Inspector's Report
ABP-315481-23

Development	Change of use of existing storage shed for storage of organic compost and biosolids material and all associated site works.
Location	Carrigawillin, Clonmel, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	22167
Applicant(s)	Evergreen Fields Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stephen Smyth on behalf of Evergreen Fields Ltd
Observer(s)	None
Date of Site Inspection	15th August 2023
Inspector	Catherine Dillon

1.0 Site Location and Description

1.1. The site is located in the townland of Kilmore, approximately c.6km north of Clonmel and to the east of the Clonmel to Fethard Road (R706). The site is on the southern side of the L-6502 and is occupied by an existing agricultural shed which is set back between 29m and 31m from the road. There is an existing vehicular entrance off the local road leading to the shed and a farmyard to the west of the subject site that contains a cluster of agricultural structures outside the subject site. The site has a stated area of 0.17ha..

1.2. The area is rural in character with agricultural fields in the immediate vicinity of the site to the south. The closest dwelling is c.84m to the west of the site and there are a number of one off dwellings along the L-6502 to the west and east of the shed.

1.3. The Moyle River is to the north of the site (on the northern side of the local road) c.148m from the shed and at a lower level than the site. This river flows into the Anner River approximately 2.7km further east which flows into the River Suir on the eastern outskirts of Clonmel.

2.0 Proposed Development

2.1. Permission is sought to change the use of the existing agricultural shed granted under Planning Ref: PL 21/720 for the storage of organic compost and biosolid material and all associated works. This shed has an overall floor area of 363m^2, with 1.8m high concrete walls at its base with green cladding over. The shed would have the capacity to hold 1,200 tonnes of biosolids at anyone time.

2.2. The existing concrete slab to the frontage of the shed is to be extended and gullies provided to accommodate leachate and runoff from the biosolids into a new underground concrete storage tank. The concrete yard area is to be partially enclosed on its south and east side with a 1.8m high wall and would have a total area of 140m^2. The proposed effluent storage tank would be located to the south beyond the concrete yard. The effluent tank would have a capacity for 3000 gallons. Rainwater from the roof would be collected in soakpits.

2.3. Supporting documentation submitted with the planning application outlines the nature and process of the proposed development which is summarised as follows:

- Evergreen Fields Limited, would collect sludge from Uisce Eireann WwTPs and DBOs in covered bulk trailers and deliver it to the site for subsequent treatment and spread on agricultural land.
- The process involves tipping the sludge onto a bunded concrete slab before being fed into a Keenan mixer for treatment with lime at a rate of 0.3kg CaO per kg of dry matter (Lime stabilisation procedure).
- This process would raise the PH of the sludge and kill all pathogen bacteria, turning the sludge into biosolids. Samples of the sludge is taken and sent to an accredited lab for analysis to ensure all bacteria are killed before land application.
- The addition of lime thickens the biosolids making them easier to handle and reduces the likelihood of odour and leachate escaping. The treated biosolids are transported into the storage facility using a teleporter and stored there until they are recovered for use on land as a nutrient rich fertiliser.
- The land spreading of all biosolids produced would be carried out in accordance with Good Agricultural Practice for Protection of Waters (Amendment) Regulations 2022, and all requirements of the County Council's protocol for the use of biosolids in agriculture would be followed.

2.4. A Hydrological and Hydrogeological Assessment and Natura Impact Assessment (NIS) were submitted with the proposal by way of further information.

2.5. The site plan indicates sightlines of 70m at the entrance. This plan also indicates a turning radius area for an articulated lorry which would be accommodated outside the red line area.

2.6. Part 4 of the Planning Application form states the estimated quantity and type of waste would be 2,500m^3 of organic compost and biosolids material and would be spread on the land in February, March and April.

2.7. A letter from the EPA dated 16th May 2022 stating the Agency has determined that a waste authorisation is not required for the activity under Section 39(1) of the Waste Management Act 1996, as amended, or under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, based on the temporary storage of sludge from urban waste water treatment plants, with an annual intake of

8,000 tonnes and biological treatment of 1,300 tonnes. A sewage sludge facility is required to register with the local authority in accordance with the Waste Management (Registration of Sewage Sludge Facility) Regulations 2010.

2.8. A letter of consent from the owner of the lands for the Applicant to apply for planning permission.

2.9. This is the application currently under consideration.

3.0 Planning Authority Decision

3.1. Decision

By order dated 6th December 2022, following a further information and clarification request, Tipperary County Council issued a notification decision to refuse planning permission for the development on the following grounds:

Section 11.4 of the Tipperary County Development Plan 2022 sets out objections to protect water quality. Policy 11-5 of said plan seeks to ensure that new developments proposed in or near 'Ground Water Protection Schemes' and 'Zones of Contribution' which contribute to public water supplies, do not result in a significant negative impact on the integrity, function and management of these important assets.

Having regard to:

- The nature and extent of the proposed development.
- The proximity of the application site to the Carrigawillin Borehole which is an important public water supply source.
- The information provided with the application regarding the impact of the development on waters.
- The vulnerability of the aquifer underlying the site and
- Risks presented by the development onto an already vulnerable catchment.

The Planning Authority is not satisfied that the proposed development would not present an increased risk of contamination to groundwaters from which a public water supply is sourced and accordingly is not satisfied that the development would

not be prejudicial to public health. The proposed development therefore is not in accordance with the proper planning and sustainable development of this area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planner's report dated 14/4/22, noted there was limited information on the nature and extent of the proposal but the suitability of the development in this location could be considered appropriate subject to it being demonstrated it would not have an adverse impact on the residential, environmental and rural amenity. A substantial further information (F.I) was sought including the following summarised issues:

- Submit information specified in Schedule 7A of the Regulations;
- Natura Impact Assessment;
- Details and nature of the proposed operations on site and treatment of the sewage;
- Confirmation as to whether a waste facility permit is required;
- Environmental impact assessment report, including hydrogeological and hydrological reports and water management plan;
- Information on leachate or soiled water run off;
- Odour and noise levels;
- Management details of site operations and treatment process;
- Location of wells in the area and proximity to Carrrigawillin borehole;
- Traffic movements, sightlines and location of lighting;
- Material differences between existing shed and proposal;
- Submission of a Natural Impact Statement.

The second planner's report dated 16/9/22, noted that not all of the issues had been addressed in the F.I response. Correspondence was included which confirmed a waste authorisation permit from the EPA was not required. An EIA screening

concluded the development was considered a sub threshold development and an EIA was not required. Clarification was sought on the following summarised issues:

- Illustrate loading/unloading movements associated with the movement of materials on site and consent for same on lands outside of the red line boundary;
- Clarify the drainage management measures for the wider yard area to control accidental spillages arising through movement of material;
- Provide a Hydrogeological and Hydrological Assessment Report & Water Management Plan.
- Clarify locations where the organic compost would be spread;
- Revised sightlines of 160m to comply with the CDP, unless it can be demonstrated 70m sightlines are sufficient for the proposed development.

The third planner's report dated 30/11/22, noted traffic movements associated with the HGV turning would be outside the confines of the site. A concrete surfaced area west of the proposed concrete yard would be provided to manage accidental spills but this would lie outside the red line area of the application site. The planner's report raised concerns about the lack of detail submitted in the hydrogeological and hydrology assessment, which was considered essentially a Flood Risk Assessment. The proximity of the development to the Carrigwillin Borehole was a concern, which although not currently active, is being recommissioned by Uisce Eireann to serve as a public water supply source for Clonmel town. Based on the comments from the Water Services section, the potential impacts on groundwater and, associated impacts on a potential public water supply could not be ruled out.

