An Coimisiún Pleanála

Inspector's Report
ACP-321395-24

Development	Extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works. The planning application is for the purposes of an activity which operates under an industrial emissions license with the EPA (P0710-03). This application is accompanied by a Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR). A revised EIAR and NIS were submitted with Further Information.
Location	Graigue, Ballinakill, County Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2460311
Applicant	Tuleka Trading Company
Type of Application	Planning Permission.
Planning Authority Decision	Grant Planning Permission with Conditions.

Type of Appeal	Third Party Appeal
Appellant	Peter Sweetman – Wild Ireland Defence CLG
Observer	None
Date of Site Inspection	24 February 2026
Inspector	Sinéad O'Connor

Contents

1.0 Site Location and Description

1.1. The site of 2.7 hectares (ha) is located 3km to the northeast of Ballinakill and 4.8 km to the southeast of Abbeyleix in County Laois. The site is in a rural area characterised by undulating fields separated by trees and hedgerows. The subject site is relatively flat and is not elevated above the surrounding fields.

1.2. To the north, east and west, the subject site adjoins agricultural lands. To the south are agricultural lands and a quarry. There is a single storey dwelling at the southwest corner of the site, that is bound by the farm on two sides. Information submitted with the application indicates that this house is owned and occupied by the previous owner of the farm. To the immediate southeast of the site is a collection of derelict buildings comprising a former dwelling and agricultural sheds.

1.3. The site itself is irregular in shape. The western side of the site accommodates the existing farm, and the eastern side comprises part of a field that is currently under grass. The western and southern boundaries of the site are delineated by trees and hedgerows. There are no formal boundaries at the northern or eastern sides of the site. There is a 30-metre piece of hedgerow between the existing farm to the west and the area of the proposed development to the east. There is an overhead power line traversing the site from east to west.

1.4. The existing farm is operating under Environmental Protection Agency (EPA) Industrial Emissions Licence Reg. P0710-03, which was issued 22 December 2011 and amended 18 December 2013.

1.5. As per the documentation submitted, the existing farm accommodates 15 no. sheds for housing pigs at various stages, 20 no. meal bins, 1 no. storage shed (Shed 18) and 1 no. canteen/welfare/office building (Shed 14). The areas between the sheds comprise concrete yards. The existing sheds are generally long and rectangular in shape. The sheds have pitched roofs and multiple vent chimneys (stated max height 5.4 metres[1]). The buildings are finished in nap plaster and have green or dark grey cladding and roofs.

[1] As stated in Table 4 of the submitted Ammonia Impact Assessment.

1.6. Clean surface water at the site is currently drained to groundwater soakaways located in the centre and in the southwest of the site, and to a surface water drain at the western site boundary.

1.7. Fouled water and slurry are held in underground slurry tanks, which are under all sheds except numbers 08 and 10. There is a septic tank and percolation area serving the staff canteen/welfare house/office building.

1.8. Potable water at the site is provided by the Ballypickas Group Scheme (90% of water used) and the existing on-site well. The site is connected to mains power.

1.9. There are no surface water bodies at or immediately adjoining the subject site. The nearest surface water body to the site is the Owveg River (also referred to as the Owenbeg River), which is circa 450 metres to the west.

1.10. The site is accessed from the L7794 via an agricultural entrance on the southern site boundary.

1.11. The maximum number of pigs at the site comprises 4,800 no. Production Pigs (growers and finishers), 4,300 no. Weaners, 650 no. sows, and 120 no. Maiden Gilts (pigs that have not farrowed a litter).

2.0 Proposed Development

2.1. The proposed development as submitted comprises an extension of the existing pig farm at the First Party's landholding. It is proposed to construct 3 no. Meal Bins and 5 no. animal housing sheds.

2.2. Proposed sheds 14 to 17, inclusive, comprise fattening units. Each of the fattening units has a floor area of 765 sqm, a maximum of roof height of 4.29 metres and a maximum exhaust height of 8.55 metres. The tanks below the fattening units are 51 x 15 x 1.2 metres. Proposed shed 18 comprises a farrowing unit with a floor area of 3,148 sqm, a maximum roof height of 7.225 metres and a maximum exhaust height of 7.7 metres. The tank below proposed Shed 18 is 76.8 x 41 x 1.2 metres in size. It is proposed to finish all of the proposed sheds in green panels. The 3 no. proposed meal storage bins together occupy an area of 16 sqm and have a maximum height of 11.225 metres. It is not stated in the application documentation how these bins will be finished.

2.3. The proposed sheds have pitched roofs with exhaust vents extending from the apex. Proposed sheds 14 to 17, inclusive, have 5 no. exhaust vents and proposed shed 18 has 7 no. exhaust vents. It is proposed to provide a continuous loading bay canopy along the northeast facing elevation of sheds 14 to 17. The canopy is open on three sides and covers an area of 116 sqm.

2.4. It is estimated that between 8,940 – 12,670 tonnes[2] of soil will be excavated to facilitate the works. This will be reused on the site as fill material.

2.5. It is proposed to connect the proposed development to the existing storm-water drainage system at the site. Clean rainwater run-off from the roofs of the proposed sheds will be collected by a piped system and drained to 2 no. existing soakways at the site, located beside proposed Shed 14 and beside existing Second Stage/Weaner House 15. In this way, clean surface water arising at the site will drain to ground.

2.6. Soiled water arising from cleaning and management of the proposed development will be directed to the storage tanks underlaying the proposed sheds.

2.7. Waste arising from the proposed development will be collected and transported by authorised waste collectors. Slurry from the proposed development will be collected by local farmers for use as fertiliser. No land spreading of slurry is proposed within the subject site.

2.8. The proposed development will be accessed via the existing farm entrance on the north side of the L7794.

2.9. Construction works will take circa 6 months. No demolition works are proposed. It is proposed to remove circa 30 metres of hedgerow between Storage Shed 18 and Proposed Shed 18 to facilitate the development. It is proposed to plant native trees and vegetation at the south of the sheds/southern boundary of the site.

2.10. It is not proposed to increase the total number of pigs at the overall landholding. The proposed works will facilitate a reduction in the density of pigs at the farm. If planning permission is granted, the First Party will apply to amend the existing EPA Licence (Ref. P0710-03).

