



An
Bord
Pleanála

Inspector's Report ABP-314821-22

Development	To construct agricultural shed for storage of organic compost and biosolids material during winter months, along with new farm entrance and all associated site works.
Location	Ballagh East, Dunmore, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/425
Applicant(s)	Pa McHugh
Type of Application	Permission
Planning Authority Decision	Grant, subject to 11 conditions
Type of Appeal	Third Parties -v- Decision
Appellant(s)	Pat Connolly Frank Connolly
Observer(s)	Karen Ann Ward Dunmore MacHales GAA Club Executive Committee Dunmore and District Gun Club

Vincent Gaffery
Dunmore Demesne Golf Club
Joe Sheridan
Pat Costello
The Ballagh East Action Group
Martin & Moira Kelly
Mark & Eleanor Ryan
Daniel & Terri Silke
Dunmore Community School
Eleanor Fahy of Elles Daybreak
Ryan Engineering and Vehicle
Services
Dunmore Rugby Club
James Ward
Dunmore Town AFC
Dunmore Community Council
Jim Mullins

Date of Site Inspection

6th March 2023

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 11.5km to the north north-east of Tuam and 2km to the south of Dunmore. It lies in gently undulating farmland on the eastern side of the N83 and to the north of the L6466. This farmland includes an esker, which runs on roughly a north/south axis and which encompasses the main body of the site. It is punctuated by the occasional one-off dwelling house.
- 1.2. The site extends over an area of 0.45 hectares. Its main body is of regular shape, and this site lies to the south of an existing farmstead and in a position immediately adjacent to an existing freestanding cattle shed. Beyond this shed to the north-west lies a bungalow, which the applicant's brother resides in, and to the north-east of the farmstead lies a two-storey dwelling house, which appears to be unoccupied. The farmstead, bungalow, and dwelling house are accessed directly off the N83 to the west.
- 1.3. The ancillary portion of the site would entail a strip of land between the main body of the site and the L6466 to the south. This strip of land would adjoin an existing hedgerow with a wet ditch on its far side.

2.0 Proposed Development

- 2.1. The proposal would entail the construction of a freestanding building with a double pitched roof. This building would be sited in a position whereby its front elevation would face south-west and its rear elevation would face north-east. It would have a width of 24m and a depth of 33m, which would give an area of 758 sqm. Its eaves and ridge heights would be 4.8m and 7.8m, respectively.
- 2.2. Externally the walls of the building would be formed from concrete and the gables and roof planes would be clad in corrugated sheeting. Two large doors would be inserted in the front elevation and, internally, the building would be sub-divided into two bays. The building would be served by a soiled water tank (3m x 3m x 2.4m), which would be sited in front of it, and a roof water soakaway, which would be sited to its south-east. A yard, surfaced in concrete, would be laid out in front of the building.

2.3. The proposal would also entail the construction of a new means of access to the proposed building. This access would be off the L6466, and it would run alongside an existing hedgerow. It would be gated at either end.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following receipt of further information, the Planning Authority granted permission, subject to 11 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planning Authority requested further information from the applicant. Details are summarised below:

(i) Plans showing where land spreading of agricultural effluents would occur.

- Submitted plans show land spreading on adjoining fields and one more remote field.
- List of Nutrient Management Plans (NMP) approved in Galway and Roscommon submitted.

(ii) Number and type of animals wintered on the farm.

- None.

(iii) Demonstrate the adequacy of storage for agricultural effluent.

- Six cattle under one-year old are housed in a slatted shed during the summer. They produce 0.15 cubic metres of effluent per week. The tank serving this shed has a volume of 298 cubic metres and so it has ample capacity.

(iv) State volume, moisture content, and chemical and bacteriological composition of biosolids to be stored.

- The proposed shed would be able to store 3500 tonnes at any one time or 12,000 tonnes annually.

- Tables showing annual biosolid results from 6 no. storage facilities and accompanying bacteria analysis were submitted.

(v) State source of biosolids and type and typical weight of vehicles transporting biosolids to the farm and the frequency of deliveries.

- Irish Water's WWTPs in Galway, Mayo, Roscommon, Leitrim, and Monaghan.
- Articulated trucks would be used with an allowable weight of 46 tonnes, although they tend to carry 42 tonnes.
- While weekly movements can vary, 6.5 movements would be typical.

(vi) Analysis of potential of biosolids to generate odours.

- Sludge is mixed with lime in a stabilisation process, which reduces odours and thickens the sludge to form biosolids. They would be stored within the confines of the proposed shed, thereby reducing the escape of odours to the atmosphere.

(vii) Rodent management plan.

- Rodents have not been an issue at other facilities, as biosolids do not provide a food source. Nevertheless, bait traps would be installed once the facility is operational.

3.2.2. Other Technical Reports

- TII: Defers to the Planning Authority.
- Galway County Council: Environment: Further information requested, no further commentary on the file.

4.0 Planning History

The Planning Authority (PA) advises that the site has not previously been the subject of a planning application. Since the PA's decision on the current application was made, the appellants successfully lodged leave to appeal applications with the Board (ABP-314495-22 & ABP-314510-22). Others made leave to appeal applications but were unsuccessful (ABP-314497, 503, 504, 510, 518, 519, 521, 551, 553, 554, 555, 556, 557, 558, 609-22). Twelve of these fifteen applicants are observers.