3.2.2. Other Technical Reports

Tramore Regional Design Office: Report dated 10/3/2022. There is no conflict with the N24 Waterford to Cahir Project and have no observations to make.

SEE Clonmel Borough District: Report dated 15/3/2022. No roads related issues connected to the development.

SEE Clonmel Borough District: Report dated 3/8/2022 to further information response. Noted there would be about 3 truck movements per week delivering to the facility, and this being the case this is not an issue. Current sight distance is below

required 70m in both directions. To achieve visibility would involve the removal of hedgerow and trees in both directions to guarantee full visibility.

Clonmel Borough District Engineer: Report dated 30/11/2022: The District engineer visited the site and is satisfied with the Applicant's proposal given that the operational speed of the road is less than the mandatory speed limit of 80Kph and the subsequent application of reduced sightlines of 70m is acceptable. There are no other comments from a Roads perspective.

Roads Capital: No report.

Environment: Report dated 13/4/2022 recommends further information on the nature of the development, traffic movements, determination from the EPA whether waste authorisation is required, a comprehensive report on the environmental impacts of the proposal, a hydrogeological and hydrological assessment report, surface water management plan, due consideration to the private wells within 500m and public water supply source at Carrigawillin borehole, odour and noise management plan, lighting and monitoring plan and a water management plan. Applicant required to consult with Uisce Eireann and Council's Water Services section.

Environment: Report dated 24/10/2022- Reviewed documentation submitted to F.I and Clarification. The Section had no objections subject to conditions regarding noise and odour management. The report outlines requirements for the Applicant to agree a Nutrient Management Plan (NMP). The Local Authority are the competent authority for the enforcement of legislation relating to the landspreading of treated sludge/biosolids/compost from this site. A key aspect of this work requires the submission of a NMP for written approval. Biosolids cannot be spread without written agreement. NMPs are therefore not considered necessary prior to the grant of planning permission.

Water Services: Report dated 14/4/2022: Uisce Eireann has engaged engineers to explore and investigate the feasibility of increasing reliance on the Monroe wellfield, under the Clonmel WRZ WP1 Ground Water Scheme, as a raw water source for the town of Clonmel. Currently the wellfield is composed of the following 3 No. Water Treatment Plant (WTP) sites.

1. Monroe (2 No. boreholes)

2. Caherclough North (1 borehole)

3. Carrigawillin (1 No.borehole).

The Monroe wellfield currently supplies chlorinated water to the northern environs of Clonmel, via the Cashel road and the Fethard road. Uisce Eireann is seriously considering increasing the output from the wellfield with the intention of increasing the supply catchment within Clonmel and allow Poulvanogue WTP to be decommissioned.

Carrigawillin borehole is currently not in operation due to high turbidity issues associated with the seal within the well failing. A CCTV survey of the borehole, on 6th of January 2022, discovered existing damage to the well casing at several locations. Given the yields previously gained at this location and due to the presence of an existing pipe network, Uisce Eireann is actively engaged in rectifying the matter at the Carrigawillin location. A tender process has recently been completed by Uisce Eireann, with a view to awarding the contract in the next few weeks. This will allow the site to be recommissioned and brought back into operation.

Regarding planning application 22/167 water services previously raised the concern regarding the potential negative impact the proposed development could potentially have on the public water supply, due to contamination of the surrounding groundwater and hence the public supply.

Recommended further information to allow an effective assessment and propose to communicate this concern to Uisce Eireann. Requested the file is referred to Water Services and Uisce Eireann on receipt of a response to the F.I.

Water Services: Report dated 15/9/22. The water services section reviewed the F.I response and in their opinion the concern has not been adequately addressed in the applicant's response and therefore water services would request clarity on the matter.

3.3. Prescribed Bodies

Uisce Eireann: Observation report, not dated. Received by TCC on 15/9/22. Response to F.I received recommended standard conditions regarding connection to public water/wastewater network.

Transportation Infrastructure Ireland (TII): Report dated 24/3/2022: No observations to make.

3.4. Third Party Observations

None

4.0 Planning History

P.A Ref: 21/730: Planning permission was granted on 13/7/2021 for the construction of a loose shed over an existing silage slab with a gross floor area of 363m^2, and all associated site works on the subject site to Pat Murphy, subject to 4 conditions. This shed has been constructed on the subject site.

5.0 Policy Context

5.1. Development Plan

Tipperary County Development Plan 2022-2028, is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement and is not governed by any specific land use zoning objective. The following policies and objectives are considered to be relevant.

SO- 6: To support a sustainable, diverse and resilient rural economy, whilst integrating the sustainable management of land and natural resources.

5.1.1. Chapter 8: Enterprise & Rural Development

Agriculture:

This Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology. In addition, the Council will favourably consider projects ancillary to existing farming activities, such as renewable energy in agriculture, which contribute toward the viability of the farm and the rural community.

Policy 8-3: Facilitate proposals for employment generating developments of a 'strategic/regional scale' at locations outside of designated lands in settlements,

subject to the demonstration of a need to locate in a particular area. These will be considered on a case by case basis, and must demonstrate that; (a) They are compatible with relevant environmental protection standards, the protection of residential amenity and the capacity of water and energy supplies in the area, and, (b) They would not compromise the capacity of strategic road corridors in line with the Spatial Planning and National Roads, Guidelines for Planning Authorities (DHLGH, 2012).

Policy 8-4: 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.

5.1.2. **Chapter 10- Renewable Energy & Bioeconomy**

Section 10.8: The Circular Economy & Sustainable Waste Management

Policy 10-3: Support and facilitate the development of a sustainable and economically efficient agricultural and food sector and bioeconomy, balanced with the importance of maintaining and protecting the natural services of the environment, including landscape, water quality and biodiversity.

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

5.1.3. **Chapter 11- Environment & Natural Assets**, in particular

Polices 11-1&2: Regarding the protection of the natural environment and human health in line with Articles 6(3) and 6(4) of the Habitats Directive.

Policy 11-5: Ensure that new developments proposed in or near 'Ground Water Protection Schemes' and 'Zones of Contribution' which contribute to public water supplies, do not result in a significant negative impact on the integrity, function and management of these important assets.

Policy 11-7: a) Ensure the protection of water quality in accordance with the EU WFD, and support the objectives and facilitate the implementation of the associated

Programme of Measures of the River Basin Management Plan 2018-2021 and any successor. This includes contributing towards the protection of Blue-Dot catchments and drinking water resources. Also, have cognisance of the EU's Common Implementation Strategy Guidance Document No. 20 and 36 which provide guidance on exemptions to the environmental objectives of the WFD.

b) Support an integrated and collaborative approach to catchment management in accordance with the River Basin Management Plan 2018-2021 and any successor.

c) Require an undisturbed edge or buffer zone to be maintained, where appropriate, between new developments and riparian zones of water bodies to maintain the natural function of existing ecosystems associated with water courses and their riparian zones, and to enable sustainable public access.

Policy 11-14: Ensure that proposals for agricultural developments, as appropriate, comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 or any amendment thereof.

