying interests for which the site is designated, having regard to their conservation objectives.

8.11. Appropriate Assessment – Stage 2 Conclusion

8.11.1. On the basis of the information provided with the application, including the NIS, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, the submissions received and the assessment carried out above, I am satisfied that the existing development, individually or in combination with other plans or projects would not adversely affect the integrity of Lower River Suir SAC, in view of the sites Conservation Objectives.

9.0 Recommendation

I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be GRANTED for the following reasons and considerations.

Appropriate Assessment: Stage 1:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the Stage 1 Appropriate Assessment submitted with the further information response to the planning authority, and the report and screening assessment, as completed by the Inspector, which concluded that the Lower River Suir Special Area of Conservation (Site Code: 002137) is the only European Site for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment was required for this European Site.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted, the mitigation measures contained therein, and the submissions on file, and carried out an appropriate assessment of the implications of the proposed development for the Lower River Suir Special Area of Conservation (Site Code: 002137) in view of the Conservation Objectives for the site. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definite conclusions for appropriate assessment. In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, and the mitigation measures which are included as part of the current proposal. In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out by the Inspector of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Lower River Suir Special Area of Conservation (Site Code: 002137) in view of the Conservation Objective of the site and that there is no reasonable scientific doubt as to the absence of such effects.

10.0 Reasons and Considerations

Having regard to the Tipperary County Development Plan 2022 – 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 14th day of October 2021 and by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. All mitigation measures and environmental commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: In the interest of environmental protection.

3. 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.

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

4. All foul effluent generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed storage facility 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.

5. Organic fertilizer generated by the proposed development shall be applied to the holding as indicated by the Nutrient Management Plan submitted to the Planning Authority on the 14th day of October 2021, unless otherwise agreed 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) (Amendment) Regulations, 2017, as amended.

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

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or 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.

7. The installation of the proposed geomembrane lined slurry store shall be carried out in compliance with S126 Minimum Specification for Geomembrane Lined Slurry Stores (Department of Agriculture Food and Marine). Within 2 weeks of installation, the developer shall submit a copy of the contractors certificate of ground

preparation and leak tightness for geomembrane lined slurry stores to the Planning Authority for written approval.

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

8. 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

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.

Emer Doyle
Planning Inspector

30th April 2024