5.0 Policy and Context

5.1. Development Plan

Under the Galway County Development Plan 2022 – 2028 (CDP), the site is shown as lying within the landscape character type known as North Galway Complex Landscape and within the landscape character unit 5e North River Clare Basin. Landscape sensitivity is deemed to be low, i.e., unlikely to be adversely affected by change.

Under Appendix 8 of the CDP entitled “Geological Heritage of County Galway”, Dunmore Esker passes through Ballagh East. This Esker is recommended for designation as a NHA. Policy Objective PG 1 states:

Protect and conserve geological and geo-morphological systems, county geological heritage sites and features from inappropriate development that would detract from their heritage value and interpretation and ensure that any plan or project affecting karst formations, eskers or other important geological and geo-morphological systems are adequately assessed with regard to their potential geophysical, hydrological or ecological impacts on the environment.

Policy Objectives AD 1 – 4 address agricultural development. The following two are of relevance:

AD 3 Modernisation of agriculture buildings

To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

AD 4 Agriculture waste

To ensure agricultural waste is managed and disposed of in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2014) and relevant best practice guidelines.

The following two Development Management (DM) Standards are also of relevance:

DM Standard 13: Agricultural buildings

In dealing with planning applications for such buildings the Planning Authority will have regard to:

a) Design and Layout

The quality of design and layout of the farm complex. Where possible new buildings, shall be located within or adjoining the existing farmyard complex. Buildings shall be of minimum scale and use of muted coloured materials shall be encouraged.

b) Residential Amenity

The proximity of any existing dwelling house.

c) Public Road Access

The safe access to public roads.

d) Rural Landscape

The assimilation of the buildings into the rural landscape by means of appropriate siting, external colouring, screening and shelter belting.

DM Standard 14: Agricultural effluent

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. All soiled liquid waste shall be collected before being further treated or spread on land in suitable weather conditions.

The following will be a requirement of planning permission:

- Design calculations;
- Design calculations supporting the selection of a particular volume of storage and details of the spread area.

5.2. Natural Heritage Designations

Lough Corrib SAC (000297)

5.3. EIA Screening

Under Items 11(b) and (d) of Part 2 of Schedule 5 to Part 93 of the Planning and Development Regulations, 2001 – 2022, the annual disposal of 25,000 tonnes of waste on sites and the annual intake of 5000 tonnes of wet sludge for deposition on sites are required to be the subject of EIA.

Under the proposal, an annual intake of up to 12,000 tonnes of dry biosolids would occur. Accordingly, this proposal would not exceed the threshold cited in Item 11(b) and it would not as dry sludge come within the ambit of Item 11(d). Furthermore, as it would be less than half of the threshold amount for Item 11(b), the need for sub-threshold EIA would not arise.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Pat Connolly of Carrowpaden East, Dunmore

- Application form
 - Item 1: The address cited is not that of the application site.
 - Item 9: The registered owner of the site is not the applicant, but John McHugh.
 - Item 19: Neither the public water mains nor an existing WWTS serve the site.
 - Item 21: The proposal is for commercial rather than agricultural use and so, if the development is an agricultural one, then the planning fee paid is incorrect.
- Planning assessment
 - Is flawed, as it assumes that the site is served by the public water mains and a WWTS.
- Heritage
 - Two national monuments exist in the fields identified for land spreading, i.e., GA017-013 a very poorly preserved rath, and GA017-014 a ringfort suggestive of a children's burial ground. Both monuments are scheduled for inclusion in the RMP when it is next revised.
 - The GSI indicates that the Dunmore Esker traverses the site.

- Planning history
 - Under 06/3709, a triangular site to the north-east of the junction formed by the N83 and the L6366 was proposed for a dwelling house, and it was refused partly on the grounds of a high-water table. This field would be one of the fields on which land spreading would occur.
- Further information
 - The fields identified for land spreading include a site that is in the appellant's ownership and yet the applicant did not seek his consent for its inclusion.
 - The fields identified for land spreading are stated as being John McHugh's and yet they are in the registered ownership of four other individuals. No one has consented to the inclusion of their fields.
 - The submitted Nutrient Management Plans (NMP) from Galway and Roscommon would result in the land spreading of 24,051 tonnes on "the landbanks". By contrast the proposed shed would have a capacity of 3500 tonnes.
 - Given the small number of cattle on the farm, there is no justification for the proposed 758 sqm agricultural shed. Concern is expressed that the proposal is really for a commercial use, i.e., the transportation, storage, and land spreading of biosolids.
 - The storage capacity of the proposed shed would amount to 3500 tonnes at any one time of 12,000 tonnes annually and yet the NMPs envisages the spreading of 24,051 tonnes. How much would be spread on the identified lands, and what about the spread of slurry, too, from the existing slatted shed?
- Vehicular movements
 - As the biosolids would be sourced from Irish Water's WWTPs for storage in the proposed shed, the use would be commercial rather than agricultural. If 12,000 tonnes are to be transported to the site over an 18-week period, then 30 vehicular movements per week rather than 6.5 would occur.