5.2. **The 'Code of Good Practice for Use of Biosolids in Agriculture'- (published by DECLG in 1996).**

This Code of Good Practice sets out mandatory guidelines for producers, end users and local authority regulators of sewage sludge used in agriculture. It states that biosolids is the organic by-product of urban wastewater treatment which, by being treated to an approved standard, can be used beneficially as a fertiliser in agriculture. The CoP has been designed to ensure that use of biosolids does not pose a threat to human, animal or plant health and avoids water and air pollution, and untreated wastewater sludge is not landspread or injected into soil.

5.3. **National Wastewater Sludge Management Plan, 2016 Uisce Eireann**

Uisce Eireann produced a National Wastewater Sludge Management Plan (NWSMP) in 2016. The Plan outlines Uisce Eireann's strategy to ensure a nationwide standardised approach for managing wastewater sludge over a 25-year period. The Plan states that at present over 98% of wastewater sludge is treated to produce biosolids which are reused in agriculture. The Plan also states that there are very limited alternative options currently available in Ireland and that it is important that alternatives are explored to reduce risks associated with depending on agriculture.

While the Plan states that Uisce Eireann is confident in the quality of properly treated biosolids, it notes that an audit has identified variation in the adequacy of lime treatment provided, particularly at offsite installations, with issues around dosing of lime and inadequate monitoring of temperature and pH during treatment. It is proposed to phase out the off-site lime stabilisation in the short-term and actions of the Plan include the setting up of a network of hub treatment sites and satellite dewatering plants for sludge.

Section 9.5 addresses site selection for new sludge treatment infrastructure. It is stated that in general the location of new or upgraded sludge facilities including Sludge Storage Facilities must consider and avoid as far as possible such facilities or related infrastructure in sensitive locations including geologically unsuitable areas including karst where practicable, and due consideration should be given to the primary water source of the area and the degree of surface water/groundwater interaction.

Existing WWTP sites and brownfield sites should be considered for any expansions for sludge facilities. Opportunities to integrate sludge treatment with sites that produce sludge needs to be considered ensuring maximum efficiency of sludge processing.

5.4. European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended) S.I 113/2022.

The purpose of these Regulations is to give effect to Ireland's Nitrates Action Programme concerning the protection of waters against pollution caused by nitrates from agricultural source. These Regulations set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

5.5. Natural Heritage Designations

The site is not located within or immediately adjacent a designated site. The closest Natura 2000 sites to the subject site area are the Lower Suir SAC (site code 002137) 2.3km east of the site, the Nier Valley Woodlands SAC (site code: 000668),13.9km south of the site, and the Comeragh Mountains SAC (site code: 001952) 14.5km south east of the site.

5.6. EIA Screening

I consider the development has the potential to impact on the water environment of the Carrigawillan borehole and impact on human health. I consider the potential for significant effects cannot be screened out in this instance. With regard to the requirement to carry out an environmental impact assessment, if the Board are minded to grant planning permission for the proposed development it could consider requesting a sub threshold EIA under the provisions of Schedule 5, Part 2 11 (b) and 11(d) of the Planning and Development Regulations, 2001.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Applicant (Evergreen Fields) has appealed the Planning Authority decision on the following summarised grounds:

Evergreen Fields outlines the nature of their business. It is a transport company and collects biosolids from Uisce Eireann WwTPs and brings them to a temporary storage facility, treats the effluent with lime and stores the biosolids before distributing for landspreading. All of their facilities/storage sheds have integrity tests carried out before they are used and every 5 years thereafter. The local authority issues a certificate of registration for the facility and inspect it annually and must approve a Nutrient Management Plan before land spreading can take place and the storage facility is required to store the material before it can be reused. Uisce Eireann inspect the facilities on an ongoing basis and ensure compliance with the relevant legislation and practices.

The company proceeds to respond to the refusal of planning permission as follows:

Zone of Contribution

The proposed development does not show up in any public data viewer as being near a groundwater protection scheme or zone of contribution. The shed and hard standing where the materials are to be tipped and stored are bunded and watertight.

The shed and hardstanding area are constructed to ensure they do not result in a significant negative impact on the integrity, function and management of said assets.

They consider a domestic house with a standard percolation area would have a higher risk of polluting ground water than the current proposal.

Local Authorities and Uisce Eireann hire companies like them to deal with waste in a safe and sustainable manner.

Nature and Extent of the proposed development

The shed is already in existence and is used to store farm dung so the change of use to store biosolids will actually be of benefit to the area as the biosolids to be stored are pretreated and are less likely to pollute than the farm dung already being stored. Biosolids are lime treated sludges from wastewater treatment plants that are reused on agricultural farmlands to replace chemical fertilisers.

The biosolids would be tipped onto a bunded concrete area and stored in the confines of the existing shed before being reused on farmland. The dry matter of this material is above 20%, making it a solid material that is easily stored with little risk of run off or leachate. The storage shed would be of great benefit to the local farming community as local farmers could avail of the organic alternative to chemical fertiliser.

If planning permission was refused for this site, it would mean the material would have to be transported further resulting in higher CO_2 emissions from the extra truck movements. This facility is of strategic importance for the company as it allows them to run an efficient and cost-effective business that can benefit the many locals in the area that have already expressed interest in using this product. Everything carried out on site is highly regulated and all mitigating measures to limit any negative consequences to the surrounding environment.

When they produce a Nutrient Management Plan, they consider groundwater vulnerability, the aquifer, the groundwater protection response, karst features, surface waters, wells and springs and do not spread on any land within a source protection area. They also take water samples downstream of the spread lands before spreading and if there are any incidents, samples are taken a second time to ensure no pollution takes place.

There is only one facility in Tipperary that can store biosolids and this is for a maximum of 1,500 tonnes per annum, which is lower than the amount the county produces, which means biosolids are being transported out of the county.

Proximity of the application site to the Carrigawillin Borehole

The Carrigawillan borehole does not show up on any GSI public data viewer, is not shown as a groundwater drinking water protection area, as a group scheme, or a public supply source protection area, or a group water scheme abstraction point. They contacted Usice Eireann who proved to be very unhelpful with regards this matter.

The existing storage shed is situated over 500m away from the Carrigawillin borehole. There is very little chance of polluting the surface or groundwater as it will not be releasing anything into the environment. They consider their development is much less likely to impact the groundwater compared to agricultural sheds in the area which store liquid slurry which are not regulated.

Information provided with the Application

The NIS and hydrological and hydrogeological reports outlined that the development would not cause any pollution incidents. Considers the planning authority decided to refuse permission despite the information in the reports and documentations that answered all their queries.

Vulnerability of the aquifer underlying the site.

The vulnerability of the site is just within the extreme boundary, and a further 50m to the south would be outside the vulnerability area and would not be a concern. They question how accurate the vulnerability maps are and whether they have they been updated recently.

The hydrological and hydrogeological assessment reports point out that ‘Percolation testing in the previous planning application at a neighbouring dwelling did not reach the water table at 2.2m below ground levels. Flood maps showed no indication that site is subject to groundwater flooding. The soil permeability and drainage characteristics indicates that the risk of groundwater flooding is remote, and soil in the area is considered free draining. There are no relevant karstic features in the vicinity of the site’.