[2] Based on 1 m^3 of soil weighing between 1.2 – 1.7 tonnes.

2.11. I note that Chapter 2.0 of the EIAR dated 25 September 2024 refers to proposed works that are not included in the Description of Development in the Application Form or Public Notices. These additional works comprise the provision of elevated chimney stacks on the existing sheds (as stated on page 43 of the EIAR). These works do not form part of this application and have not been assessed in this report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 19 November 2024 Laois County Council issued a notification of their decision to grant planning permission for the proposed development subject to 16 no. conditions. I consider that the following conditions are notable:

- Condition 7. Precautions shall be taken to ensure that waste disposal does not cause pollution to any waterbody. The developer shall take reasonable steps to preserve the amenity of the adjacent properties.
- Condition 9 and 10. Organic fertiliser shall be transported in approved leak-proof vehicles. All fertiliser, effluent, slurry, soiled water and solid waste shall be utilised or disposed of by land spreading in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, as amended.
- Condition 11. The developer shall immediately inform the PA of any accidental spillages which may threaten the quality of any waterbody.
- Condition 12 and 13. All storage tanks shall be designed and constructed to prevent discharges to surface or groundwater resources. Storage tanks shall comply with the specifications of the Minister for Agriculture, Food and Marine and European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. No. 113 of 2022) or any subsequent amendments to those regulations.
- Condition 15. Prior to the commencement of development, the developer shall consult with the ESB regarding the overhead power line.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 26 July 2024 assessed the proposed development with reference to the Development Plan and National Guidelines. I consider that the following matters raised in the Planners Report dated 26 July 2024 are of relevance:

- The principle of development at the subject site is acceptable.
- The siting, scale, layout, design and massing of the proposed development is acceptable and in accordance with Policy DMRL1 of the Development Plan.
- The existing piggery holds an EPA IE Licence (Ref. IE PO710-03). If permission is granted, this licence will need to be amended to incorporate the new buildings into the licence boundary.
- It is not proposed to increase the number of pigs at the site. The extension would allow for an increase of live weight of pigs at sale, increase animal welfare, improve disease management, and increase efficiency and financial viability of the piggery.
- The following chapters of the EIAR are **acceptable** to the PA:
    - Chapter 1 ‘Introduction, Brief for Consultancy and Scope for EIAR’
    - Chapter 3 ‘Alternatives’
    - Chapter 4 ‘Population and Human Health’
    - Chapter 5 ‘Air Quality, Odour and Climate’
    - Chapter 6 ‘Noise Environment’
    - Chapter 7 ‘Landscape and Visual’
    - Chapter 9 ‘Land – Soils, Geology and Hydrology’
    - Chapter 10 ‘Material Assets – Utilities and Traffic’
    - Chapter 11 ‘Material Assets – Natural and Other Resources’
    - Chapter 12 ‘Archaeology, Architectural and Cultural Heritage’
    - Chapter 13 ‘Interaction and Inter-Relationship’
- There are discrepancies in the description of the development in Chapter 2 of the EIAR and in Chapter 8 ‘Biodiversity’ in respect of proposals to remove mature trees, hedgerows and treelines.

- There are discrepancies in the EIAR in respect of the duration of the construction phase and the hours of work. The majority of the EIAR states that the construction phase will last 6 months however, Section 6.4.1.1 states that the construction phase will take 10 to 12 months. Section 6.6 states that construction at the site would take place between 07.00 to 19.00 Monday to Friday, and 07.00 to 13.00 on Saturday. Section 8.4 states that construction works will take place between 07.00 to 19.00 Monday to Friday and 08.00 to 14.00 on Saturdays during the summer months. It is stated that during the winter months, construction will begin 1 hr after dawn and will end 1 hr before dusk.

- Chapter 8 'Biodiversity' is acceptable, except where it relates to bats. The site assessment in respect of bats was not undertaken during the optimal season.

- EIAR is acceptable and consistent, except those discrepancies noted above, and has been completed by competent persons.

- The contents of the NIS are acceptable.

The PA report recommended that Further Information (FI) be sought from the applicant. On the 26 July 2024 the PA issued a request for 4 no. items of Further Information (FI). These are summarised below as follows:

- **Item 1:** The PA raised concerns in respect of the EIAR as follows:

  a) The description of development in Section 2.3 of the EIAR and Section 4.1 of the NIS is different to the description given in Section 2.4.3 of the EIAR. The EIAR shall be reviewed and updated to ensure consistency across these documents.

  b) The applicant shall confirm the extent and impacts of tree and hedgerow removal at the site.

  c) There are inconsistencies regarding proposed removal of trees, hedgerows and treelines. The applicant is requested to revisit the assessment of bats and to undertake a bat survey (during the optimal survey season). The applicant shall submit an assessment of the impacts of proposed tree and hedgerow removal on bats.

  d) There is ambiguity in the EIAR in respect of the proposed construction period and proposed hours of construction. The applicant shall confirm these.

- **Item 2:** The description of development in Section 2.3 of the EIAR and Section 4.1 of the NIS is different to the description given in Section 2.4.3 of the EIAR. The NIS shall be reviewed and updated to ensure consistency across these documents.

- **Item 3:** The applicant is requested to submit a Construction and Environmental Management Plan.

- **Item 4:** The applicant is invited to comment on the 1 no. third-party submission received.

3.2.2. The applicant submitted the response to the FI request on 25 September 2024. The PA did not consider that the FI submitted required readvertisement.

3.2.3. The Planning Report dated 18 November 2024 provides an assessment of the FI submitted and found it to be generally acceptable. I consider that the following matters raised are of relevance.

- The applicant confirmed that c. 30 metres of hedgerow between existing storage unit 18 and proposed farrowing housing 18 will be removed.

- The applicant confirmed that the construction phase will take circa 6 months. Proposed working hours during April to September are from 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 Saturday, and not at all on Sundays or public holidays. From October to March, construction will commence 1 hr after sunrise and will stop 1 hr before dusk (as per the proposed ecological mitigation measures).

- The PA was satisfied that the EIAR including the FI submitted complies with the requirements under Article 1 and 3 of the EU Directive, relevant Guidelines, and Section 171A and 172 of the Planning and Development Act 2000, as amended.

- The design and layout of the proposed pig accommodation and associated silos is acceptable.