- Surrounding dwelling houses rely upon bored wells. In the presence of a high-water table, land spreading has previously resulted in groundwater contamination. Concern exists that this could now reoccur.
- The L6466 is a single lane road, which is not suited for use by articulated lorries.
- The fields identified for land spreading are served by field drains that flow south to swallow holes. During periods of heavy rainfall, an overflow pipe is activated.
- Given the proximity of the site to the Lough Corrib SAC, the proposal should be the subject of screening for appropriate assessment.
- Condition No. 1
 - Concern is expressed that this condition pertains to a development that departs materially from the one described in the application.
- Conditions Nos. 2 & 3
 - Concern is expressed that these conditions have been attached to remedy Condition No. 1. However, they would not prevent the establishment of a commercial development reliant on fields that have not been properly assessed for land spreading.
 - The Planning Authority should not have validated the submitted application, and, following receipt of further information, it should have recognised the departure from the original description of the proposal.
 - While the appellant would not object to a genuine agricultural development, that which is proposed would adversely affect the amenities of his residential property and its attendant value.

(b) Frank Connolly of Carrowpaden East, Dunmore

- Planning application
 - The signature on the site notice is queried.
 - The submitted plans lack north points.
 - The stated address of the site is incorrect.

- The applicant's brother is the registered owner of the site.
- It is unclear if the owner gave his consent to the application.
- Contrary to the applicant's answer to the question concerning national monuments, two lie within the fields identified for land spreading.
- The proposal may require an EIA under Item 11(d) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 – 2022.
- Notwithstanding the applicant's statement that the site has not flooded, the planning history of an adjacent site to the west indicates that there is a high-water table in the area.
- Locally water is supplied by means of bored wells, as there is no public water mains.
- The press notice was published in the Tuam Herald not the Connacht Tribune.
- The fee paid is appropriate to a commercial rather than an agricultural development.
- The submitted site layout plan shows no bored well or WWTS. It is not accompanied by any elevations.
- Further information
 - The fields identified for land spreading do not correspond on the submitted maps.
 - The aerial view shows "plots" that are described as John McHugh's, whereas they are in several ownerships.
 - The relevance of the submitted information on Nutrient Management Plans is questioned.
 - The applicant states that the proposed shed would be capable of storing 12,000 tonnes of biosolids annually. He also states that in Galway and Roscommon there is scope for farmers to receive 24,000 tonnes, without indicating where the other 12,000 tonnes would be stored.

- Under the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 – 2001, testing of both receiving soils and biosolids for heavy metals is required. It is unclear if such tests have been undertaken by the farmers concerned and if they have signed letters of consent to allow the applicant to land spread.
 - The submitted analysis of biosolids came from “other storage facilities around the country.” It is therefore unclear if it is representative of the biosolids that would come from Irish Water’s WWTPs in Galway, Mayo, Roscommon, Leitrim, and Monaghan.
 - The case planner’s report
 - Insofar as the planning history overlooks the applications referred to above, it is incomplete, and so overlooks the important information on a high-water table that was previously ascertained.
 - While no identified flood risk exists, attention is drawn to the GSI’s Groundwater Flood Maps and the accompanying advice on Critical Map Limitations.
 - Concern is expressed that, due to the undulating topography of the site, the high- water table, and run-off from the proposed shed, periods of heavy rainfall would result in pollutants being conveyed into the surrounding environment. Specifically,
 - Hydrological impacts would occur as there is a watercourse near to the site and it connects to the Lough Corrib SAC.
 - Hydrogeological impacts upon the regionally important aquifer.
 - Soil impacts in terms of its composition and fertility.
 - Ecosystem impacts on flora and fauna that would be contaminated. Vector borne pathogen risks may also affect human health.
- In failing to properly assess flood risk, the Planning Authority did not uphold many provisions of its own CDP.
- Heritage impact: Attention is drawn to the proximity of the site to a national monument (GA017-013), which is scheduled for inclusion in the next revision

of the RMP. Attention is also drawn to Dunmore Esker System, which is identified as being a County Geological Heritage Site (CGHS), and which may be designated as a NHA in the future. Under Policy Objective PG 1 of the CDP, CGHSs are to be protected from inappropriate development.

- Ecosystem impact: Attention is drawn to the mature hedgerow, which functions as an ecological corridor, and would be disturbed by the proposed means of access to the site.
- Land spreading impact: The view is expressed that, given the heritage interest of the fields identified, their topography, and the presence of watercourses, they would be inherently unsuited to land spreading.
- Insofar as the proposal was assessed as being ancillary to the existing farm, this was mistaken. This proposal would clearly exceed the business of this farm, and it would be a commercial development in its own right.
- The Planning Authority's decision
 - In the light of the above information, the Planning Authority should not have validated this application, and its subsequent decision was based on inadequate and erroneous information. Its assessment failed to have regard to its own CDP, and it fell short of the requirements of Section 34 of the Planning and Development Act, 2000 – 2023.

6.2. Applicant Response

The company “Evergreen Fields Transport and Agricultural Services” begins by outlining what it does. As a transport company, it collects biosolids from WWTPs and delivers them to certified agricultural storage buildings from where they are subsequently distributed for land spreading. Deliveries entail the use of sealed containers, from which biosolids are tipped onto bunded slabs and stored in the said buildings. Re-loading for subsequent onward transportation to land spreading sites also occurs on these slabs. Vehicles are washed down using harvested rainwater. Under the current proposal, most of the biosolids would be sourced in Galway and re-used in the County as nutrient rich fertiliser. They would simply be stored in the proposed shed.

The company proceeds to respond to the appellants grounds of appeal, as follows.