County Tipperary's groundwater protection scheme's main report, section 1.5 states 'The vulnerability of aquifers through diffuse pollution is determined largely by the attenuating capacity of the soils. In South Tipperary the soils have not been mapped in detail, so the available soil maps are of limited use in assessing vulnerability'.

This would suggest that the vulnerability map is not as accurate as they have been led to believe and actual reports from the vicinity are more accurate. If the percolation test carried out to a neighbouring dwelling was sufficient to treat the effluent from a septic tank, a development that doesn't release water will be suitable to construct on this site.

Risks presented by the Development

Suggest Uisce Eireann update their information and be more transparent and raise the issue with their clients before it comes to the planning stage. At no point did Usice Eireann or the Local Authority suggest that they would not get planning for this development.

A picture is enclosed of one of their most recent storage sheds which shows the leachate run off tank and concrete slab where biosolids are tipped before being stored in the confines of the shed. The floor and the walls of the shed are constructed with reinforced concrete which ensures no release of material to the surrounding environment.

In conclusion they state the reuse of biosolids is of great importance when it comes to fighting climate change and reducing the need for importing expensive chemical fertilisers.

6.2. **Planning Authority Response**

None

7.0 Assessment

7.1. I have read the entire contents of the file, reviewed the proposal in light of the Tipperary County Development Plan, visited the site in question and I have had particular regard to the issues raised in the grounds of appeal by the Applicant. I

consider that the key issues in determining the current application on appeal before the board are as follows:

- Nature of the proposed development,
- Principle of the development,
- Suitability of the site for the storage and treatment of sludge and biosolids,
- Areas outside the red line boundary (New issue), and
- Appropriate Assessment

7.2. **Nature of the proposed development**

7.2.1. The Applicants would collect sludge from Uisce Eireann's wastewater treatment plants and DBOs in covered trailers and deliver it to the subject site. The sludge would be tipped onto the yard area and undergo a lime stabilisation procedure to raise the PH value of the sludge prior to it being stored in the shed as a biosolid. The biosolids would thereafter be spread onto agricultural land in accordance with S.I 113 of 2022 Good Agricultural Practice for Protection of Waters (Amendment) Regulations 2022.

7.2.2. The shed has the capacity to store 1,200 tonnes of biosolids at any one time and is not subject to an EPA licence. The shed and yard area would comprise reinforced bunded concrete and any liquid or leachate from the lime stabilisation procedure would be collected in an underground storage tank with a capacity to hold 3,000 gallons. (The plans indicate this tank would store 5,000 gallons but all corresponding documentation states the tank would have a storage capacity of 3,000 gallons.) The liquid material from the tank would be recovered to an aerobic digester or an alternative appropriate facility for disposal. It is envisaged there would be an average of less than 3 truck movements to the facility a week. The effluent tank and turning area for deliveries are included within the blue line of the planning application but outside the red line area.

7.3. **Principle of the development**

7.3.1. The existing agricultural shed has been established on this site by virtue of P.A Ref: 21/730. The shed granted planning permission according to the plans is the same size, height and materials as the current proposal. The Applicant states that

Evergreen Fields are a transport & Agricultural Service that collect and transport sludge from Uisce Eireann's WwTPs, treat it with a lime stabilizer and then use the biosolids for land spreading. I note the applicant has provided consent from 2 farmers in the area and potential farmland where the biosolids could be spread. However, it not entirely clear where these farmlands are located relative to the site. The spreading of sludge/slurry on agricultural lands are a matter of a separate specific regulatory regime and the applicant/owner of the land is required to comply with Regulations as set out under these other statutory regimes. There is nothing to suggest that the Applicant or any recipient farmers would not comply with their lawful obligations as required.

7.3.2. The National Wastewater Sludge Management Plan produced by Uisce Eireann (2016) outlines a strategy to ensure a nationwide approach for managing waste water sludge over a 25 year period. In this Plan it is stated it is proposed to set up a network of hub treatment sites and satellite dewatering plants for sludge. I acknowledge the Planning Authority requested the Applicant consult with Uisce Eireann and the Applicant's attempts to do so, with no response from Uisce Eireann in this regard. There is therefore no support in the planning file from Uisce Eireann that the development in this location accords with the overall aforementioned National Plan for sludge management. I also note that in this Plan that an audit has identified variation in the adequacy of lime treatment provided at off-site installations, and that it is proposed to phase out the off-site lime stabilisation in the short term and set up a network of hub treatment sites and satellite plants for sludge to ensure a standardised approach for the management of wastewater sludge.

7.3.3. Policy 8-3 of the CDP facilities proposals for employment generating developments of a 'strategic /regional scale' outside designated lands in settlements subject to the demonstration of a need to locate in a particular area and meeting relevant environmental protection standards. Although the Applicant considers this location is strategic for their business, they have not demonstrated there is a strategic need for the development in this particular location, which would include support from Uisce Eireann or the Local Authority for example. Furthermore, given the size of the development and nature of the use I do not consider it to be a significant employment generating enterprise and therefore of strategic /regional significance.

7.3.4. Policy 8-4 of the CDP supports the development of alternative farm enterprises, whilst balancing the need for a rural based activity with the need to protect, promote and enhance the viability and environmental quality of the existing rural economy and agricultural land. I have noted the Applicant's account of the nature of the proposed use, how the sludge is treated on site and the legislation that controls the release of biosolids onto land. The proposed shed would have a capacity to store 1,200 tonnes of biosolids which would be delivered by trailers and it is expected by the Applicant there would be a maximum of 25 loads for 1000 tonnes delivered to the site. It is not specified where the trucks would be collecting the material form, however it is clear the deliveries would not be ancillary to the existing farm.

7.3.5. The proposed use of the shed for the storage of sludge taken from Uisce Eireann's WwTPs would in my opinion be a new commercial enterprise separate to the existing farm and as such not a rural based activity. I therefore conclude, although the biosolids may be delivered or distributed to farms in Tipperary, the proposed development is a commercial activity and not dependent on being in this rural location and as such would not meet the criteria in Policy 8-4 of the County Development Plan.

Suitability of the site for the storage and treatment of sludge and biosolids

7.3.6. The subject site according to GSI.ie mapping (accessed 19/3/2024) indicates the site lies within the zone of influence of the Carrigawillin borehole (GSI name: 2011NEW034), a public water supply source. The subject site is located on a Regionally Important karisfied Aquifer that is classified as having extreme ground water vulnerability. The Applicant in their grounds of appeal have questioned the zone of contribution of the Carrigawillin borehole, the vulnerability of the aquifer, the soil mapping detail and the lack of information from public websites in this regard. However, the hydrological and hydrogeological and planner's reports submitted by way of F.I refers to the site lying on a regionally important aquifer and ground water being recorded as extreme.

7.3.7. The Water Services section of the Council in their response to the planning application state the Carrigawillan borehole public water supply source is currently not in operation due to a number of listed factors, but given the yields previously gained at the location and, the presence of the existing pipe network, Uisce Eireann

is actively engaged in rectifying the matter at the Carrigawillan location, and a tender process was completed by Uisce Eireann to allow the site to be brought back into operation. Uisce Eireann was consulted on the application and recommended standard conditions regarding connection to public water/wastewater network.

7.3.8. I note the storage facility would have a bunded concrete floor and walls and there would be a gully in front of the concrete slab to capture any leachate/runoff and direct it to a new underground storage 3000 gallon tank. This storage tank would be checked regularly and the contents emptied before the storage tank gets to within 300mm from the top, and the liquid transferred to an anaerobic digester or appropriate facility for disposal.

