



An
Bord
Pleanála

Inspector's Report

ABP-314803-22

Development	Forty-eight stables, office/reception/staff accommodation building, ancillary buildings and associated site development works. This application is accompanied by a Natura Impact Statement.
Location	Sladagh, Lisronagh, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	22505
Applicant(s)	Allez Farms
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Shona Foyle
Observer(s)	None
Date of Site Inspection	18 th April 2023

Inspector

Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located in the townlands of Sladagh, Lisronagh Clonmel, in County Tipperary. The stated site size is 8.34 hectares and is part of a larger landholding. The site is 3.2km south of Fethard and 9.5km north of Clonmel.
- 1.2. The site consists of three sections. The first section is located north of the landholding and accessed from an entrance off the L6505 local road. This section of the site contains a number of buildings, including an open agricultural building and an older stone building with a slate roof. There is a large dwelling west of this section of the site.
- 1.3. At the time of site inspection, blockwork walls were being erected in the interior of the open agricultural building.
- 1.4. The second section of the site is located to the south and is set back from the c.260 meters from the L-6505 to the north and c.240 meters from the L-2509 to the west. This part of the site is a grassed field and relatively flat. There are mature field boundaries surrounding this section of the site.
- 1.5. The third section of the site adjoins the L-2506 local road and consists of a flat field. New timber post fencing demarcates this section of the site. There is a hedgerow boundary with the road and an existing agricultural entrance. Again, this part of the site is relatively flat.
- 1.6. There is a two-storey dwelling to the north of this section of the site and a row of four detached dwellings to the south.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - A stable building comprised of 48 no. stables, foaling boxes, internal corridors and ancillary storage areas.
 - A single-storey building consisting of reception, staff office & facilities, security staff, and employee accommodation quarters.
 - An ancillary building consisting of a sawdust store, hay barn and covered dungstead area.

- Two roofed horse walkers.
- One roofed lunging ring.
- Demolition of existing derelict /disused building/stable/shed/structure and construction of new 6 no. stables with a two-storey section containing storage and staff welfare facilities.
- Reclading of the existing shed.
- Modifying the existing entrance yard to the northern boundary and creating a new entrance to the western boundary.
- All associated site development works, including loading ramp, internal roads, car-parking, effluent tank, treatment systems with associated and percolation areas, yards and all associated site works above and below ground.

3.0 Planning Authority Decision

3.1. Decision

Tipperary County Council issued a decision to grant on the 27th of September 2022, subject to 14 no. conditions. Condition no. 2 requires the submission of a bat survey. Condition no. 4 requires the provision of 4no additional car parking spaces.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 27th September 2022 reflects the decision to grant permission. The main points can be summarised as follows:

- There is no objection to a substantial equine facility in this area, which is known for equine-related facilities.
- The accommodation proposed is not considered to be an independent residential unit.
- There is no objection to the proposal from a visual amenity perspective.

- The widened agricultural paths are exempted development.
- The building to be demolished is not on the Record of Protected Structures or the National Inventory of Architectural Heritage.
- The site contains no ecological or biodiversity designations.
- The stable block will not impact the residential amenity of nearby properties.
- The proposed development will not generate an excessive level of light pollution.
- Additional 4no. car parking spaces are required to serve the development.
- The provision of secondary wastewater treatment systems for the staff is acceptable.
- The collection in tanks and landspread of wastewater from the stables is acceptable.
- The proposed surface water drainage system is acceptable. As two recorded monuments are within the wider landholding, an archaeological monitoring condition should be attached to a grant of permission.
- It is considered that the proposed development would not obstruct flow paths or introduce a significant additional number of people into flood-risk areas.
- It has been determined that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lower River Suir SAC.
- The proposed development does not fall into a class of development contained in Schedule 5 Parts 1 or 2; therefore, the requirements for an EIA can be screened out.

3.2.2. Other Technical Reports

The report from the District Engineer dated the 27th September 2022 has no objection to the proposed development and recommends alterations to the northern entrance.