On the 05 February 2025, ACP requested that the applicant advertise the Further Information submitted. The applicant submitted the readvertised Public Notices to ACP on the 14 February 2025.

3.3. Third Party Observations

1 no. observation was made in respect of the application by the Appellant. Matters raised in this submission that do not form part of the appeal are summarised below.

- Based on the information submitted in the NIS, it is not possible for the PA to grant planning permission for the proposed development.
- The PA must assess the application in respect of the Planning and Development Act 2000, as amended, the EIAR, the Habitats Directive, and the Water Framework Directive.
- The development is within the zone of influence of the River Barrow and River Nore SAC (Site Code 002162), and Appropriate Assessment is required.

4.0 Planning History

4.1. The planning history of the site can be summarised as follows:

- **PA Reg. Ref. 20/235**: On 20 May 2020, Tulleka Trading Ltd. lodged an application to the PA for the construction of 2 no. pig sheds (finishing sheds) with underground manure storage. Further Information was requested by the PA 15 July 2020, and FI was submitted to the PA on 23 April 2021. This application was withdrawn 08 June 2021.
- **PA Reg. Ref. 06/918**: On 25 September 2006, planning permission was granted to PJ Cahill Farms Ltd. for the replacement of the existing service house with a new finishing house and 2 no. meal storage silos. No increase to the number of sows at the site was proposed (**620 no. herd**). 21 no. conditions were attached to this grant, notable conditions include:
    - Condition 4. All clean surface water shall be collected and disposed of within the site. No clean water shall enter the public road or into the slurry storage pit.
    - Condition 5 and 6. Soiled water shall be discharged properly to the slatted tank. The tank shall be designed, constructed and maintained to prevent any leeching from it. The tanks shall be of adequate capacity.

- Condition 9. All concrete walls shall have externally rendered finishes, and all cladding shall be dark green or another colour agree with the PA.
- Condition 11. Precautions shall be taken to ensure that waste disposal does not cause pollution of any waterbody. The developer shall preserve the amenity of adjacent residents.
- Condition 13. Existing trees and hedgerows shall be retained and maintained, except where necessary to facilitate vehicular entrance and sightlines.
- Condition 14. Site boundaries shall be planted with species native to the area.
- Condition 15. The applicant shall consult with the ESB regarding the overhead power line.

- **PA Reg. Ref. 05/568**: On 16 August 2005 planning permission was granted to P.J. Cahill Farms Ltd. for an additional pig shed (loose dry sow house). It was stated that the capacity of the facility would be **620 no. sows.** Permission was granted subject to 13 no. conditions. Notable conditions include:
  - Condition 4. All clean surface water shall be collected and disposed of within the site. No clean water shall enter the public road or into the slurry storage pit.
  - Condition 5 and 6. Soiled water shall be discharged properly to the slatted tank. The tank shall be designed, constructed and maintained to prevent any leeching or leaking of silage from it. The tanks shall be of adequate capacity.
  - Condition 9. The external finishes shall harmonise with the existing buildings.
  - Condition 10. Slurry and silage effluent shall be collected and deposited into the tanks and shall not be allowed to flow onto the public road or cause pollution of any waterbody.
  - Condition 11. Waste disposal shall not cause pollution of any waterbody and reasonable steps shall be taken to preserve the residential amenity of adjoining residential properties.

- **PA Reg. Ref. 05/460**: On 19 April 2005, P.J. Cahill Farms Ltd. Lodged an application for 1 no. sow house. This application was invalidated on 19 April 2005 on the basis that it was incomplete.

- **PA Reg. Ref. 04/886**: On 03 November 2004 retention permission and planning permission was granted to Patrick J Cahill. Retention was sought for 13 no. pig sheds, 1 no. straw storage shed, 1 no. staff service house, and 1 no. overground storage tank. Planning permission was sought for 1 no. animal shed, 1 no. site office/ services building with an ancillary septic tank and percolation area. Permission was granted subject to 13 no. conditions. Notable conditions include:
    - Condition 2. The stock numbers stated in the application documentation (**620 no.)** shall not be increased unless planning permission is granted by the PA or An Bord Pleanála (now ACP).
    - Condition 3. No effluent shall be allowed to enter any waterbody.
    - Condition 4. Uncontaminated water shall be separately collected and discharged on site. No clean water shall discharge to the foul water storage facilities.
    - Condition 5. Channels shall be properly designed to convey all effluent to storage tanks. No effluent shall discharge to ground.
    - Condition 11. All concrete walls shall have externally rendered finishes, and all cladding shall be dark green, or another colour agree with the PA.
- **PA Reg. Ref. 04/828**: On 30 June 2004, Patrick J Cahill lodged an application for the retention of several pig sheds, 1 no. overground manure storage tank, and 1 no. straw storage house, and planning permission for 1 no. shed for housing pigs and 1 no. staff welfare building. This application was invalidated 30 June 2004 on the basis that it was incomplete.

The Planning History section of the PA reports dated 26 July 2024 and 18 November 2024 refer to Reg. Ref. 20/315. As per the online planning register (accessed 18 February 2026) application Reg. Ref. 20/315 refers to a domestic extension in a different location. This is a minor typo that did not impact upon my assessment of the proposed development.

I note that Table 2.1 ‘Recent Planning History’ of the EIAR submitted to the PA lists Reg. Ref. 04/996 as a planning application relevant to the subject site. Having reviewed the online planning register, I consider that the Reg. Ref. given is incorrect

and should read **Reg. Ref. 04/828**. I consider that this is a minor error and it did not impact upon my assessment of the proposed development.

4.2. There is a quarry located to the southeast of the subject site, on the opposite side of the L7794. The most recent applications are summarised below:

- **PA Reg. Ref. 13190:** On the 09 April 2013 permission was granted for the extraction of sand and gravel from an area of circa 6.7 ha that adjoin an existing pit, a new connection to the existing conveyor system, a concrete batching plant and associated site works at the existing pit (Reg. Ref. QY05/49). Condition 1 of this permission states that the permission is for a period of 10 years.

- **PA Reg. Ref. 12482:** On 03 April 2013 retention planning permission was granted for an existing conveyor system, a wall and concrete slabs.