7.3.9. However, given the karsified nature of the aquifer and it being a regionally important one and the stabilisation of the sludge would be carried out on the concrete slab outside the shed, I consider that the proposed use has the potential to affect the ground water vulnerability of the area, and impact on human health given its proximity to the borehole and the future use of the borehole as a public water supply. The site is located within the Moyle catchment which is intensively farmed and as noted by the Water Services section of the Council that 'importing additional nutrients into a vulnerable catchment may result in an increased risk of pathogens and chemical contamination to groundwater.'

7.3.10. The use of the borehole as a public water source at Carrigawillin according to the Local Authority is at an advanced stage, and Uisce Eireann have awarded a contract to allow the site to be recommissioned. There is a strong emphasis within the County Development Plan in delivering a plan-led approach to development and the current investment into the Carrigawillin borehole as a public water supply for Clonmel, designated a 'Self -Sustaining Regional Driver' within the County, must be protected through appropriate polices between the planning authority and Uisce Eireann. Therefore, I consider this development would compromise the broader public interest and have implications for the planning of a public water supply to Clonmel and could impact on the overall cost of the water supply scheme should the proposed development go ahead, in the event of spillage or leachate leakage into the ground water. The Council as stated in the CDP has an important role to play in the protection, maintenance and improvement of water quality through the planning and management of future development.

7.3.11. Policy 11-5 of the CDP seeks to ensure that new developments proposed in or near 'Ground Water Protection Schemes' and 'Zones of Contribution' which contribute to public water supplies, do not result in a significant negative impact on the integrity, function and management of these important assets. According to the Lcoal Authority information the site is within the zone of influence of a future public water supply on lands already experiencing extreme pollution from predominantly agricultural uses. There is therefore a significant environmental and public health threat having regard to the close proximity of the development to a future public water supply, and in this regard the precautionary approach should be applied.

7.3.12. The EPA Drinking Water Advice Note 11 (2011) states 'In Ireland, microbial pathogens, nitrate and ammonia are the main pollutants of concern to drinking water quality from a public health perspective. All three are present in organic fertilizers (such as animal slurry or soiled water). However, the potential threat posed by landspreading should generally be low provided the landspreading activity is undertaken in compliance with the EC (Good Agricultural Practice for Protection of Waters) Regulations 2010'.[1]

7.3.13. Given the hydrology and hydrogeology of the site, and its proximity to a valuable public water supply, I do not consider there is a justified need for the proposed development in this location made by the Applicant, as there is the potential for nitrate and ammonia to leach into the surrounding area. Clonmel town has been identified as 'self sustaining regional driver' within the Core Strategy , and in the event of increasing the catchment for the area and the decommissioning of Poulvanogue WTP, it is of strategic importance that the Carrigawillin borehole is protected.

7.3.14. The development in this location poses a risk to the future water quality of the borehole from silt and concrete leaks during the construction of the concrete yard or spillages during the operational phase, from leachate or slurry. I note the site is not subject to flooding and the applicant states the underground storage tank would capture any leachate run off from the concrete slab during the lime stabilisation

[1] These Regulations have been superseded by S.I. 113 of 2022 Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022.

process. However, the proposed development is not dependent on a site-specific location and therefore I cannot find any justification for it to be in this location given its potential to impact on the ground water quality of the Carrigawillin borehole and ultimately public health.

7.3.15. In conclusion therefore I consider the protection of the future use of the Carrigawillin bore hole as a water supply for Clonmel town, a regionally identified town in the NPF, would be in the interests of the common good to deliver long term sustainable outcomes. The proposed use which is not considered a rural based activity has the potential to infiltrate pollutants into the ground water and impact on human health.

7.4. **Other issues**

7.5. The Applicant has stated they have a number of similar type premises, throughout the country, and these have had no problems. These sites have not been provided by the Applicant and it is not therefore clear whether they are located within a site that lies within a zone of contribution that could supply a public water scheme.

7.6. The Applicant in their grounds of Appeal refer to a search of the Waste Facility Permit and Certificate of Registration (COR) database that they found one facility in the county that can store biosolids and this is for a maximum of 1,500 tonnes. This database is a central register of all waste facility permits and certificates granted. According to the EPA letter submitted by the Applicants, a waste authorisation permit may not always be required for all facilities of this nature. I do not consider this is an indicator or justification that there is a need or demand for the proposed facility in this environmentally sensitive location. The Applicant contends if the development cannot go ahead in this location it would result in vehicles having to travel further to store the biosolids. However as stated by the Applicant, subject to an approved Nutrient Management Plan the biosolids can be spread close to the source of a biosolid storage facility. I therefore do not agree that by not pe4rmitting this development in this location would necessarily result in more vehicular movement and CO^2 omissions elsewhere.

7.7. **Appropriate Assessment (AA)**

7.7.1. The Board should note that the requirements of Article 6(3), as related to Appropriate Assessment of a project under part XAB, sections 177U and 177V of the Planning

and Development Act 2000 (as amended), are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for Appropriate Assessment
- The Natura Impact Statement and associated documents
- Appropriate Assessment of implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive:

7.7.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The Natura Impact Statement (NIS)

7.7.3. The subject site is not located within any designated Natura 2000 European site. The nearest designated sites are the Lower River Suir Special Area of Conservation (SAC) (site code: 002137), the Nier Valley Woodlands SAC (site code: 000668) and Comeragh Mountains SAC (Site code: 001952). The planning application was accompanied by a Natura Impact Statement NIS (dated 27/7/2022) by way of further information.

7.7.4. Notwithstanding the submission of an NIS, it is necessary to review the screening process to ensure alignment with the sites brought forward for AA and to ensure all sites that may be affected by the development have been considered. Table 1 below identifies the relevant European sites to the subject site and whether they are appropriate to be considered further in screening of the AA.

Screening for Appropriate Assessment

7.7.5. Notwithstanding the submission of an NIS, it is necessary to review the screening process to ensure alignment with the sites brought forward for AA and to ensure all sites that may be affected by the development have been considered.

7.7.6. Description of the Development

A description of the project is provided in 3.2 of the NIS. I refer the Board to Section 2 of this report. In summary the development within the NIS is described as follows:

- Use of the existing agricultural shed and concrete slab for a storage facility for sludges/biosolids, before being spread on agricultural farmland as a nutrient rich fertilizer.
- The landspreading of all biosolids produced will be carried out in accordance with S.I. 605 of 2017 and S.I. 65 of 2018 and S.I. 113 of 2022 Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022.
- In addition all requirements of the County Council protocol for the use of biosolids in agriculture will be followed as outlined in S.I. 149/98 and S.I. 267/01.
- The existing concrete slab will be extended and gullies will be provided to divert leachate and run off from the biosolids into a new underground concrete storage tank.
- The proposed storage facility will have a bunded concrete floor and concrete walls to contain the biosolids.
- A structural integrity test will be carried out on the facility before being used for biosolids and a structural integrity test will be carried out every 5 years.
- All washdowns, leachate and rainwater from the concrete slab and storage shed would be diverted to an new underground storage tank with a capacity of 3,000 gallons.
- The storage tank will be checked regularly and the contents emptied before the storage tank gets within 300mm form the top.