- Address: Except for the completed application form, the correct site address is used consistently throughout the applicant's submission.
- Legal interest: The applicant and his brother, John, are in partnership. John has now submitted a letter of consent to the current application.
- National monuments: The nearest such monument is over 100m from the site. It forms part of a hedgerow, and it would be unaffected by the spread of agricultural effluent.
- EIA: Item 11(d) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 – 2022, would not be applicable as the proposal is for the storage rather than the deposition of sludge.
- Site history: The site lies on elevated ground in comparison with the site of the proposed dwelling house (06/3709) with clear implications for any attendant flood risk. Furthermore, they are not comparable, insofar as the current proposal would not be served by a WWTS, and any waste water from vehicle washdowns would be stored in an underground tank for subsequent disposal.
- Water supply: Washdowns would be use rainwater harvested from the roof of the proposed shed. Any supplementary water would be drawn from an existing borehole supply.
- Press notice: The Tuam Herald was used.
- Fee: The Planning Authority agreed to the fee paid. The proposed shed would be an agricultural one, as the biosolids would be stored for subsequent land spreading on agricultural lands.
- Site layout plans: These plans correctly omit any WWTS, as none is proposed.
- Maps: These maps show the fields within which *agricultural* effluent would be spread. They show a total area of 9.8 hectares for this purpose. As the farm only has 6 no. cattle, the agricultural effluent generated would be easily absorbed in this area.

- Biosolids data

The biosolids data submitted related to the company's existing storage facilities. The same biosolids would be stored in the proposed shed, and so the data submitted is relevant.

The Nutrient Management Plans (NMPs) of farms in Galway and Roscommon generate a demand for 24,000 tonnes of biosolids. While it is proposed that 12,000 tonnes be stored on the site, the company has 3 no. other storage facilities in Galway. The soils of receiving lands are sampled and NMPs submitted and approved by local authorities, who confirm the same to the company.

- Hydrological impact: Biosolids are a dry compost type material. They would be stored within the confines of the proposed purpose-built shed for onward shipment. As they are not a liquid, no negative affects upon local waters would arise.
- Soil impact: Biosolids are a nutrient rich organic soil conditioner/fertiliser, which promotes healthy soils and crop yields. The company's biosolids are traceable and it operates in accordance with the "Code of Good Practice for the Use of Biosolids in Agriculture" and the EU (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- Ecosystem impact: The mature hedgerow adjacent to the proposed means of access would be retained.
- Vector borne pathogen risk: Biosolids are treated with lime to kill all pathogenic bacteria, i.e., the pH is raised to greater than 12 and the material is heated to 70 degrees centigrade. They do not provide a food source for rodents or insects.
- Land spreading impact: There was no need to test the soil in the fields identified for agricultural effluent, as they would not be the subject of land spreading with the biosolids. Such testing would of course occur on farms receiving the biosolids.

- Specific responses to appellant (a)

The Planning Authority requested maps of the fields within which *agricultural* effluent would be spread. While maps showing where the biosolids would be spread were not requested, the applicant did submit a list of NMPs to show the farms where the biosolids could be distributed, too.

The proposed shed would allow the applicant to diversify his farm business to provide a service to the wider farming community, i.e., the provision of biosolids for land spreading in accordance with NMPs.

The proposed shed would have an annual storage capacity of 12,000 tonnes. If lorries carry 30 tonnes per load, then the total number of deliveries to the site would be 400 per annum or less than 8 weekly deliveries. In practise, it is not envisaged that the shed would operate at capacity, and so fewer trips would arise.

Concerns raised about water pollution are wholly mis-placed: under NMPs, buffer zones are established around wells and bore holes.

- The company has submitted a revised plan showing agricultural effluent land spreading wholly within John McHugh's lands and showing buffer zones around watercourses and dwelling houses.

6.3. Planning Authority Response

None

6.4. Observations

- (i) Karen Ann Ward of Carrantryla, Dunmore
- (ii) Dunmore MacHales GAA Club
- (iii) Dunmore and District Gun Club
- (iv) Vincent Gaffery of Louth Lodge, Dunmore
- (v) Dunmore Demesne Golf Club (including petition)
- (vi) Joe Sheridan of High Street, Dunmore

- (vii) Pat Costello of Ballymoney, Dunmore
- (viii) The Ballagh East Action Group (including petition)
- (ix) Martin & Moira Kelly of Louth Lodge, Dunmore
- (x) Mark & Eleanor Ryan of Louth Lodge, Dunmore
- (xi) Daniel & Terri Silke of Louth Lodge, Dunmore
- (xii) Dunmore Community School
- (xiii) Eleanor Fahy of Elles Daybreak, High Street, Dunmore
- (xiv) Ryan Engineering and Vehicle Services, High Street, Dunmore
- (xv) Dunmore Rugby Club
- (xvi) James Ward of Louth Lodge, Dunmore
- (xvii) Dunmore Town AFC
- (xviii) Dunmore Community Council
- (xix) Jim Mullins of Stonepark, Dunmore

The observers make the following points:

- The description of the proposal, which fails to indicate that the biosolids would be imported, stored, and used for land spreading.
- The proposal would be a commercial hub for the distribution of biosolids and so it would not be an agricultural development.
- The proposal would be “unfair” as the village of Dunmore generates a fraction of the biosolid that would be imported and yet its surrounding area would be expected to service the biosolid of the region.
- The L6466 (known locally as “Screen Road”) is unsuited to use by HGVs, it is narrow with passing places, its sightlines with the N83 are poor, as is forward visibility along the N83, and its increased use would undermine its recreational function. The TII’s advice that traffic hazards be avoided would not be met thereby.