3.3. Prescribed Bodies

None Received

3.4. Third Party Observations

An observation was received from the appellant. The main points can be summarised as follows:

- Discrepancies in the application with regard to the number of staff proposed.
- Discrepancies in application form relating to flooding history.
- Potential unauthorised works on the site.
- An on-the-ground survey by an ecologist should be carried out before any more works are undertaken.
- Improved drainage will have a negative impact on the hydrology, ecosystem, habitats, flora and fauna.
- Significant negative environmental effects are likely to arise due to pollution.
- Mitigation measures only refer to the construction phase.
- There have been hardly any traffic movements at the site's northern entrance; therefore, the existing traffic figures contained in the Civil Engineering Report are incorrect.
- The proposed traffic generation has been underestimated.
- The existing road infrastructure is not suitable for the increase in traffic.
- Inaccuracies relating to the suitability of the site for the wastewater system proposed.

4.0 Planning History

P.A. Ref: 97/431

Permission was granted on the 21st July 1997 for a two-storey house with a garage, septic tank, percolation area, and new entrance.

Adjacent Lands

P.A. Ref: 22/355

Permission was granted on the 29th June 2022 to retain changes to the previously granted dwelling and site layout.

P.A. Ref 99/1260

Permission was granted on the 26th April 2000 for a dormer-type dwelling with associated site works.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Tipperary County Development Plan 2022-2028 is the operative Development Plan for the area. This plan came into effect on the 11th of July 2022.

5.1.2. Policy SO – 6

To support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.

5.1.3. Policy SO – 7

To protect, enhance and connect areas of natural heritage, blue and green infrastructure and waterbodies, for quality of life, biodiversity, species and habitats, while having regard to climate change adaptation and flood risk management measures.

5.1.4. Section 8.4.2 Equine and Related Industries.

The Council will seek to ensure that the vitality and viability of the equine industry is maintained through the appropriate management of the rural environment on which the equine industry is reliant. The Council will seek to protect, promote and enhance the development of the equine industry and to continue to promote the county as a recognised centre of excellence for the bloodstock industry and equine based leisure and tourism.

5.1.5. Policy 8-4

Facilitate the development of alternative farm enterprises, whilst balancing the need for a proposed rural-based activity with the need to protect, promote and enhance

the viability and environmental quality of the existing rural economy and agricultural land.

5.2. **Natural Heritage Designations**

- Lower River Suir, Special Area of Conservation - 1.2km from the subject site.

5.3. **EIA Screening**

- 5.3.1. I consider that the proposed development does not fall within a class of development contained in Schedule 5 Part 1 or 2. Therefore, the requirements for an EIA can be excluded at pre-screening.
- 5.3.2. It is noted that the applicant has submitted Section 7A information and carried out a sub-threshold assessment. The report considers the proposal to be sub-threshold under Classes 1 (a) and (b) and Classes 11 (c) and (d) of Schedule 5 Part 2. The Board should note that Classes 1(a) and (b) of Schedule 5 Part 2 have been deleted by article 19(a) of S.I. No.454/2011 Planning and Development (Amendment) (No.2) Regulation 2011. Given the proposed development, I consider that development considered under Class 11 (c) and (d) are not relevant.
- 5.3.3. I, therefore, consider the submission of Section 7A information erroneous as the proposed development does not fall within a class of development set out in Part 1 and Part 2, Schedule of the Planning and Development Regulations. Therefore, a sub-threshold assessment is not required.
- 5.3.4. In conclusion, as the proposed development does not fall within a class of development set out in Part 1 and Part 2, Schedule 5 of the Planning and Development Regulations, the need for environmental impact assessment can be excluded at pre-screening, and a screening determination is not required.

Appendix 1 contains an EIA Pre-Screening form.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal includes the original observation detailed in Section 3.4 and an appeal letter. The main points in the appeal letter can be summarised as follows:

- The Council ignored the issues raised in the appellant's submission, apart from the threat to Bat Roosts.
- There are inaccurate details in the planning application.
- The existing road infrastructure is unsuitable for the proposed development's increased traffic.
- Two different site characteristic forms have been submitted.
- Any water abstraction would seriously impact a wide area, including the River Suir SAC.
- Improved drainage will interfere with the water table, ponds and wetlands, causing a negative impact on the current hydrology, ecosystem, habitats, flora and fauna.