- The liquid material will be recovered to an anaerobic digester or appropriate facility.
- The treated biosolids are only landspread when soil testing has been carried out and a completed nutrient management plan has been submitted for the approval of the Local Authority.
- All sludges brought to the facility will be Irish Water sludges form wastewater treatment facilities and all Irish Water procedures and protocols will be followed.
- The treated biosolids are stored in the confines of a reinforced concrete walled shed with a metal cladding roof to reduce the impact of odour escaping and keep the biosolids dry.

Table 1: Identification of Relevant European Sites

European Site **Name & (site code)** **Conservation Objective**	**Distance from proposed development**	**List of Qualifying interest/ Special Conservation interest**	**Connections (source-pathway-receptor)**	**Considered further in screening** **Y/N**
Lower River Suir SAC **(002137)** **Conservation Objectives:** **To maintain (M) or restore (R) their favourable conservation condition**	**2.3km**	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) **(R)** Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation **(M)** Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels **(M)** Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] **(R)** Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion	River Moyle is c. 148m to the north of the site which flows into SAC.	**Yes-** proximity of the site to the tributaries that lead to the SAC.

		incanae, Salicion albae) **(R)** Taxus baccata woods of the British Isles **(R)** Margaritifera margaritifera (Freshwater Pearl Mussel) **(R)** Austropotamobius pallipes (White-clawed Crayfish) **(M)** Petromyzon marinus (Sea Lamprey) **(R)** Lampetra planeri (Brook Lamprey) **(R)** Lampetra fluviatilis (River Lamprey) **(R)** Alosa fallax fallax (Twaite Shad) **(R)** Salmo salar (Salmon) **(R)** Lutra lutra (Otter) **(M)**		
Nier Valley Woodlands SAC **(000668)** **Conservation Objectives:** **T To maintain (M) or restore (R) their favourable conservation condition**	**13.9km south**	Old sessile oak woods with Ilex and Blechnum in the British Isles **(R)**	None No habitat loss from the proposed development. There is no surface water, ground water or underground features connecting the sites.	No
Comeragh Mountains SAC **(001952)** **Conservation Objectives:**	**14.5 km**	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) **(M)** Water courses of plain to montane levels with the Ranunculion fluitantis and	None No habitat loss from the proposed development. There is no surface water, ground water or underground features connecting the sites.	No

To maintain (M) or restore (R) their favourable conservation condition		Callitricho-Batrachion vegetation **(M)** Northern Atlantic wet heaths with Erica tetralix **(R)** European dry heaths **(R)** Alpine and Boreal heaths **(R)** Blanket bogs (* if active bog) **(R)** Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) **(R)** Calcareous rocky slopes with chasmophytic vegetation **(R)** Siliceous rocky slopes with chasmophytic vegetation **(R)** Hamatocaulis vernicosus (Slender Green Feather-moss) **(R)**		

7.7.7. In relation to Nier Valley Woodlands SAC (site code:000668) and Comeragh Mountains SAC (site code: 001952), noting the separation distances involved and the absence of any hydrological connection between these European sites and the subject site, and there being no source-pathway-receptor identified, I would agree with the submitted NIS that these sites can be screened out. The proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on these European sites, in view of their site conservation objectives.

Identification of Potential Impacts on the Designated Site

7.7.8. The proposed development has the potential to impact the Lower River Suir SAC (site code: 002137) via the construction and operational stages of the proposed

development due to the subject site's proximity to the European site and the potential for a hydrological link relating to the following:

- Deterioration of water quality from pollution from surface water run off during construction and operational phases.
- Deterioration in water quality during operational phase from the storage of biosolids and management of leachate and other pollutants into groundwater.
- Impacts on Qualifying Interests (QI) and Special Conservation Interests (SCI) of the SAC.

Screening Determination

7.7.9. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 002137 (Lower River Suir SAC), in view of the site's Conservation Objectives, and an Appropriate Assessment is therefore required.

7.7.10. I confirm that the site screened in for Appropriate Assessment is the site included in the NIS prepared by the project proponent.

7.7.11. The possibility of significant effects on other European sites has been excluded on separation distance and lack of substantive hydrological or ecological linkages between the proposed works and European sites.

Appropriate Assessment (Stage II)

7.7.12. The following Appropriate Assessment of the implications of the proposed works alone and in combination with other relevant plans and projects will be carried out in relation to the following European site in view of its conservation objectives:

- Lower River Suir SAC (site code: 002137)

7.7.13. The application included a NIS which examines and assesses potential adverse effects of the development on the Lower River Suir SAC (site code: 002137). The NIS was informed by a desk top study of the site and includes information on the water quality of the River Moyle, Anner River and River Suir and use of GSI datasets. The Applicant's NIS provides a description of the development as set out in Section 3.2 of the submitted NIS. The description refers to the use of an existing

shed for the storage of sludges and biosolids. The existing concrete slab on site shall be extended and gullies provided to divert leachate and run off from the biosolids into a new underground concrete storage tank.

The NIS submitted on behalf of the Applicant concluded 'it is considered that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Lower River Suir SAC'.

Implications of the proposed development on the integrity of the Lower River Suir SAC

7.7.14. A description of the site, and its Conservation and Qualifying interest/Special Conservation Interests, are set out in Table 1 above and within Tables 2 & 3 of the submitted NIS.

7.7.15. Description of Site's Characteristics

The Lower River Suir SAC is an extensive site extending over 7,000 hectares which covers the freshwater stretches of the River Suir south of Thurles, Co. Tipperary to the Barrow Suir confluence east of Cheekpoint in Co. Waterford. The River Anner is one of its many tributaries. The SAC is comprised of a number of Annex 1 habitats, including the priority habitats of Alluvial Forest and Yew Woodland.

The SAC is of conservation interest for the presence of a number of Annex I species including Freshwater Pearl Mussel, Otter, White-clawed Crayfish, Salmon, Twaite Shad and three species of Lampreys- Sea, Brook and River Lamprey. The site is one of only three known spawning grounds in the country for Twaite Shad. The site is also of ornithological importance for the number of Annex I bird species, E.U. Birds Directive including Golden Plover, Whooper Swan and Kingfisher.

Land use at the site consists mainly of agricultural activities including grazing, silage production, fertilising and land reclamation. The grassland is intensively managed and the rivers are therefore vulnerable to pollution from run-off of fertilisers and slurry. The highest threats to the integrity and conservation status of this site is intensive farming, fertilisation, urbanised areas and human habitation, discharges, pollution to surface waters, dykes and flood defence work, from both outside and inside influences.

There are no watercourses immediately adjacent to the site, but the River Moyle is 148m north of the site, which joins the Anner River, which flows into the River Suir. The EPA have classified the ecological status of the River Moyle and its tributaries at points close to the subject site as poor. Further downstream and closer to its confluence with the Anner River , status improves to good. The ecological status of the River Anner is noted as good for much of its length. The status of the River Suir in Clonmel is classified as moderate.

7.7.16. Tables 2 and 3 of the NIS presents a summary of the QIs/SCIs associated with the Lower Suir SAC. Table 2 screens out certain QIs of the SAC which will not be impacted upon from the proposed development, either due to the distances involved or because the features are not sensitive to change in water quality and the reason for exclusion is outlined. Table 3 describes the QIs of the Lower River Suir SAC that have the potential to be impacted upon from the proposed development and includes the potential for likely significant effects based on the location, scale and nature of the proposed development.