- Additional HGVs passing through Dunmore would exacerbate existing congestion and adversely affect local shops and services insofar as parking/manoeuvring would become more difficult again to undertake.
- The submitted traffic movements relate only to deliveries to the site and not the subsequent onward distribution to farms.
- The proposal has been insufficiently assessed environmentally, e.g., an EIA should have been undertaken. Land drains interconnect with tributaries of the Sinking River, all within the vicinity of the site. The need to assess these watercourses and the associated groundwater system arises, especially as soils and bogs nearby are highly absorbent. The locality relies on either bored private wells (12 exist within 1km of the site) or a private water scheme for water and so any pollution of the local aquifer would be serious. (Insofar as the completed application forms refer to use of the public water mains, this is incorrect, as no such mains exists).
- The storage of biosolids would lead to air pollution that would affect Dunmore, including its golf course and playing pitches, and businesses and properties down wind of the site.
- Concern is expressed over the disturbance to wildlife, particularly game birds that have increased in numbers in recent years. Concern is also expressed over the attraction of vermin and birds and the associated risk of disease/pollutants being spread to humans and livestock.
- The dis-amenity points raised above would have an adverse effect upon local property values.

6.5. Further Responses

Appellant (b) has submitted observations on appellant (a)'s grounds of appeal. He makes the following new observations.

- Insofar as the proposal would rely upon an existing bore well, which supplies John McHugh's dwelling house and the existing farmstead, an assessment of its suitability is required.

- The question as to whether the proposal is for agricultural or commercial development needs to be answered.
- Insofar as the proposal was assessed under the heading of farm diversification, the use of unsuitable existing farm buildings for the storage of biosolids may arise.
- Clarification is needed as to whether the sludge would be treated with lime on the site or elsewhere. In this respect, Irish Water’s “National Waste Management Plan” expresses concerns over the operation of lime stabilisation facilities, and it recommends that such stabilisation be undertaken in the future on its own sites only.
- The proximity of the fields identified for the reception of agricultural effluent is such that the Planning Authority’s screening for appropriate assessment determination is open to question.
- The proposed access from the L6466 would be at a point where it dips and so it is subject to flooding. The anticipated HGV movements would lead to increased wear and tear on this local road, and the increased use of its junction with the N83, where sightlines are limited. Such usage would be hazardous to other road users, and it would spoil its recreational value.
- The description of how the proposal would operate is contradictory: the annual capacity of the proposed shed would be 12,000 tonnes, 3500 tonnes would be stored during the winter months when land spreading does not occur, and so 8500 tonnes would be stored during the remainder of the year, i.e., it would be used for storage on a year-round basis.

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Galway County Development Plan 2022 – 2028 (CDP), the submissions of the parties and observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Preliminary considerations,
- (ii) Land use,

(iii) Heritage, environment, public health, and amenity,

(iv) Traffic, access, and recreation, and

(v) Appropriate Assessment.

(i) Preliminary considerations

- 7.2. The appellants and the observers critique the submitted application on several grounds. They state that the description of the proposal is inadequate, the address of the site is inaccurate, and the landowner did not give his express consent to the application.
- 7.3. I note that the Planning Authority validated the application and sought/received further information on it. I note, too, that under the further information received, the nature of the proposal was clarified. While this further information was not the subject of a public consultation exercise, the appellants and the observers at the appeal stage appear to have familiarised themselves with the same. That said, I do not consider that the description of the proposal adequately expressed its nature and so, if the Board is minded to grant, then the need to readvertise in the basis of a fuller and more accurate description would arise.
- 7.4. The applicant has responded to the two other points raised above. While he accepts that the address of the site stated on the completed application forms was inaccurate, elsewhere it was stated accurately, e.g., on the site and press notices. At the appeal stage, he has submitted a letter from his brother, the landowner, which gives express consent to the application.
- 7.5. The appellants and observers also state that the application should have been the subject of EIA.
- 7.6. Under Items 11(b) and (d) of Part 2 of Schedule 5 to Part 93 of the Planning and Development Regulations, 2001 – 2022, the annual disposal of 25,000 tonnes of waste on sites and the annual intake of 5000 tonnes of wet sludge for deposition on sites are required to be the subject of EIA.
- 7.7. Under the proposal, an annual intake of up to 12,000 tonnes of dry biosolids would occur. Accordingly, this proposal would not exceed the threshold cited in Item 11(b) and it would not as dry sludge come within the ambit of Item 11(d). Furthermore, as it

would be less than half of the threshold amount for Item 11(b), the need for sub-threshold EIA would not arise.

- 7.8. I conclude that, while none of the preliminary matters prevent the Board assessing/determining the application/appeal in the normal manner, should it be minded to grant, then a revised description of the proposal would need to be advertised.