6.2. Applicant Response

The main points can be summarised as follows:

- The issues raised by the Third Party at the planning application stage formed an integral part of the Planner's Assessment.
- There is no inconsistency in the proposed number of employees.
- The issue of flood risk was fully addressed as part of the Flood Risk Assessment (FRA) and was assessed by the Planning Authority.
- As a working farm, standard agricultural activities and farm improvement works are ongoing on-site and are provided for under the exempt development provisions of the Planning and Development Regulations.

- The issue of potential archaeological impact has been addressed through the planning application documents.
- The issues in the observation and appeal relation to the NIS have been addressed through the planning documents, the planner's report and the conditions attached to the Notification of Decision to Grant Permission.
- The FRA does not support the claim that the improved drainage will have negative impacts.
- Mitigation measures for noise, dust, air quality, and surface water run-off are proposed for the construction and operational phases.
- Given the scale of the development, no mitigation measures are required in relation to the lighting on site.
- The trip generation set out in the submitted Civil Engineering Planning Report is considered accurate.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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

- Planning Policy

- Content of Planning Application
- Traffic and Movement
- Water Abstraction
- Flooding / Surface Water Drainage
- Appropriate Assessment

7.2. **Planning Policy.**

- 7.2.1. The Tipperary Development Plan 2022-2028 states in Section 8.4.2 that the Council will seek to protect, promote and enhance the development of the equine industry and to continue to promote the county as a recognised centre of excellence for the bloodstock industry and equine based leisure and tourism.
- 7.2.2. The site is on existing agricultural land which contains existing agricultural buildings. It is considered that the proposed development, which includes the provision of 48 no. stables will enhance the development of the equine industry in Tipperary County. I consider that the proposed development is compatible with the dominant agricultural use of the area and is therefore acceptable in principle, subject to the detailed considerations below.

7.3. **Content of Planning Application.**

- 7.3.1. The appellant contends that there are a few inaccuracies in the planning application relating to the stated staff number, flooding, description of the existing site and the proposed number of horses to be housed. While I acknowledge there are some inaccuracies in the planning application, I do not consider these significant. I note that the planning authority deemed the planning application to be valid. I consider the application's contents to be sufficient for an adequate appraisal of the proposed development.

7.4. **Traffic and Movement**

- 7.4.1. The appellant contends that the existing road structure is unsuitable for the traffic the proposed development will generate. A revised entrance is proposed for the western section of the site onto the L2509 Local Road. At the point of the proposed entrance, the road is straight with a wide verge and has a width averaging c.4.3m. Drawing No.220447-ORS-Z0-00-DR-B-200 shows at this entrance sightlines of 160m are achievable. The proposed entrance complies with Road Design & Visibility at a Direct Access requirement as contained in Section 6, Volume 3 of the Tipperary County Development Plan 2022-28. Therefore, I consider the proposed western entrance acceptable and will not be seriously injurious to traffic safety.
- 7.4.2. The existing northern entrance is on a Local Road L-6505-0 and is located in an 80km speed zoned. The District Engineer in his report dated the 27th September 2022 states that the average operational speed of the road is 35kph. Given the geometry of the road and the location of the old railway bridge to the east, I consider the stated operation speed reasonable. Sight distances of 90m are to be provided for the new entrance, which complies with the standards in the development plan. Therefore, I consider the proposed western entrance acceptable and will not be seriously injurious to traffic safety.
- 7.4.3. In the submitted Civil Engineer Planning Report, the projected trip generation for the daily proposed development is 6 cars and 6 HGVs in the high season (May to August and 2 cars and 2 HGVs for the rest of the year. Given the nature of the proposed development, I believe these figures may be underestimated. However, I consider that the proposed development will not create enough additional traffic to impact the traffic levels in the surrounding area significantly.
- 7.4.4. I note that a Constraints and Feasibility Report has been carried out for a potential Clonmel to Thurles Greenway. This report was commissioned by The Tipperary Greenway Project and funded by the Department of Rural and Community Development. The disused railway track that traverses the site is included in the study area. I consider that the proposed development would not introduce any additional physical constraints to the delivery of a potential greenway.

7.5. Water Abstraction

- 7.5.1. The appellant also states that any water abstraction on the property would have severe negative impacts over a wide area, including the Lower River Suir SAC. The Impact on the Lower River Suir SAC is dealt with in the Appropriate Assessment section below. Water for the development is to be from two separate connections to the public water mains serving the two areas of the site. There are to be no wells bored on site. If the Board is minded to grant permission I recommend a condition requiring a water connection agreement with Uisce Eireann.

