



An  
Coimisiún  
Pleanála

## Internal Technical Note

**ABP-321181-24**

### **Development**

Demolition of a farm building and the construction of a new farm building. An NIS was submitted with Further Information at application stage.

### **Location**

Ballymackeogh, Newport, Co Tipperary.

### **Planning Authority & Reg. Ref.**

Tipperary County Council (2414)

### **Applicant(s)**

Michael Ahern

### **Type of Application**

Normal Planning Appeal

### **Inspector**

Kathy Tuck

### **Ecologist**

Fiona Patterson

### **Topic**

Appropriate Assessment

### **Report No**

R321181\_TN Ecology

### **Date**

8<sup>th</sup> December 2025

# Contents

1.0	Introduction .....	3
1.1.	Background.....	3
1.2.	Scope of technical note .....	3
1.3.	Site Visit .....	3
2.0	Issues examined and suggestions for consideration by the Commission.....	4
2.1.	Review of NIS and Greenleaf Ecology submission.....	4
2.2.	Inspectors report .....	6
2.4.	Assessment.....	7
3.0	Conclusion .....	7
4.0	Appendix 1 Site Photos (3 <sup>rd</sup> December 2025).....	8

## **1.0 Introduction**

### **1.1. Background**

1.1.1. The submissions on this file and the Inspector report were considered at a meeting held on 08/10/2025. The Commission decided to defer this case for consideration at a further meeting and request technical assistance from the Commission's Ecologist. The Ecologist is requested to provide technical assistance as to whether there is any evidence of a pathway from the development as described in the public notice to any European sites and if so, to advise on the mitigation measures identified in the NIS.

### **1.2. Scope of technical note**

1.2.1. Technical assistance is required as to whether there is any evidence of a pathway from the development as described in the public notice to any European sites and if so, to advise on the mitigation measures identified in the NIS.

1.2.2. In considering the request for technical assistance above, I have reviewed the related documents on the file including,

- Inspectors report dated 25<sup>th</sup> September 2025, Appellant submission (Peter Sweetman, Wild Ireland Defense CLG), dated 1st November 2024, Greenleaf ecology submission (on behalf of applicant dated 25<sup>th</sup> November 2024, in response to appellant submission), Planning Authority Planning report, Applicant NIS dated 7<sup>th</sup> August 2024, Application drawings/plans

### **1.3. Site Visit**

1.3.1. I visited the site on 3<sup>rd</sup> December 2025.

### **1.4. Site location**

1.4.1. The site measures 0.5ha and is located c2km west of Newport in the townland of Ballymackeogh. The site has an existing farm complex and is accessed via the local road L60023. The site is located c10m east of the Newport River. The Newport River forms part of the Lower River Shannon SAC.

## 2.0 Issues examined and suggestions for consideration by the Commission

### 2.1. Review of NIS and Greenleaf Ecology submission

- 2.1.1. The NIS was prepared by Karen Banks, MCIEEM, of Greenleaf Ecology.
- 2.1.2. An Ecological walkover survey was carried out by Ms Banks on 31<sup>st</sup> May 2024. The focus of the survey was to assess the potential for QIs of European sites within the Zone of Influence of the proposed development. Refer to Section 4 of NIS for details of the existing environment. I note Section 4.1 of the NIS states that the proposed site predominantly comprises the existing farm buildings and associated yard, silage clamp and access road. It states that the access road is bound by a vegetated earth bank.
- 2.1.3. Section 4.1 of the NIS also states that during the site visit, giant hogweed and Japanese knotweed (both invasive plant species) were observed on the earth bank. Giant hogweed was also observed adjacent to the fodder store and silage clamp within the proposed site.
- 2.1.4. I note that Section 4.3 discusses aquatic ecology. It states that previous EPA water quality sampling (2021) carried out of the Newport River upstream and downstream of the site indicates good water quality (Q value of 4 upstream and 5 downstream). I note section 4.4 of the NIS discusses flooding and refers to OPW flood mapping. It shows that the flood extents are adjacent to but do not reach the proposed site.
- 2.1.5. Section 5.2.1 (Impact Assessment, Construction Phase) of the NIS notes that *“there are no watercourses or active drainage ditches present within the proposed site and the Newport River is buffered from the proposed development during the construction phase by the vegetated earth bank bounding the site to the north, adjacent to the farm access track. The earth bank would act as a bund preventing surface water run-off from reaching the Newport River and Lower River Shannon SAC, which is located to the north of the earth bank. In view of the presence of an earth bank between the proposed site and the Newport River and Lower River Shannon SAC, any demolition materials or surface water run-off occurring during*

*construction will readily be contained within the footprint of the proposed development”.*

- 2.1.6. Section 5.2.1 of the NIS reiterates that giant hogweed and Japanese knotweed were observed on the earth bank and that giant hogweed was also observed adjacent to the fodder store and silage clamp within the proposed site. It notes that both species are considered to be high impact invasive species and are included on the Third Schedule of the EC (Birds and Natural Habitats) Regulations 2011. Section 5.2.1 of the NIS notes that there is a risk of spread of these invasive plant species during the construction phase.
- 2.1.7. Section 5.2.2 (Impact Assessment Operation Phase) of the NIS considers operational impacts. It notes that stormwater will be collected in drains which will be directed to soak pits and percolated into the ground. Soiled water will be collected in drains and directed to an underground slurry storage tank. It notes that slurry will be spread on land in accordance with SI No 62/2023 European Union (Good Agricultural Practice for Protection of Waters (Amendment) Regulations 2023. It concludes that no significant effects on surface water or groundwater quality are expected during the operational phase.
- 2.1.8. Section 6 (Mitigation) of the NIS: Table 6-1 notes that “*there is no surface water connectivity between the proposed works and the Newport River. Nonetheless, the following guidelines will be adhered to during construction as best practice.....*” Table 6-1 provides a high-level list of mitigation measures regarding general best management practice for construction and best management practice to avoid hydrocarbon loss.
- 2.1.9. Table 6-1 provides detailed mitigation measures to reduce the spread of invasive plant species. It notes that Japanese knotweed was recorded at the top of the boundary earth bank at the entrance to the proposed site, outside of the works footprint and concludes that it is feasible to avoid Japanese knotweed during the works. Table 6-1 states that whilst giant hogweed was located outside of the footprint of the proposed works, it notes that there is potential for disturbance to giant hogweed during construction. It proposes a suite of mitigation measures to reduce the spread of giant hogweed during the works.