(ii) Land use

- 7.9. The description of the proposal refers to the shed as an agricultural one for the storage of organic compost and biosolids material. Organic compost can comprise farmyard manure and biosolids comprises solids that are the residue from WWTPs, which have been treated, e.g., heated and mixed with lime, to remove harmful pathogens and the material's attractiveness to vectors, e.g., insects and rodents. Biosolids are either deposited in landfill sites or used as a soil conditioner on farmland in place of chemical fertilisers.
- 7.10. Under further information, the applicant states that his brother has a small herd of cattle, which are housed in a slatted shed. Slurry or farmyard manure could accordingly ensue depending on the husbandry approach pursued. The applicant also states that the proposed shed would be capable of accommodating 3500 tonnes of biosolids at any one time and a total of 12,000 tonnes annually. In the light of this information, this shed would be used to store predominantly biosolids, which would be imported from Irish Water WWTPs in the region.
- 7.11. The appellants and observers raise the question as to whether the proposal would entail a commercial rather than an agricultural use. An associated question would be that, if it is a commercial use, then would the application site, which is within a rural area, be appropriate from a land use perspective.
- 7.12. The appellants and observers draw attention to the planning fee that was paid. This fee was levied under Class 4 of Section 2 of Schedule 9 of the Planning and Development Regulations, 2001 – 2022, which does not relate to agricultural buildings. They deduce from this payment that the proposal was regarded as entailing a commercial use.
- 7.13. I consider that the planning fee paid, while of interest, is not determinative for settling the question to hand. The proposal would operate as a storage facility for the distribution of biosolids to farms with Nutritional Management Plans (NMPs),

predominantly within Galway. As such it would be analogous to other storage and distribution facilities that supply products for use in agriculture.

- 7.14. Under further information, the applicant submitted plans, which were subsequently amended at the appeal stage, which show where agricultural effluent would be spread on his brother's farm. He also submitted a list of farms which have NMPs in Galway and Roscommon. In total, these NMPs envisage the spread of 24,051 tonnes of biosolids. One of the farms listed is in the same townland as the applicant's farm, i.e., Ballagh East, and so it is likely to be his farm. If indeed some of the biosolids were to be spread on his brother's farm, then there would be a link between the proposed storage facility and the subsequent spreading of some biosolids on the surrounding farm.
- 7.15. Clearly, where a biosolid storage facility serves the farm on which it is located, then a case can be made for considering it to be at least partially an agricultural use rather than a wholly commercial one. That said, neither the applicant nor the company "Evergreen Fields Transport and Agricultural Services", which responded to the appellants on his behalf, state that of necessity biosolid storage facilities need to be located on a farm with a NMP, i.e., while such location may lead to some marginal operating efficiencies, such facilities could be located elsewhere.
- 7.16. Under Section 7.5.10 of the CDP, sludge management is addressed. However, no guidance on the location of biosolid storage facilities is provided. Under Section 4.9 of the CDP, agri-diversification is discussed. The accompanying Policy Objective AGD 1 states that the Planning Authority will favourably consider proposals for on-farm diversification, which are complimentary to the agricultural operation on the farm." This Policy Objective proceeds to list examples of such complimentary activities. Biosolid storage facilities are not cited therein.
- 7.17. The size of the proposal would be such that the biosolids earmarked for Baragh East would be a small proportion (4.97%) of its annual capacity, i.e., 596.99 tonnes of the total of 12,000 tonnes. In these circumstances, any partial agricultural use on the host farm would be eclipsed by the commercial use of the storage facility for distribution of biosolids off-site to other farms.

7.18. I conclude that the proposal would be essentially a commercial use that would serve farms in Galway and Roscommon, which have NMPs. As such its location within a rural area is not envisaged by the CDP.

(iii) Heritage, environment, public health, and amenity

7.19. The appellants have submitted extracts from the GSI's website which depict the mapped Dunmore Esker. The landowners' bungalow and the majority of the existing farmstead lie within the footprint of this esker, as does the majority of the main body of the site. Under Appendix 8 of the CDP, it is recommended for designation as a NHA. Under Policy Objective PG 1, eskers are to be protected and conserved from inappropriate development and projects that would affect them are to be assessed with regard to their potential geophysical, hydrological or ecological impacts.

7.20. During my site visit, I observed that the topography of the area reveals the presence of the Dunmore Esker. Thus, to the west of the site, a linear mound runs on a roughly north/south axis. The landowner's bungalow has been constructed on top of this mound and the existing farmstead lies in its eastern side. Likewise, the main body of the site would lie on its eastern side and, if it were to be developed as proposed it would "read" as an extension to the existing farmstead.

7.21. The appellants draw attention to the presence of two national monuments on lands comprised in the applicant's farm, which would be used for land spreading, i.e., GA017-013 a very poorly preserved rath, and GA017-014 a ringfort suggestive of a children's burial ground. Both monuments are scheduled for inclusion in the RMP when it is next revised. The applicant draws attention to their respective locations, which lie at some remove from the site proposed for development.

7.22. The appellants and observers express concern over the air borne environmental impact of the proposal in terms of the odours that it may generate. The applicant was asked to address this concern under further information. He responded by explaining that the biosolids would comprise residue from WWTPs that has been mixed with lime to reduce the odours that it would otherwise emit. He also states that the risk posed by remaining odours would be mitigated by their storage within the proposed shed.

7.23. The submitted elevations of the proposed shed are lacking in clarity/detail. Thus, they could be read to indicate a gap between the top of the walls and the eaves line

in the side and rear elevations, for the purpose of ventilation. If this is the case, then the emission of odours from the shed would occur. If this is not the case, then confirmation is needed that the storage facility would be able to function satisfactorily without the need for ventilation.