4.3. Other recent planning permissions in the vicinity of the site include the following:

- **PA Reg. Ref. 2460230:** Lands to the southwest of the subject site: On the 22 July 2024 permission was granted for the construction of an extension to an existing agricultural shed.

5.0 Policy Context

5.1. Good Agricultural Practice for Protection of Waters Regulations, 2025

5.1.1. The storage and use of animal slurry as a fertiliser is controlled under European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (GAPPW Regulations). These regulations dictate requirements in respect of general farmyard management, storage requirements for effluent, nutrient management, minimum distances to waterbodies, and the roles of occupiers and the public authorities.

5.1.2. Articles of particular relevance to the proposed development include:

- Article 5 (2) requires the minimisation of soiled water arising from the farm through the separation of clean water from roofs etc. from soiled waters, and to prevent clean water from entering slurry and manure storage areas. Article 6 (1) states that, prior to application to land, livestock manure, effluent and soiled waters

shall be collected and held to prevent the run-off or seepage, directly or indirectly, into groundwaters or surface waters.

- Article 10 (1) states that the capacity for storage facilities for pig manure shall be equal to, or exceed, the livestock manure produced during a 26-week period.

- Article 23 (1) states that the occupier of the land holding is responsible for ensuring compliance with these regulations at their holding. Similarly, Article 23 (2) requires each occupier of a holding to comply with any advice in respect of the regulations by the Minister.

- Table 1 of Article 8 of Schedule 2 lists the slurry storage capacity requirements for sows and pigs as follows:

Unit Type	m^3/week[3]				
Water:meal ratio changing for finishers only	2.0:1	2.5:1	3.0:1	3.5:1	4.0:1
Breeding unit (per sow place)	-	-	-	-	0.174
Integrated unit (per sow place)	0.312	0.355	0.398	0.441	0.483
Finishing unit (per pig)	0.024	0.031	0.039	0.046	0.053

5.2. Development Plan

5.2.1. The proposed development in the townland of Graigue, Ballinakill is subject to the provisions of the Laois County Development Plan 2021-2027.

5.2.2. Under the Plan, the subject site does not occur within the defined boundaries of any settlement. As per Table 2.2 ‘Settlement Hierarchy for the Region’ of the Plan, the subject site is ‘Rural’.

5.2.3. **Rural & Agricultural Development**

5.2.4. Map 2.2 ‘Core Strategy Map’ indicates that the site is in a Structurally Weak Area. Under Section 2.5.1 ‘Rural Typologies’ of the Plan, Structurally Weak Areas exhibit characteristics such as population decline and weak economic structures.

[3] An additional 200 mm freeboard must be provided in all covered tanks and 300 mm freeboard in all uncovered tanks. Allowance must also be made for net rainfall during the specified storage period for uncovered tanks.

5.2.5. Section 6.10 ‘Rural Business’ acknowledges the important role played by the agri-food section in Ireland’s rural economy. Under Section 9.2 ‘Agriculture’ the Council recognises the importance of sustaining, enhancing and maintaining the rural economy.

5.2.6. The development plan is supportive of agricultural development but states that there is a need to prevent pollution and negative impacts on biodiversity.

5.2.7. Relevant Policies and Objectives in respect of rural and agricultural development include the following:

- **Policy RL 2 ‘Agriculture and Food Production’:** Facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.

- **Policy RL 4 ‘Agriculture and Food Production’**: Continue to support and work with Laois Food producers to promote local provenance, strengthen the Laois food industry and transform Laois into one of Ireland’s top food destinations.

- **Policy DM RL 1 ‘Agriculture Development Management Standard’:** General Consideration for Agricultural Buildings: Agricultural developments have the potential to impact on the environment and the landscape. The traditional form of agricultural buildings is disappearing with the onset of advanced construction methods and wider range of materials. Some new farm buildings have the appearance of industrial buildings and due to their scale and mass can have serious major visual impacts. In dealing with applications for agricultural developments the Planning Authority will have regard to the following:

  1) Require that buildings be sited as unobtrusively as possible and that the finishes and colour used will blend the development into its surroundings.

  2) The proposed developments shall meet with the requirements of the Department of Agriculture with regard to storage and disposal of waste.

  3) The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards) to be functional but they will be required to be sympathetic to their surroundings in scale, material and finishes.

  4) Buildings should relate to the landscape. Traditionally this was achieved through having the roof a darker colour than the walls.

5) Appropriate roof colours are dark grey, dark reddish brown or a very dark green. Where cladding is used on the exterior of the farm buildings dark colours should be used.

6) Location and impacts on the road network and other associated uses

7) Ensure it does not have an undue negative impact on the visual/scenic amenity of the countryside and identify mitigating measures where required

All agricultural buildings should be located an adequate distance from any watercourse to reduce the risk of contamination.

- **Policy RL 4 'Rural Development':** Support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development subject to environmental and planning considerations.

5.2.8. **Environmental Protection & Landscape Character**

5.2.9. Section 10.4.2.3 'Water Quality in Laois' states that the protection of surface and groundwater resources is a fundamental challenge as good water quality is essential for healthy ecosystems, sustainable communities and a developed economy. It is stated that the Council will work with the farming community to protect the environment through the effective management of environmental resources.

5.2.10. Map 10.4 'Water Source Protection Zones' states that the site is not located within or in close proximity to any Water Supply Source.

5.2.11. In respect of the protection of designated sites, Section 11.4 'Designated Sites' of the Plan states that Appropriate Assessment is not to prevent new development but instead provides a methodology for site-specific examination of impacts on Natura 2000 sites and their conservation objectives.

5.2.12. Map 11.7 'Landscape Character Assessment' shows that the site is in a 'Mountain, Hills and Upland Area'. As per Table 11.6 'Landscape Sensitivity', Hills and Upland Areas have a medium sensitivity. It is stated that these areas have the capacity to accommodate a range of uses without significant adverse effects on the character of the landscape.

5.2.13. Relevant policies in respect of environmental protection and landscape character assessment include the following:

- **Policy ES 17 'Water Quality'**: Implement the provisions of water pollution abatement measures in accordance with National and EU Directives and other legislative requirements in conjunction with other agencies as appropriate.

- **Policy ES 23 'Groundwater Protection':** Ensure, through the implementation of the relevant River Basin Management Plan and their associated Programmes of Measures and any other associated legislation, the protection and improvement of all drinking water, surface water and ground waters throughout the county.