7.7.17. Table 2 below describes the QIs of the Lower River Suir SAC that have the potential to be impacted upon from the development and screens out those QIs which will not be impacted from the development, based on the location, scale and nature of the proposed development, either due to the distance involved or because the features are not sensitive to change in water quality and the reason from exclusion is outlined.

Table 2: Potential adverse effects arising from the proposed development on Qualifying Interest of SAC

Qualifying interest	Potential Adverse effects arising from the proposed development	Screening rationale	Screening conclusion
[1330] Atlantic & [1410]Mediterranean Salt Meadows	Adverse effect on water quality through groundwater contamination during construction & operation	Both these habitats occur in estuarine areas, and are not within the zone of influence of the site.	Screened out

[91E0] Alluvial Forests & [91A0] Old sessile oak woods	This habitat is not present within the potentially affected area.	Not present at subject site.	Screened out
[3260] Water courses of plain to montane levels	Habitat sensitive to changes in the hydrological regime of its associated river.	Variations of this habitat is common along rivers such as Moyle & Anner.	**Screened in**
[91J0] Taxus baccatta woods of the British Isles	This habitat is known to occur at Cahir Park.	This habitat is not present within the potentially affected area.	Screened out
[6430] Hydrophilous tall herb fringe communities	This habitat is sensitive to changes in the hydrological regime and sensitive to grazing, pollution and invasive species.	Habitat common along rivers such as Moyle & Anner.	**Screened in**
[1029] Freshwater Pearl Mussel	Species occurs in Clodiagh catchment only.	No hydrological connection to Clodiagh river with subject site.	Screened out
[1103] Twaite Shad	Twaite lives in lower reaches of estuaries and at sea as adults.	Closest habitat is 45km from the subject site.	Screened out
[1095] Sea, [1099] River & [1096] Brook Lamprey	Adverse effects on water quality through groundwater contamination during the construction & operation.	Evidence of species throughout Suir catchment. Main threats to species are dredging, siltation patterns and sensitive to changes in water quality.	**Screened in**
[1106] Salmon	Adverse effects on water quality through groundwater contamination during the construction & operation.	Species occur throughout Suir system and its tributaries. Main threats include	**Screened in**

		agriculture, run off, forestry, household waste waters & poaching.	
[1355] Otter	Main threats include habitat destruction, pollution and accidental deaths.	Records for the species exist in River Anner 2.7km east of the subject site.	**Screened in**
[1092] White-clawed crayfish	Adverse effects on water quality through groundwater contamination during the construction & operation.	Crayfish exist in the River Suir downstream of the subject site and are present in the River Anner- 2.7km east of the subject site. Are sensitive to pollution.	**Screened in**

Potential for direct effects

7.7.18. This SAC site has been selected for a variety of habitats and species, and the relevant conservation objectives seek to maintain/restore the favourable conservation condition of the habitats and species for which the SAC has been selected, subject to a list of targets and attributes (incl. distribution, water & habitat quality, biomass availability & barriers to connectivity). The project site and adjacent watercourse are not located within a European site and there will be no direct impacts on the SACs or their QI habitats or species arising from the proposed development.

Potential for indirect effects

7.7.19. *During construction phase:* The shed has been constructed on the site and further construction works would be limited to an extension of the concrete yard and bunding wall around it and the installation of an effluent storage tank. There are no surface water courses on the site and no direct pollution pathways to the River Moyle which connects to the Lower Suir SAC. As the River Suir is considered 'at risk,' should run-off of potential pollutants enter the surrounding watercourses or

groundwater, this could adversely affect the water quality within the Lower River Suir SAC and subsequently affecting the protected species for which this Natura 2000 site is designated, for example: Salmon, Lamprey and white clawed Crayfish.

7.7.20. *Operation Phase:* The site will be used for the storage and stabilisation of sludge for the production of biosolids to be used for the fertilisation of lands. The sludge will be treated before being stored and will generate leachate which it is proposed to store in an effluent tank. Wash down water from the leachate and rainwater from soiled surfaces will be washed into the tank. Any structural weaknesses in the storage tank could impact on groundwater quality.

The landspreading of manure produced at the site will occur on lands within the Suir catchment according to the NIS. The spreading of lands within the Suir catchment would impact the water courses which lead to the Lower River Suir SAC, which could result in eutrophication, algae blooms, fish kills and loss of biodiversity.

Potential for in combination effects

I note as outlined in the NIS, given the rural nature of the subject site, there has been one other planning application granted within the Carrigawillin town lands in the past five years, namely P.A Ref: 21/760 at the subject site, for the construction of a loose shed over an existing silage slab. This shed is the subject of the current change of use application, and was screened for AA by the Planning Authority, and potential significant effects upon the Lower River Suir SAC was ruled out. It is noted the shed was not for the storage of slurry.

There are other agricultural activities ongoing close to the current application site and the commutative impacts arising from the operations of these farms together was considered. The NIS notes that all farms are required to operate within the legislation defined in S.I. 113 of 2022, regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, it is considered that the cumulative impacts arising from the combined operation of these activities with the proposed operation when carried out in accordance with the mitigation measures outlined in the NIS will have no cumulative impacts on any designated site when considered in-combination with other agricultural activities/developments that

have been screened for AA or where, AA has taken place. These conclusions are considered acceptable.

Mitigation Measures

Section 5 of the submitted NIS outlines a number of mitigation measures including the following:

	Mitigation Measures
Site preparation & Construction	• Works carried out to the minimum area required. • Site engineer & contractors made aware of sensitivities of the site. • Construction & operation of development to comply with European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I.113 of 2022). • Effluent tank to constructed in accordance with Dept. of Agriculture, Food and The Marine specifications with leak detection facilities underneath. • Fuels, oils, greases and hydraulic fluids stored in bunded compounds and away from excavations, watercourses & drains. • Stockpiles of earth etc within a bunded area. • Where concrete is being poured best practice in bulk – liquid concrete management.
Operation of activities on site	• Effluent tank must not be allowed to overflow & alarm system installed to inform the operator when the tank reaches 300mm from the top. • End effluent of the tank must be identified and if it is to spread on land must conform to S.I 113 of 2022. • Bunded walls and floor must pass an integrity test prior to storage.

	• Lime for stabilization to be stored securely on site. • All biosloids to be stored in accordance with S.I 113 of 2022. • Biosolids only to be used in accordance with individual Nutrient Management Plan.

Appropriate Assessment Conclusion

7.7.21. The River Moyle is 148m at a lower level than the site, however as there are no surface water courses on the site, there is no direct pollution pathway from the site to the River Moyle which leads to the Lower River Suir SAC. Pollution from the operation of the development particularly with regard to leachate/sludge run off to groundwater, would pose a risk to ground water quality in the absence of the proposed mitigation measures outlined above.

7.7.22. Following an Appropriate Assessment, and the consideration of mitigation measures, I have ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of these said European sites, or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.0 Recommendation

8.1. I recommend planning permission be refused for the development for the reasons and considerations below.

9.0 Reasons and Considerations

1. The proposed development is located within 500metres to the 'Zone of Contribution' of the Carrigawillin public water supply resource and positioned on a regionally important karsified aquifer. Given the nature of the development, which includes the handling, treatment, storage, and distribution facility for sludges/biosolids within an existing vulnerable groundwater

catchment area, it is considered the proposed development would be contrary to Policy 11-5 of the Tipperary County Development Plan 2022-2028, and would therefore be prejudicial to public health.