- 7.24. Beyond the proposed shed itself, the applicant states that deliveries of biosolids would be by means of sealed containers which would be unloaded by means of being tipped up onto a bunded concrete slab before being stored in the proposed shed. Details of the bunding of the proposed concrete slab have not been submitted. The envisaged tipping would be in the open. Presumably, the subsequent loading of biosolids for onward delivery to farms with NMPs would be in the open, too. Accordingly, the emission of odours would occur at these times.
- 7.25. The applicant has not addressed the nature or extent of the odours that could be emitted under the above scenarios. He has also not addressed the spread of such odours under differing weather conditions. Accordingly, I am unable to assess the significance or otherwise of odours generated by the proposal upon the surrounding area. Consequently, any impact upon the amenities of this area cannot be established with any certainty.
- 7.26. The appellants and observers express concern over the risk of vector borne pathogens from the proposal. The applicant has responded by stating that biosolids are treated with lime to kill all pathogenic bacteria, i.e., the pH is raised to greater than 12 and the material is heated to 70 degrees centigrade, and so they do not provide a food source for rodents or insects.
- 7.27. The appellants express concern that the submitted analysis of biosolids came from “other storage facilities around the country” and that no analysis of receiving soils has been submitted. The applicant has responded by stating that biosolids from the same WWTPs would be stored in his proposed shed and so the submitted analysis is relevant. He also states that an analysis of receiving soils is undertaken in the preparation of NMPs, which are regulated under a separate legal code.
- 7.28. The appellants and observers express concern over the risk of pollutants entering watercourses and/or groundwater. They emphasize the reliance that is placed upon the underlying aquifer to supply local wells, which in the absence of a public water mains, serve dwelling houses in the surrounding area. Some of the concern in this

respect relates to the land spreading of agricultural effluent and potentially biosolids. Such spreading is the subject of separate legal codes and, as it would be capable of occurring regardless of the current proposal, I will not address this concern, but only the concern that relates directly to the proposal itself.

- 7.29. The applicant has responded by stating that biosolids are a dry compost type material. Under the proposal, they would be stored in an enclosed shed. Any soiled water run-off from this shed would be collected in a tank, which would be emptied periodically, and the contents disposed of in an off-site facility regulated for that purpose.
- 7.30. As stated above, the adjoining concrete slab would be bunded. While the applicant states that rainwater from the roof would discharge to a soakaway, he does not state how the concrete slab or the accompanying means of access would be drained. In relation to the former, the risk of soiled water from unloading and reloading activities and the washing down of vehicles would arise. In relation to the latter, the surface treatment of the proposed means of access has not been stated. I would envisage that this means of access would need to have a sealed surface to ensure that loose material would not be dragged/washed onto the adjoining local road. In these circumstances, surface water drainage arrangements for it would be needed.
- 7.31. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk. The appellants draw attention to the planning history of an adjacent site to the west of the proposed means of access, which was refused permission for a dwelling house (06/3709) partly on the grounds of a high-water table. The applicant has responded to this concern by noting that the site in question lies at a lower level than the main body of his site and, unlike the proposed dwelling house, his proposal would not entail the provision of any WWTS.
- 7.32. I conclude that, while the proposal would be compatible with the heritage interest of the surrounding area, the applicant has submitted insufficient information to demonstrate that it would be capable of being operated in a manner consistent with the existing amenities of the area and the maintenance of water quality.

(iv) Traffic, access, and recreation

- 7.33. Under the proposal, a total of 12,000 tonnes of biosolids would be capable of being stored on the site with a total of 3500 tonnes at any one time. Under further information, the applicant stated that HGVs capable of transporting 46 tonnes would be used to transport biosolids from WWTPs to the site. He states that, in practise, these HGVs tend to transport 42 tonnes. He also states that, while vehicle movements over the year vary, typically, 6.5 would occur weekly. At the appeal stage, this information was revised. Thus, 30-tonne loads are now envisaged, and so an annual total of 400 vehicle movements would occur or c. 8 per week.
- 7.34. Appellant (a) assumes that a minimum storage period of 18-weeks would be applicable and so the annual total of 12,000 tonnes would be transported to the site over this period, resulting in a total of 30 weekly HGV deliveries. However, the 18-week period relates only to the minimum storage capacity of underground slurry tanks.
- 7.35. Biosolids may not be spread during the winter months of October to January (inclusive) and so I consider that it is reasonable to assume that greater activity would occur during the remaining 8 months of the year in terms of deliveries to the site and, subsequent, distribution from the site, i.e., c. 35 weeks. Thus, the 400 vehicle movements would disaggregate to c. 12 weekly HGV deliveries. No information has been submitted concerning the number and pattern of vehicle movements that would be generated by the onward distribution of biosolids to farms with NMPs. Given the likelihood that this would entail smaller loads, the number of vehicle movements may prove to be much higher than the 12 weekly HGV deliveries.
- 7.36. Under the proposal, the existing means of access to the farmstead from the N83 would not be used. Instead, a new dedicated means of access would be provided from the L6466, at a point 280m to the east of its junction with the N83. This local road runs between the N83 in the west and the R328 in the east. It is essentially of single lane width with occasional passing places. Over the identified 280m stretch, it is of straight horizontal alignment and variable vertical alignment, i.e., it ascends from the proposed access point to a local peak from where it descends to its junction with the N83. Both the L6466 and the N83 are the subject of an 80 kmph speed limit.