- **Policy BNH 1 'Biodiversity and Designated Sites':** Conserve and protect habitats and species listed in the Annexes of the EU Habitats Directive (92/43/EEC) (as amended) and the Birds Directive (2009/147/EC), the Wildlife Acts 1976 and 2010 (as amended) and the Flora Protection Orders.

- **Policy BNH 5 'Biodiversity and Designated Sites':** Projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this Plan (either individually or in combination with other plans or projects)[1]. Screening for AAs and AAs undertaken shall take into account invasive species as relevant.

5.3. Natural Heritage Designations

The subject site is not within or immediately adjacent to any designated or European Sites. The closest designated or European Sites (Natura 2000 sites) to the subject site are as follows:

- River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) is located circa 300 metres to the east of the subject site, at its closest point

- Lisbegney Bog SAC (Site Code 000869) and proposed Natural Heritage Area (pNHA) (Site Code 000869) is located circa 5 km to the southwest of the site.

- The River Nore Special Protection Area (SPA) (Site Code 004233) is located 5.3 km to the west and southwest of the subject site.

- The River Nore/Abbeyleix Woods Complex pNHA (Site Code 002076) is located 5.7 km to the west of the subject site
- Ballyprior Grassland SAC (Site Code 002256) is located 13 km to the northeast of the site.

6.0 The Appeal

6.1. Grounds of Appeal

An Appeal against the PA Decision was lodged on 06 December 2024. The substantive planning issues have been summarised below as follows:

- The site is less than 50 metres from the River Barrow and River Nore SAC (002162). Appropriate Assessment under the Habitats Directive is required.
- As per Kelly v an Bord Pleanála [2014] IEHC 400, where a project is likely to have a significant effect, Appropriate Assessment is required.
- As per People Over Wind and Peter Sweetman v Coilte Teoranta, Court of Justice of the European Union (CJEU) C-323/17, measures intended to avoid or reduce the harmful effects of a project shall not be taken into account during the screening for Appropriate Assessment.
- As per CJEU Case C-258/11, Appropriate Assessment must contain complete, precise and definitive findings that remove all reasonable scientific doubt as to the effects of the works on the protected site. The PA cannot grant planning permission unless this standard is met.
- The development must be assessed in respect of the requirements of the Water Framework Directive.
- Under the Habitats Directive (Directive 92/43/EEC), the grazing of cattle and application of fertilisers in the vicinity of Natura 2000 sites is classified as a ‘project’, even if it does not constitute a ‘project’ under the Environmental Impact Assessment Directive (Directive 2011/92/EU).

6.2. Applicants Response

The Applicants submitted a response to the appeal on the 23 December 2025. I consider that the key points of this submission are as follows:

- The Appellant is incorrect in stating that the development is less than 50 metres from the River Barrow and River Nore SAC (Site Code 002162).
- The River Barrow and River Nore SAC is located 276 metres to the south-east of the proposed development.
- The distance between a protected site and a proposed development is not a sufficient test to determine if the project is likely to have significant effects.
- The Stage 2 Appropriate Assessment identified a source-pathway-receptor relationship between the proposed development and the SAC. The Stage 2 Appropriate Assessment concluded that, subject to recommended mitigation measures, there would be no potential for significant effects on European Sites as a result of the proposed development.
- The PA agreed with the conclusions of the Stage 2 Appropriate Assessment.
- The Stage 2 Appropriate Assessment was prepared by a competent consultant, with the necessary qualifications and expertise to prepare that report.
- The potential for impacts on water quality arising from the proposed development are addressed in the Stage 2 Appropriate Assessment.
- It is not proposed to graze animals or apply slurry as part of the proposed development.
- Slurry, arising as a by-product of the farm, would continue to be supplied to farmers (customers) for use as organic fertiliser. This is regulated under the European Union (Animal By-Products) Regulations 2014 (S.I. 187 of 2014), as amended, and the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. 113 of 2022), as amended.
- The use of fertilisers in Ireland, including pig manure, is required to accord with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. 113 of 2022), which implement Directive 91/676/EEC

(Nitrates Directive), for the protection of waters in accordance with the Water Framework Directive.

- Article 16 of S.I. 113 of 2022 states that the responsibility for nutrient management planning lies with each ‘occupier’ of a ‘holding’. The pig manure is and will be used by each ‘occupier’ of a ‘holding’ in compliance with S.I. 113 of 2022.

- The spreading of slurry is regulated by the Department of Agriculture, Food and Marine (DAFM).

- Under Sweetman v The Environmental Protection Agency and Others, High Court Decision [2024] IEHC 55, the Environmental Protect Agency provides legal definitions for faecal animal by-products intended for use as fertiliser, the responsibilities of the producer of an animal by-product, the responsibilities of the ‘occupier’ or a ‘holding’, and the relevant regulatory authority.

6.3. **Observations**

6.3.1. On 05 February 2025, ACP wrote to the EPA for confirmation that the proposed development requires a licence or review of a licence under section 83 or under section 90 (1)(b) of the Environmental Protection Agency Act 1992, as amended. It was also requested that the EPA submit any observations they may have on the proposed development, including the EIAR.

6.3.2. On 28 February 2025 the EPA submitted their response to the request and confirmed that there is an existing EPA IE Licence pertaining to the existing farm. It is stated that a licence review is currently under assessment, and that the EPA cannot issue their determination on the licence review until a planning decision is made.

7.0 **Assessment**

The grounds of appeal raised by the appellant are limited to Appropriate Assessment (AA) and the Water Framework Directive (WFD). Section 9.0 and Appendices 1 and 2 of this report contain the **Appropriate Assessment**, and Section 10 and Appendix 3 assess the project with reference to the **Water Framework Directive**. Section 8.0 below assesses the **Environmental Impact Assessment** (EIA), with impacts on

Biodiversity assessed in Section 8.7 and water impacts assessed in Section 8.8.3. To avoid duplication, I will not be repeating the findings of the AA or WFD assessments in this section.