7.6. Flooding / Surface Water Drainage

- 7.6.1. The appellant raises that the proposed development will interfere with the water table, ponds and wetlands causing a negative on the current hydrology, ecosystems, habitats and flora and fauna.
- 7.6.2. A Flood Risk Assessment has been submitted with the planning application. No part of the site is within the boundaries of either a fluvial flood zone A or B. The OPW flood maps indicate no ground water flood extracts in or adjacent to the subject site. The applicant states that information provided by Tipperary County Council indicated that part of the site to the south was prone to localised pluvial flooding. The development has been designed to avoid these areas.
- 7.6.3. The proposed use is considered a 'less vulnerable development'. The development is contained in Flood Zone C, so the site is at a low risk of flooding. I consider that the proposed development is unlikely to cause increased flooding elsewhere.
- 7.6.4. The site has been divided into two separate surface water catchments. There will be a petrol interceptor, an attenuation tank and a flow control manhole for each area. It is proposed that all the hard surfaces from the development feed into attenuation tanks with restricted outlet flow rates to pre-existing drainage systems, including the open drain along the old railway line and lake, to minimise water displacement to adjacent lands. I note that the Local Authority considered the proposed surface water management system acceptable for the proposed development. I also refer the Board to the mitigation measures proposed in the Natura Impact Statement to

prevent any potential pollution to surface or ground waters during the construction and operation of the proposed development.

7.6.5. The appellant has raised the issue of waste water and states that two different versions of the site characteristic form have been submitted. This is incorrect, as they are separate assessments relating to the proposed main stable yard area and the northern section of the site.

7.6.6. I am satisfied that the proposed surface water management system is adequate for the proposed development and will not significantly impact the hydrology, ecosystems, habitats and flora and fauna.

7.7. Appropriate Assessment- Screening

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

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

7.7.2. Background on the Application

The applicant has submitted a screening report for Appropriate Assessment / Natura Impact Statement as part of the planning application. The Natura Impact Statement issued on the 12th July 2022 was prepared by Noreen McLoughlin, MSc MCIEEM of Whitehall Environmental, on behalf of ORS.

The applicant's Stage 1 A.A. Screening Report was prepared in line with current best practice guidance, provides a description of the proposed development, and identifies a European Site within a possible zone of influence of the development.

The planning application also includes an adequate Flood Risk Assessment, which concludes that the site is suitable for the development, the flood risk to the proposed development is considered to be low, and the development would not increase flood risk elsewhere. An Environmental Impact Assessment Screening Report, including Section 7 information, was submitted with the application. A Civil Engineering

Planning Report has also been submitted and includes Site Characterisation Reports.

The applicant's A.A. Screening Report concluded that the proposed development is not directly connected with or necessary to the nature conservation management of the designated site. It concluded, therefore, following consideration of the location of the Lower River Suir SAC in relation to the proposed development at Sladagh and the potential impacts and subsequent significant effects that may occur on the Q.I.s of the site, this project must proceed to the next stage of Appropriate Assessment, namely the Natura Impact Assessment.

Having reviewed the documents and submission, I am satisfied that the information submitted 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.

7.7.3. Screening for Appropriate Assessment

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.

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Area (SAC) and Special Protection Area (SPA) to assess whether it may give rise to significant effects on any European Site.

The applicant provides a description of the project on pages 11-12 of the A.A. screening report and elsewhere, e.g., Section 3 of the Environmental Impact Assessment Screening Report. In summary, the development comprises:

- 48no. stables, foaling boxes, internal corridors and ancillary storage area.
- A single-storey building consisting of reception, staff office & facilities and security staff and employee accommodation quarters.
- Saw dust store.

- Hay barn.
- Covered dungstead.
- Two roofed horse walkers.
- Roofed lunging ring.
- New vehicular entrance.
- Demolition of existing derelict shed structure.
- Construction of six stables.
- Additional staff welfare facilities

The proposed development is to be constructed under the supervision of a Construction Project Manager and a Project Environmental Consultant. Surface water from roofs and hardstanding areas will be discharged via hydrobrake to an existing drain following attenuation. All discharge will be intercepted through an oil interceptor. Additional SUDS features will be included on-site. All surface water from hard surfaces will feed into two attenuation tanks.