- 7.37. The applicant has shown the layout of the proposed means of access, which would have a consistent width of 5.5m. It would be of straight horizontal alignment, and, vertically, it would be the subject of a gentle downwards gradient from north to south. The access point itself would be laid out with a recessed gate and a radius curve of 6210mm on its western side. (The implication is that vehicular movements would be from and to the N83, further to the west, along the L6466). No information has been submitted as to whether this radius curve would be sufficient to facilitate the swept path manoeuvres that vehicles in attendance at the proposed storage facility would need to undertake. Likewise, no information has been submitted as to whether the proposed access point would be capable of being provided with the requisite sightlines. I estimate that the aforementioned peak on the L6466 would occur c. 110m to the west and so the forward visibility available to on coming drivers would be restricted thereafter. Under Table 15.3 of the CDP, design speeds and y distances are set out. For practical purposes, the design speed is normally in and around that of the speed limit and so, under this Table, either 85 or 70 kmph could be selected with associated y distances of 160 or 120m. Under either scenario, an adequate westerly sight distance would appear to be unavailable.
- 7.38. The junction between the N83 and the L6466 is challenging. The local road meets the national secondary road at obtuse (to the south) and acute (to the north) angles. To the south of this junction, the national secondary road curves to the east and dips. Consequently, limited forward visibility is available to south bound drivers passing and this fact is acknowledged by a continuous white centre line on the south bound lane. While the straight and level alignments of this road to the north should facilitate a 160m y distance, a narrow verge frustrates this in practise. To the south, the verge is wider, however, the aforementioned horizontal and vertical alignments of the road militate against an adequate sightline. Consequently, the junction is inherently challenged. As the appellants and observers point out, traffic generated by the proposal would add to the hazard to road safety that arises from its use. Likewise, this traffic, especially in the form of articulated vehicles, would add to the traffic management and attendant road safety issues that are associated with the L6466 on account of its narrow width and restricted forward visibility.
- 7.39. The appellants and observers also point out the recreational use that is made of the L6466 by walkers and cyclists. They express concern that such use would be

undermined by traffic generated by the proposal. I anticipate that such use is likely to occur mainly in the evenings and at weekends and so its overlap with the working week would be limited.

- 7.40. An alternative to the proposed means of access would be for the site to be served by the existing means of access, which is directly from the N83. However, the resulting intensification in use of this access would be unacceptable in principle.
- 7.41. I conclude that the proposal would generate additional vehicle movements at the junction of the N83 and the L6466 and along the L6466 to the proposed entrance to a new means of access to the site. Such additional vehicle movements at an inherently sub-standard junction and along a single lane local road with limited forward visibility would represent poor traffic management which would exacerbate the hazard to road safety posed by this junction and local road.

(v) Appropriate Assessment

- 7.42. The site is not in or beside a European site. The Sinking River flows to the north of the site at a minimum distance of 2km. This River forms part of the Lough Corrib SAC (000297). Appellant (a) has submitted, under Appendix G to his grounds of appeal, a map showing watercourses in the surrounding area of the site, which flow generally in a southerly direction. I observed the same during my site visit. The observers state that land drains interconnect with tributaries of the Sinking River, all within the vicinity of the site. Accordingly, there may be a hydraulic link between the site and the SAC.
- 7.43. Under the project, the proposed shed would be used to store biosolids, which are essentially a dry material. Soil water run-off would therefore be minimal, and it would be capable of being intercepted and disposed of in a controlled off-site facility. An accompanying concrete slab yard would be used for the unloading and reloading of biosolids. While the applicant proposes to bund this yard no details of how it would be drained have been submitted. Likewise, no details of how the accompanying proposed means of access would be drained have been submitted.
- 7.44. Given the possibility of a hydraulic link and the potential for pollutants raised by the proposal, I consider that the applicant should have undertaken a Stage 1 screening exercise for appropriate assessment, which would address these matters. In the absence of a report on such a screening exercise, I am not in a position to undertake

my own Stage 1 screening exercise for appropriate assessment. If the Board are minded to grant, then such a report should be requested under further information prior to any grant.

8.0 Conclusion

In the light of my assessment, I conclude that refusal of the proposal is warranted. The reasons and considerations that I have drafted in this respect relate to the issues that I have identified which would not be amenable to resolution under any further information exercise. Clearly, there are other issues in my assessment that may be so amenable.

9.0 Recommendation

That permission be refused.

10.0 Reasons and Considerations

1. Having regard to the provisions of the Galway County Development Plan 2022 – 2028, the nature and scale of the proposed development, and its location within a rural area, it is considered that the proposal is essentially for a biosolids storage and distribution facility, which would be a commercial rather than agricultural use, and, as such, its siting on a farm within a rural area is not envisaged by the County Development Plan. Accordingly, this proposal would be an inappropriate use within a rural area that would lead to the unnecessary development of the countryside. Accordingly, it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the type and number of vehicle movements that would be generated by the proposal, the envisaged access route to the site via the sub-standard junction between the N83 and the L6466 and this local road, which is of single lane width with limited forward visibility, and the unavailability of a satisfactory western sightline to the proposed entrance, it is considered that these vehicular movements would add to the hazard attendant upon the use of this junction and local road, and they would introduce a new hazard

attendant upon the use of the proposed entrance. Consequently, poor traffic management would ensue, and road safety would be jeopardised. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

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.

Hugh D. Morrison
Planning Inspector

20th March 2023