I have read the entire contents of the file, visited the subject site and its surroundings, reviewed the planning history, and having had regard to planning policy as well as the issues raised in the appeal, I consider the critical issues in determining the current application and appeal before the Coimisiún are as follows:

- Principle of Development
- Development Standards for Agricultural Buildings
- Risk of Pollution
- Noise and Odour Nuisance

7.1. Principle of Development

7.1.1. The proposed development comprises the extension of an existing pig farm, which has operated at the site since 1973 and has been operating under EPA Industrial Emissions Licence (Reg. No. P0710-03) since December 2011. The principle for agricultural development at the site, specifically pig housing, was established under planning permission **Reg. Ref. 04/886**, which granted retention permission for the majority of the existing pig sheds on the site. The number of sows at the site has remained unchanged since the **620 no. sows** permitted under **Reg. Ref. 04/886.** The proposed development will not increase the number of sows at the site, in this way, no intensification of the established use will arise.

7.1.2. The Development Plan notes the importance of farming to the rural economy, and several of the policies and objectives of the Laois County Development Plan seek to support the agricultural and agri-food sectors, specifically Policy RL 4 ‘Agriculture and Food Production’ and Policy RL 4 ‘Rural Development’. On the basis that the proposed development seeks to ensure the ongoing operation of the pig farm, I consider the works align with these provisions of the Plan.

7.1.3. Drawing from the planning history of the site, the provisions of the Plan, the established character of development in the area, and the rural location of the site, I consider that the proposed development is acceptable in principle.

7.2. Development Standards for Agricultural Buildings

7.2.1. Both the Laois County Development Plan and the GAPPW Regulations 2025 outline development standards relevant to the proposed development.

7.2.2. Under Policy DM RL 1 ‘Agriculture Development Management Standard’, new agricultural developments should be sited as unobtrusively as possible, should be clad in darker colours to blend with the landscape, and should not have undue impacts on the visual amenity of the area.

7.2.3. In respect of the siting of the development, the works are proposed immediately adjoining the existing pig farm. The development site is not located on elevated ground and is sheltered from view from the public road by the existing farm, vegetation and the surrounding topography. It is my opinion that the proposed sheds are of a similar scale and design to the existing farm and, therefore, will not be visually discordant at this location. As per the application documentation, the proposed development will be clad in dark green cladding, which I consider will largely blend the massing of the sheds into the landscape. Drawing from the above, I consider that the siting and design of the proposed development accords with the provisions of the Development Plan and is, therefore, acceptable.

7.2.4. I note that the submitted application documentation does not specify the colour or materials of the proposed feed silos/bins. Similar structures are the site, and in the vicinity, either comprise unfinished stainless steel or have a green/dark finish. To mimic the proposed cladding at the development, I consider it appropriate that the proposed feed bins have a dark green finish. This technical matter can be addressed by condition, in my opinion. If the Coimisiun is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require that the proposed feed bins are finished in a dark green colour.

7.2.5. Section 8.9 of this report contains as assessment of the applicants EIAR in respect of landscape and visual impacts of the proposed development. This assessment found that the proposed development would not have significant impacts on the landscape or visual amenities of the area. I note that the proposed development is not located in proximity to any scenic views or high amenity areas mapped in the Development Plan. During my site visit I noted that the existing farm and subject site did not dominate the view from the public roads to the north, south, east or west of

the site. Drawing from the above, I consider that the proposed development, in respect of its impact on the landscape and visual amenities of the area, is acceptable.

7.2.6. Under the GAPPW Regulations 2025, manure/effluent storage for a 26-period is required at pig farms. It is further stated that covered tanks shall have a freeboard of 200 mm and uncovered tanks shall have a freeboard of 300mm. The application was lodged prior to the 2025 regulations coming into effect however, general requirements for the size of effluent tanks has not changed between the 2022 and 2025 regulations.

7.2.7. The application documentation does not give a breakdown of the quantity of slurry produced per animal or per animal house at either the existing or the proposed development. Section 2.4.4 of the EIAR states that, at present, the housed pigs produce **circa 5,363 m^3 of slurry over a 26-week period**. The proposed development will not increase the number of animals at the farm, therefore, the proposed tanks in conjunction with the existing tanks require a minimum capacity of circa 5,363 m^3 to comply with the GAPPW Regulations 2025.

7.2.8. The proposed tanks under sheds 14 to 17, inclusive, are each 1.2 metres deep have a total volume of 918 m^3. The tank under shed is 1.2 metres and has a total volume of 3,778.56 m^3. I note that Section 5.6.1 of the EIAR states that slurry in the new tanks will be maintained at a depth of 60 cm or below, to reduce odour emissions. Section 2.4.4 of the EIAR states that the proposed tanks will have a volume of 3,608 m^3. From my calculations, the proposed tanks will have a total capacity for 3,717.9 m^3 at a maximum slurry depth of 60 cm. I consider that this discrepancy is minor relative to the volume of storage provided in the proposed tanks and on the site overall.

7.2.9. Section 2.4.4 of the EIAR states that the current tanks at the site have capacity for c. 8,689 m^3 of slurry, **which exceeds the volume of slurry produced over 26-weeks.** It is stated in Section 5.6.1 of the EIAR that once the proposed development is operational, the tanks under existing Sheds 02, 03, 05, 06, 07, 09, 11, 12, 13, 15 and 17[4] will be managed at lower slurry depths of 60 cm or below. The current operating

[4] There are no tanks under existing sheds 8 and 10, as per Section 2.2 of the EIAR. It is not proposed to change the management of the slurry tanks under sheds 1 and 4, as per Section 5.6.1 of the EIAR.

slurry depth of these tanks is not stated in the application documentation. However, even if the storage capacity of the existing tanks were halved to 4,344.6 m^3, the capacity of these tanks in addition to the capacity of the proposed tanks would be in over 8,000 m^3. This comfortably exceeds the 5,363 m^3 of effluent produced at the site over 26-weeks. In this way, I consider that the proposed effluent storage tanks are appropriately sized with reference to the requirements of the GAPPW Regulations 2025.

7.2.10. I note that there is some ambiguity in the applicant's EIAR in respect of the freeboard designed into the proposed tanks. Section 2.4.3 states that a freeboard of 200 mm is provided at sheds 14 to 17, inclusive, and Section 2.4.4 states that a freeboard of 300 mm is provided at the proposed effluent tanks. The GAPPW Regulations 2025 require a 200mm freeboard for covered tanks, such as those proposed. Irrespective of whether a 200mm or 300mm freeboard is provided at the proposed tanks, the minimum requirements of the regulations will be achieved. In addition, I note that the proposed tanks are 1.2 metres in depth and will operate with slurry depths below 60 cm, which gives 600 mm of space above the level of the slurry in each of the proposed slurry tanks.