Wastewater from onsite toilets and staff facilities will be treated on-site with a wastewater treatment plant and percolation area.

The development site is described in Section 4, pages 16-19 of the Natura Impact Statement. It is described as comprising 'predominantly intensive agriculture and improved agriculture grasslands and tillage lands on and surrounding the site. Other habitats represented in the area include small areas of mixed and coniferous woodlands, treelines, hedgerows and watercourses.

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

- Construction related – uncontrolled surface water/silt/construction.
- Habitat loss.
- Habitat disturbance – Construction and operational

- Species disturbance – Construction and operational.

7.7.4. Observations

One observation was received on the planning application. The main issues raised in relation to the Natura Impact Statement can be summarised as follows:

Nearly all the protected species listed in the submitted NIS have been seen on the subject site.

The existing farm buildings are home to bat roosts and nesting sites for Owls, Swallows, House Martins and House Sparrows.

7.7.5. European Sites

The development is not located in or immediately adjacent to a European site. The closest European Site is Lower River Suir SAC, 1.2km from the proposed development and 4.8km downstream via the Garrinch Stream. This is the only Natura 2000 designated site within 15km of the application site.

A summary of Lower River Suir SAC that occurs with a possible zone of influence of the proposed development is presented in the table below.

Table 1. Summary of European Sites within a possible zone of influence of the proposed development.

European Site	List of Qualifying Interests	Distance from proposed development	Connection	Considered further in screening
Lower River Suir No. 002137	Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	1.2km	4.8km downstream via the Garrinch Stream	Yes
	Mediterran Salt Meadows (Juncetalia maritime)			Yes

	<p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p>			Yes
	<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p>			Yes
	<p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>			Yes
	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>			Yes
	<p><i>Taxus baccata</i> woods of the British Isles [91J0]</p>			Yes
	<p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p>			Yes
	<p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p>			Yes

	Petromyzon marinus (Sea Lamprey) [1095]			Yes
	Lampetra planeri (Brook Lamprey) [1096]			Yes
	Lampetra fluviatilis (River Lamprey) [1099]			Yes
	Alosa fallax fallax (Twaite Shad) [1103]			Yes
	Salmo salar (Salmon) [1106]			Yes
	Lutra lutra (Otter) [1355]			Yes

7.7.6. Identification of likely effects

The proposed development is on a site hydrologically connected to the Anner River, which is part of the Lower River Suir SAC via the Garrinch Stream and River Moyne. Therefore, I consider the site within the Zone of Influence of this SAC.

I have considered the individual elements of the project and consider that the likely effects on the SAC from the proposed development consist of the following:

- Deterioration of the water quality arising from pollution from surface water run-off during the site preparation and construction. This could lead to significant effect on the Qualifying Interest of the Lower River Suir.
- During the construction of the culverting of the Garrinch Stream, there is potential for pollution to enter this stream with further risk of pollution downstream to the River Moyle and ultimately to the River Suir.

- Deterioration of the water quality arising from pollution due to the operation of activities within the site. Run-off from the dungstead or effluent tanks and hydrocarbons from vehicles may lead to ground or surface water pollution. Inappropriate practices or management could significantly impact the Lower Suir SAC.
- Negative impacts on local groundwater resources and subsequent effects on the Natura 2000 sites could lead to significant effects on the Qualifying Interests of the Lower River Suir SAC.
- Potential impacts on water quality within the Lower River Suir SAC arising from the use of soiled water/manure on the farm. Negative impacts on ground water could lead to significant effects on the Qualifying interests of the Lower River Suir SAC.

7.7.7. Mitigation Measures

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

7.7.8. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually could have a significant effect on European Site No. 002137 in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

7.7.9. The Natura Impact Statement

The application included a Natura Impact Statement dated the 12th July 2022, prepared by Noreen McLoughlin, MSc MCIEEM and assessed potential adverse effects of the proposed development on the Lower River Suir SAC.

In the preparation of the NIS, the following data sources were accessed in order to complete the examination of potential impacts:

- National Parks and Wildlife Service – Aerial photographs and maps of designated sites, information on habitats and species, information on protected plant or animal species, conservation objectives, site synopses, and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA) – Information pertaining to water quality, geology and licensed facilities within the area.
- Myplan.ie – Mapped-based information.
- National Biodiversity Data Centre (NBCD) – Information pertaining to protected plant and animal species within the study area.