2.1.10. The Greenleaf ecology submission (on behalf of applicant dated 25th November 2024, in response to appellant submission, reiterates that there is no connecting surface water run-off pathway to the Newport River. It states that potential impacts of the development primarily relate to the potential spread of invasive plant species within the Lower River Shannon SAC during the construction phase of the works. It states that “*the NIS makes it clear that general best practice measures are not relied upon for the NIS but are provided to be clear that construction will be in accordance with best practice*”.

## **2.2. Inspectors report**

2.2.1. Section 8.1.8 of the Inspectors report notes that while “*the western boundary of the site which is shared with the Newport river is planted with mature hedging and that the bank of the river acts almost like a bund given the way the land rises from the river, however there is a section of the river located c.30m to the south west of the subject site where all planting is removed and there is access to the river where it appears animals have entered the river to cross it. This causes concern and could act as a surface water connection from the farmyard in terms of surface water runoff*

”.

2.2.2. Section 8.1.8 of the Inspectors report goes on to state that given the lack of specific mitigation measures regarding surface water runoff within the NIS and details as how it is proposed to implement the best practice documents listed, the Inspector cannot fully determine if the development would give rise to an adverse impact upon the site integrity of the Lower River Shannon SAC.

## **2.3. Site Visit**

2.3.1. I visited the site on 3<sup>rd</sup> December 2025. I observed the vegetated earth bank which runs along the western boundary of the site. The access track runs inside the earth bank within the site. The Newport River is located on the other side of the earth bank, to the east. There is a “gap” in the earth bank to the south west of the site where there is a gate but no hedging. This “gap” is not located within the development site boundary and is not directly affected by the development. Access to the river through the gate is possible. However, the ground levels at the “gap” are higher than the surrounding ground levels within the site, therefore any surface water

in the site will be contained and will not enter the Newport River. See photos below in Appendix 1. I note that much of the site is concreted, in particular where the main works will be and the ground levels adjacent to the farm shed which will be demolished slope to the east (away from the river). Therefore, I can confirm that there is no surface water pathway between the site and the Newport River.

2.3.2. I did not observe any invasive plant species during my site visit however December is not the ideal time to survey plant species as some may have died off. I note that Giant hogweed spreads primarily through its seeds, which can be dispersed by wind, water, and human activity, allowing it to colonize new areas rapidly. There is a risk therefore of giant hogweed spreading by wind into the adjacent Newport River and Lower River Shannon SAC.

#### **2.4. Assessment**

2.4.1. I accept the statement of compliance, which is detailed in Section 1.1 of the NIS, and I accept the impact assessment (for both construction and operation) as set out in the NIS. I accept the conclusions of the NIS. I accept the applicant submission (dated 25<sup>th</sup> November 2024) that "*the NIS makes it clear that general best practice measures are not relied upon for the NIS but are provided to be clear that construction will be in accordance with best practice*". It is my opinion that there is no surface water pathway between the site and the Newport River. There is a pathway (via wind) for giant hogweed to spread into the SAC. The mitigation measures detailed in Section 6.0 of the NIS are acceptable.

### **3.0 Conclusion**

3.1. In summary, the following is my professional opinion on the questions posed by the Commission:

- There is no surface water pathway to the Lower River Shannon SAC. There is a pathway (via wind) for giant hogweed to spread into the SAC. The mitigation measures to address this impact as detailed in the NIS are acceptable.

**Signed:**

Fiona Patterson, BSc, MSc, MISEP CEnv

Senior Ecologist Inspector

8<sup>th</sup> December 2025

## 4.0 Appendix 1 Site Photos (3<sup>rd</sup> December 2025)



**Photo 1** Vegetated earth bank along western boundary of the site. Looking south. Milking parlour in view. Newport river behind earth bank



**Photo 2** Vegetated earth bank along western boundary of the site. Looking south/south-west. "Gap" in earth bank can be seen in far background behind machinery. Access to the Newport River through the gate



**Photo 3.** Looking west from site to the “Gap” in earth bank. Access to the Newport River through the gate. Ground levels rise at the gate.



**Photo 4.** Looking north from site. “Gap” in earth bank along western boundary can be seen. Ground levels rise at the gate.



**Photo 5.** Looking south/south-west from site. The ground levels rise up from the site to the gate and reduce back down to the river.



**Photo 5.** Looking south. Farm shed on left hand side of photo to be demolished. Note farmyard is concreted.



**Photo 5.** Looking south/south-east from site. Farm shed on right hand side of photo to be demolished. The ground levels (left-hand side of photo) are lower to the east of the site, away from the river.



**Photo 6.** Looking north. Farm shed in foreground to be demolished. The ground levels (right hand side of photo) are lower to the east of the site, away from the river.