7.2.11. Having regard to the above, I consider that the proposed effluent tanks meet the minimum design requirements of the GAPPW Regulations 2025 and are, therefore, acceptable at the subject site.

7.3. Risk of Pollution

7.3.1. The appellant raises concerns regarding the potential for the proposed development to pollute designated sites and nearby surface waters.

7.3.2. The Development Plan recognises the potential for pollution arising from agricultural development. The Plan specifically requires the protection of the environment in new agricultural works under 'Agriculture and Food Production' Policy RL 2 and 'Rural Development' Policy RL4.

7.3.3. Water is assessed in Chapter 9 of the submitted EIAR and in Section 8.8 of this report. In respect of direct impacts on surface water, I note that there are no waterbodies within the subject site, or in the fields immediately adjoining the proposed development. The closest waterbody to the site is the Owveg River, which

is circa 390 metres to the east of the subject site. Owing to the distance between the subject site and the Owveg River, and the lack of direct surface water connectivity between the sites, I do not consider that there is any risk of direct pollution of surface waters from the subject site.

7.3.4. At the existing pig farm, clean surface water from roofs and clean yards is collected and discharged to ground within the site area. Fouled water from animal yards and slurry are collected in leakproof tanks below the animal sheds. It is stated in the documentation that slurry from the site is currently collected by farmers for use on their own lands as fertiliser, in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025. It is stated in the submitted documentation that the proposed development will be operated in the same manner as the current pig farm at the site. In this way, clean surface water will be collected in the existing surface water system and discharged to ground within the site. I consider it appropriate that clean surface water at the proposed development is separated from dirty water and is directed to ground via soakaways within the site boundaries. It is my opinion that the proposal for slurry arising from the subject site to be collected by third parties for dispersal on their land is typical in rural areas. Subject to compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, slurry arising from the subject site will not cause undue pollution of surface waters, in my opinion. Drawing from the above, I do not consider that the proposed development poses any risk to the quality of surface waters and is, therefore, acceptable.

7.3.5. In respect of groundwater, I note that the subject site is located in an area of high soil permeability, above a groundwater body with high vulnerability. I note that the EIAR states that there are conditions in the EPA IE Licence relating to the existing pig farm that require annual groundwater analysis at the site. As per the EIAR, and the EPA website (accessed 16 March 2026), there have been no recorded exceedances in the thresholds for nitrate, total ammonia, faecal coliforms and total coliforms in groundwater at the site. In this way, the existing pig farm at the site has been operating for almost 15 years, since the licence was issued, without causing the pollution of the underlaying groundwaters. I note that the proposed development will be operated in the same way as the existing farm, and that the EPA licence will be revised to encompass the proposed development. I note that the proposed slurry

tanks are required to be constructed and maintained in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, which will prevent leakage from these tanks to groundwater. On this basis, I do not consider that the proposed development poses any risk to groundwaters and is, therefore, acceptable.

7.3.6. Air is assessed in Chapter 5 of the EIAR, in the associated Ammonia Impact Assessment (AIA), and in Section 8.8 of this report. These assessments found that the proposed development would not have significant negative impacts on air quality. It is stated in the EIAR that intensive pig farms emit ammonia and nitrogen to air, which arises from the animal's digestion and slurry. As per the submitted documentation, the existing pig farm at the site is managed to reduce ammonia and nitrogen. Further to this, it is stated in the EIAR and the AIA that the proposed development is designed to reduce ammonia and nitrogen emissions by incorporating shallow slurry pits and high chimney vents. The surveys and modelling outlined in the submitted AIA indicate that the proposed development, cumulatively with the existing farm, will not exceed EPA thresholds in respect of ammonia and nitrogen. Drawing from the above, it is my opinion that the proposed development will not cause pollution to air and is, therefore, acceptable.

7.3.7. Having regard to the foregoing, I consider that the proposed development does not pose a risk of pollution and, therefore, aligns with the provisions of the Development Plan for rural development in this respect. It is my opinion that the proposed development represents an acceptable addition to the existing farm.

7.4. Noise and Odour Nuisance

7.4.1. Intensive rearing of animals has, by its nature, the potential to give rise to unpleasant odours and noise.

7.4.2. The site is located in a rural area where the predominant land use is agricultural. There are single rural residential dwellings in the locality, the most notable being the bungalow located to the immediate southwest corner of the existing pig farm at the site. The EIAR and Odour Impact Assessment state that the existing dwelling immediately adjoining the farm is not a sensitive receptor in respect of odour or noise on the basis that this house is owned and occupied by the former owner of the farm.

It is stated that there is an agreement in place where this house will be offered first to the current owner of the farm, if it were ever to go up for sale. It is my opinion that this arrangement will protect members of the general public from potential odour and noise impacts arising from the proposed development.

7.4.3. It is stated in the application documentation that both odour and noise are subject to the conditions of the existing EPA IE Licence at the site. As per the submitted documents and having reviewed the EPAs licence information (assessed 16 March 2026), there have been no complaints made in respect of these conditions.

7.4.4. Odour is assessed in Chapter 5 of the EIAR, the Odour Impact Assessment at Attachment 5.0 of the EIAR, and section 8.8 of this report. These assessments found that predicted odours from the site fall below EPA limits, therefore, there is no potential for significant odour arising from the proposed development. During my site visit, I assessed both the existing farmyard and the adjoining lands, and I noted that there was no unusual or significant malodour arising from the existing farm. On the basis that the proposed development will not increase the number of animals at the site, it is reasonable to assume that the proposed development will similarly not produce significant odours. Having regard to the foregoing, I consider that the proposed development will not produce significant odours and is, therefore, acceptable at this location.

7.4.5. Noise is assessed in Chapter 6 of the EIAR and section 8.8 of this report. This assessment found that there is no potential for significant impacts on the noise environment as a result of the proposed development. During my site visit, noise arising from the farm was audible only within the farmyard itself and arose from an external machine serving one of the animal sheds. No farmyard noises were audible from the adjoining lands. As per the submitted documentation, the proposed development will be maintained and managed in the same way as the existing farm. Drawing from the above, I consider that the proposed development will not produce significant or unusual levels of noise at this rural location. I consider that the proposed development is acceptable.