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.

Catherine Dillon
Planning Inspector

24th May 2024

Appendix 1

Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	315481-23
Proposed Development Summary	(i) Effluent tank ii) wall concrete yard. Change of use of existing storage shed for storage of organic compost and biosolids material. An NIS was submitted following FI with this application.
Development Address	Carrigawillin, 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**	**X**
	No	No further action required

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes			EIA Mandatory EIAR required
No	**X**		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				No EIAR or Preliminary Examination required
Yes	X	Part 2- Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule. (d) Sludge deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).	Shed has the capacity to hold 1,200 tonnes of biosolids at any one time. Annual deposition is not specified.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		**Preliminary Examination required**
Yes	X	**Screening Determination required**

Screening Determination

A. Case Details:

An Bord Pleanála Case Reference: 315481-23

Development Summary	**Change of use of shed for the storage of organic compost and biosolids and all associated works. Works include the provision of an effluent tank to store a maximum of 3,000 gallons and an extended concrete yard.**	
	Yes/No/N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	Yes	EIAR not required
2. Has Schedule 7A information been submitted?	Yes by way of further information response dated 27/7/2022	
3. Has an AA screening report or NIS been submitted?	Yes	NIS submitted
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No refer to EPA letter dated 16th May 2022 enclosed within planning application.	
5. Have any other relevant assessments of the effects on the environment which have a	N/A	

significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.		
B. Examination	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) nd any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/No/Uncertain
1. Characteristics of proposed development *(including demolition, construction, operation, or decommissioning)*		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	In an established rural area with overall area of 0.17 ha.. Existing shed on site is 363m^2 with an extended concrete yard area (140m^2) proposed. There are other agricultural structures in close proximity to the site.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Shed already exists. No physical changes to topography.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Water shall be used to clean surfaces etc, during operation. Water demand is specified as	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	The sludge/leachtate could impact on ground water.	**Uncertain**
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Odour maybe an issue from biosolids.	**Uncertain**

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	The subject site lies within 500m from the Carrigawillin borehole and lies within the inner protection zone of contribution to the borehole. The proposal may lead to contamination of the drinking water due to proximity to Carrigawillan borehole. Site is located over a regionally important aquifer, which is vulnerable to pollution. Discharge of pollutants to ground water within the Moyle catchment and is a vulnerable catchment- risk of contamination to groundwater.	**Uncertain**
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Noise during temporary construction of concrete slab and traffic movement.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Potential risk to public water supply as within 500m from Carrigawillan water supply/borehole.	**Uncertain**
1.9 Will there be any risk of major accidents that could affect human health or the environment?	Given the nature of the project - in the event of a spill, overflow of tank etc, contamination of groundwater and impact on Carrigawillin borehole- there is a risk to human health. Site lies within a regionally important Aquifer which is karstified and classified as extremely vulnerable to pollution.	**Uncertain**
1.10 Will the project affect the social environment (population, employment)	Proposal will generate an increase in traffic but not considered significant – max 3 deliveries per week.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:	Not located in or close to any site. Moyle river c.148m to the north of the site which flows	No

a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	into the Lower Suir SAC. Shed is elevated to above the river.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	NIS found no evidence of sensitive species on the site or in the vicinity likely to be affected. Site is 148m from River Moyle which is a tributary of the Lower River Suir SAC. Natural flow of surface water to north. No conduit to river to north.	No- subject to mitigating measures proposed in NIS.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Site lies within 500m of the Carrigawillin borehole and just beyond the inner protection zone of contribution to the well. According to the Local Authority given the yields previously gained at this location. Uisce Eireann are actively engaged in recommissioning the well to service Clonmel.	**Uncertain**
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Subject site is not subject to flooding.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	N/A	No

2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? **2.8** Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Subject site in a rural area, traffic speed and volume low. No schools or community uses in close proximity to the site or along this road. Community facilities to south and west of the site.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	There are other agricultural structures within close proximity/vicinity to the subject site, relating to farming enterprises. There are no relevant developments permitted in the area.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	N/A	No
3.3 Are there any other relevant considerations?	The hydrology & hydrogeology report submitted by way of further information was an assessment of the site and its suitability for the proposed development in terms of flood risk. The report did not address the impact of the proposed development on the Carrigawillin borehole and the site being used for the storage of biosolids and leachate treatment within 500m of a public water borehole source.	Applicant's company policy concerning road spills etc is noted. No CEMP submitted as part of proposal.
C. Conclusion		
No real likelihood of significant effects on the environment.		EIAR Not Required
Real likelihood of significant effects on the environment.		**EIAR Required**
D. Main Reasons & Considerations		

Having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended and the following:

(a) Given the nature of the development and the risk of pollutants entering the groundwater during the operational stage of the development.

(b) The subject site is located outside designated lands and the applicant has not demonstrated a need to locate in this location and meet the relevant environmental protection standards.

(c) The subject site being 500m from the Carrigawillin public water supply borehole.

(d) The subject site being located on a regionally important aquifer, which is karsified and classified as extremely vulnerable to pollution.

It is considered that the proposed development would be likely to have significant effects on human health and the environment and that the preparation and submission of an environmental impact report is therefore required.

Appendix 2: Appropriate Assessment (AA)

Lower River Suir SAC (Site Code: 002137)					
Qualifying Interest	**Conservation Objective**	**Potential Adverse Effect**	**Mitigation Measures**	**In combination Effect**	**Can adverse Effect on Integrity be excluded**
[3260] Water courses of plain to montane levels	To maintain the favourable conservation condition	Sedimentation Water pollution	Works carried out to the minimum area required. Site engineer & contractors made aware of sensitivities of the site. Construction & operation of development to comply with European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I.113 of 2022). Effluent tank constructed in accordance with Dept. of Agriculture, Food and The Marine specifications with leak detection facilities underneath. Fuels, oils, greases and hydraulic fluids stored in bunded compounds and away from excavations, watercourses & drains. Stockpiles of earth etc within a bunded area. Where concrete is being poured best practice in bulk – liquid concrete management. Effluent tank alarm system installed to inform the operator when the tank reaches 300mm from the top. End effluent of the tank must be identified and if it is to spread on land must conform to S.I 113 of 2022.	None	Yes
[6430] Hydrophilous tall herb fringe communities	To maintain the favourable conservation condition	Changes to hydrological regime Grazing Pollution Invasive species			
[1095] Sea Lamprey [1099] River Lamprey [1096] Brook Lamprey	To restore the favourable conservation condition	Sedimentation Water pollution			
[1106] Salmon	To restore the favourable conservation condition	Sedimentation Water quality/pollution			
[1355] Otter	To maintain the favourable conservation condition	Habitat destruction Pollution Accidental deaths			
[1092] White - clawed crayfish	To maintain the favourable conservation condition	Non native species Disease Pollution			

			Bunded walls and floor must pass an integrity test prior to storage. Lime for stabilization to be stored securely on site. All biosloids to be stored in accordance with S.I 113 of 2022. Biosolids only to be used in accordance with individual Nutrient Management Plan.		

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction of this proposed development will not adversely affect the integrity of this European site in view of the Site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.