I consider the information included in the NIS adequate for its purposes.

The applicant's NIS was prepared in line with the current best practice guidance and provides an assessment of the potential impacts that could lead to significant effects upon the relevant qualifying Interest of the Lower River Suir SAC and proposed mitigation measures to protect the integrity of the SAC.

The applicant's NIS concluded that with the implementation of the mitigation measures, the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Lower River Suir SAC. It also concludes that the integrity of the SAC will not be adversely affected.

Having reviewed the documents and submission, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the Lower River SAC 0002137 alone or in conjunction with other plans and projects.

7.7.10. Appropriate Assessment (recommendation)

The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European site based on the scientific information provided by the applicant and taking into account expert opinion and submissions on nature conservation. It is based on an examination of all relevant

documentation and submissions, analysis and evaluation of potential impacts, findings, and conclusions. A final determination will be made by the Board.

All aspects of the project which could result in significant effects are assessed, and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness.

7.7.11. Relevant European sites:

In the absence of mitigation or further detailed analysis, the potential for significant effects could not be excluded for:

- Lower River Suir SAC (002137)

A description of the site and its Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS section 6.2.4 – SSCOs of the Qualifying Interests. I have also examined the Conservation Objectives Supporting Documents for these sites, available through the NPWS website (www.npws.ie).

Table 3 below summarises the Qualifying Interests of the Lower River Suir SAC to be screened out.

Qualifying Interest	Reason for Exclusion
<ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterran Salt Meadows • (<i>Juncetalia maritima</i>) 	<p>The Atlantic salt meadows occur just upstream of Waterford City (SSCO Map 3). Mediterranean salt meadows within the SAC have not been mapped but occur in estuarine areas, which are likely to be 60km from the subject site. These habitats are not within the Zone of Influence and the proposed development will have no significant impacts on these qualifying interests.</p>
<ul style="list-style-type: none"> • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] 	<p>Both habitats occur at locations outside the Zone of Influence of the development site and the proposed development will have no significant impacts on these qualifying interests.</p>

<ul style="list-style-type: none"> Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] 	
<ul style="list-style-type: none"> <i>Taxus baccata</i> woods of the British Isles [91J0] 	<i>Taxus baccata</i> wood occur only at Chair Park outside the Zone of Influence of the application site and the proposed development will have no significant impacts on these qualifying interests.
<ul style="list-style-type: none"> <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] 	Within the SAC, this species only occurs in the Clodiagh catchment upstream of Portlaw. The Clodiagh River is not hydrologically connected to the application site and no impact on this qualify interest are considered likely.
<ul style="list-style-type: none"> <i>Alosa fallax</i> (Twait Shad) [1103] 	The twait shad lives in the lower reaches of estuaries and spawns at the upper tidal reaches. Likely habitat within this SAC is 60km downstream.

Table 3 below summarises the information considered for the Appropriate Assessment. I have taken this information from that provided by the applicant.

Lower River Suir SAC (002165) Detailed Conservation Objectives available: https://www.npws.ie/protected-sites/sac/002165			
Qualifying Interest	Conservation Objectives	Summary of Appropriate Assessment	
		Potential adverse effects	Mitigation measures
Water Courses of plain to montane levels with the Ranunculion Fluitantis and Callitricho-Batrachion vegetation	To maintain the favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in Lower River Suir SAC	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent storage tanks during the operational stage of the proposal.	Detailed pollution control measures to protect water quality during construction and operational phases

Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition of Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels in Lower River Suir SAC,	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent storage tanks during the operational phases of the proposal.	Detailed pollution control measures to protect water quality during construction and operational phases
Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of Sea, Brook and River Lamprey in Lower River Suir SAC	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent storage tanks during the operational phases of the proposal.	Detailed pollution control measures to protect water quality during construction and operational phases
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Atlantic Salmon in Lower River Suir SAC,	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent storage tanks during the operational phases of the proposal.	Detailed pollution control measures to protect water quality during construction and operational phases
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of Otter in Lower River Suir SAC	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent storage tanks during the operational phases of the proposal.	Detailed pollution control measures to protect water quality during construction and operational phases
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition of White-clawed Crayfish in Lower River Suir SAC,	Deterioration of water quality arising from the construction phase and from contamination of surface or ground water from run off from the dungstead or leakage from effluent	Detailed pollution control measures to protect water quality during construction and operational phases

		storage tanks during the operational phases of the proposal.	
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7.7.12. Mitigation Measures and Monitoring

A summary of mitigation measures is presented in the tables above. Full details are provided in the NIS summarised below. I consider that all measures proposed are implementable and will be effective in their stated aims. A summary of mitigation measures is presented in Table 4 below.

Table 4: Summary of Mitigation Measures to avoid adverse effects on the Lower River Shannon SAC

Summary of Mitigation Measures	
Measures to protect surface water and groundwater quality during construction:	<p>To reduce the mobilisation of pollutants beyond the site boundary, the Guidelines C532- Control of Water Pollution from Construction to be followed. These will include:</p> <p>All fuels, lubricants and hydraulic fluids should be kept in secure bunded areas remotely from any watercourse or deep excavations.</p> <p>An emergency plan for the construction phase to deal with accidental spillages is to be contained within an Environmental Management Plan.</p> <p>The proposed wastewater treatment plant and percolation area must be installed under the supervision of a suitably qualified engineer and in accordance with the EPA 2021 Code of Practice.</p> <p>Any excavated material arising from the construction process will not be disposed of within any designated site.</p>

Measures to protect surface water and groundwater quality during operation:

The operation will comply with the European Communities Good Agricultural Practice for Protection of Waters 2002 (S.I. 113 of 2022).

All surface water from the site to be directed to the local watercourse via silt and oil interceptors.

These and SUDS measures to be illustrated on a surface water management plan. Water quality downstream to be tested annually for hydrocarbons.

All organic fertiliser, including soiled water and manure to be used in accordance with S.I 113 of 2022.

7.7.13. Cumulative Impacts

A planning history of the area shows that there is one recent application in the townland of Sladagh. This application pertained to the retention of changes to a small domestic development. I note a planning appeal has been lodged (ABP ref PL92.315176) for a wind farm development consisting of the construction of up to 7 wind turbines and a permanent meteorological mast at the townlands of Knockroe, Co. Tipperary. A 38KV underground cabling along public roads will facilitate the connection of the proposed 38kV wind farm electrical substation to the existing 38/110kV Doon substation in the townland of Ballyvaughan, approximately 1.5 km from the subject site. With regard to the proposed mitigation measure, I consider that the proposed development will have no cumulative impacts upon the Lower River Suir SAC.

7.7.14. Overall conclusion: Integrity test

The applicant determined that following the implementation of mitigation, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.

Adverse effects from contamination can be effectively prevented by mitigation measures ensuring the protection of the Moyle and Anner Rivers, which connects the site with the Lower River Suir SAC.

Following the appropriate assessment and the consideration of mitigation measures, I can confidently ascertain that the project would not adversely affect the integrity of Lower River Suir SAC in view of the Conservation Objectives of this site.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

The proposed development would not delay or prevent the attainment of the Conservation objectives of the Lower River Suir SAC.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted, subject to conditions, the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the nature, extent, and location of the proposed development on existing farmland, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its impact on its environmental and traffic impacts and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the including the contents and mitigation measures set out in the Natura Impact Statement, Archaeological Impact Assessment and Flood Risk Assessment except as may otherwise be required in order to comply with the following conditions.
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
3.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.</p> <p>Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.</p>
5.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and</p>

	<p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
6.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. [Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.]</p> <p>Reason: In the interest of wildlife protection.</p>
7.	<p>The staff/security accommodation shall be used for purposes associated with the adjoining equine enterprises and shall not be used, sub-let or sold separately as an independent dwelling unit.</p> <p>Reason: In the interest of orderly development.</p>
8.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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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.

Peter Nelson
Planning Inspector

29th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314803		
Proposed Development Summary	48 stables, office/reception/staff accommodation building, ancillary buildings and associated site development works,		
Development Address	Sladagh, Lisronagh, Clonmel, Co. Tipperary		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	<input checked="" type="checkbox"/>	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: *Peter Nelson*

Date: 14th November 2023