8.0 Environmental Impact Assessment

8.1. Statutory Provisions

8.1.1. Schedule 5, Part 1, Class 17 (b) requires EIA for installations for the intensive rearing of pigs with more than 3,000 places for production pigs (over 30 kilograms). Schedule 5, Part 2, Class 1 (e) requires EIA for installations for the intensive rearing of pigs that would have more than 2,000 places for production pigs in a finishing unit, 400 places for sows in a breeding unit, or more than 200 places for sows in an integrated unit.

8.1.2. On the basis that the site has, and will continue to have, 650 sow places and 4,800 places for production pigs, an EIA is required.

8.2. EIA Structure

8.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

> a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
>
> b. includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

8.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

8.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Coimisiún's decision, should they agree with the recommendation made.

8.3. Issues Raised in Respect of EIA

8.3.1. The Appellant raises no concerns in respect of the contents of the EIAR.

8.3.2. The PA report dated 18 November 2024 raises no concerns in respect of the EIAR and states that the EIAR, including the Further Information submitted, adequately describes the direct, indirect and cumulated effects on the environment of the proposed development.

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

8.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapter 2.0 of the EIAR dated 25 September 2024. This chapter of the EIAR provides details of the existing pig farm at the site, and the proposed works to extend the farm eastwards into the adjoining field. Details are given in respect of the site location and planning and licencing history. The physical characteristics of the proposed development are described in detail, and relevant drawings are appended in Attachment 2.0. Section 2.4 of the EIAR gives details in respect of the construction phase of the project including the duration of the construction phase, spoil to be generated and materials used. Section 2.4 of the EIAR gives details on the operational phase of the proposed development, including details of inputs, outputs and waste arising. I consider that the description provided is adequate to enable decision making.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect and cumulative effects of the development is carried out under the individual chapters of the EIAR. Cumulative effects on the water environment are not specifically addressed in Chapter 9 'Land – Soils, Geology and Hydrology' but are, instead, assessed in Chapter 8 'Biodiversity'. Overall, I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. Mitigation measures, where necessary, are listed in Sections 5.7, 6.6, 7.5, 8.6, 9.5, 10.5 and 12.7 of the EIAR. Mitigation measures comprise standard good practices and site-specific measures and are capable of offsetting adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
A description of the alternatives considered is contained in Chapter 3 of the EIAR. This comprises an assessment of reasonable alternatives that are relevant to the proposed development. The EIAR includes as assessment of alternative sites, alternative layout and design, alternative processes including alternative management of Slurry By-Product, and the assessment of the 'Do Nothing' scenario. The main reasons for opting for the current proposal were based on practicality and viability (avoiding duplication of existing site infrastructure), compliance with the provisions of the Development Plan, and minimising environmental effects. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Coimisiún and in doing so the applicant has taken into account the potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
A description of the baseline environment is included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
The methodology employed in carrying out the EIA, including the forecasting methods, is set out in each of the individual chapters assessing the environmental effects. The applicant has indicated that no difficulties were encountered in compiling the information. Each of the technical chapters outlines relevant uncertainties and limitations in the data and forecasting methodology.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in the in section 1.3 of the EIAR. Under this section, it is stated that the most likely natural disaster to which the project may be vulnerable is fluvial flooding. The risk of flooding is assessed in this section and Section 9.4.2.6 of the EIAR. These risks are reasonable and are assessed in my report.
Article 94 (c) A summary of the information in non-technical language.
A non-technical summary is provided at the start of the EIAR at pages 12 to 21, inclusive. I have read the non-technical summary and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
Section 1.7 of the EIAR lists the various experts who contributed to the report and its appendices. This section provides details of the individual's expertise, qualifications and demonstrates the competence of the person in preparation of the individual chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

8.4.2. No issues were raised in respect of consultations.

8.4.3. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. No submissions have been received from statutory bodies. The third-party submission is

considered in this report, in advance of decision making. As stated in Section 8.3.3 of the EIAR, the NPWS were contacted in 2023 for baseline records in respect of sensitive, rare, threatened and protected species in the area surrounding the subject site.

8.4.4. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

Compliance

8.4.5. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

8.5. Assessment of Likely Significant Effects

8.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

8.5.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the

development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

8.6. Population and Human Heath

8.6.1. Issues Raised

8.6.2. No issues have been raised by any party to the appeal in respect of population and human health.

8.6.3. Context

8.6.4. I have examined Chapter 4 and 13 of the EIAR, which together deal with population and human health. Air quality, noise and odour are assessed separately in section 8.8 of this report. The assessment is undertaken in accordance with best practice guidelines. The assessment methodology is based on desktop surveys and information from the Central Statistics Office (CSO) and the Laois County Development Plan 2021-2027. No limitations are identified.

8.6.5. Baseline

8.6.6. The baseline environment is described in Section 4.3 'Receiving Environment' of the EIAR. It is stated that, at the time of the 2016 census, County Laois had a population of 84,697 people. The closest major town to the subject site is Abbeyleix, which is circa 5 km to the northwest of the site. Abbeyleix is stated to have had a population of 1,770 in 2016, a decrease of 3.1% from the 2011 census. The town of Ballinakill, circa a 3km to the southwest of the subject site, had a population of 445 in 2016, which is an increase of 2.3% from the 2011 census. Community infrastructure in the locality is primarily within the towns of Abbeyleix, and Ballinakill.

8.6.7. The site is located in the townland of Graigue. The pre-eminent land use in this area is agriculture. There are 4 no. farm hubs and 1 no. manufacturing facility within 1 km of the subject site. There are 10 no. EPA licenced facilities within 15 km of the

proposed development., the closest of which is licenced under the name Randstone Ltd. and is located 5 km to the northeast of the subject site (Licence No. P0332-01).

8.6.8. In respect of employment, the total potential labour force for County Laois was 39,609 at the time of the 2016 census, which represents 46.8% of the total population. The largest employment sector at that time was 'Wholesale and retail trade; repair of motor vehicles and motorcycles', which employed 12.55% of the working population. 6.14% of the labour force was employed in agriculture, making it the seventh largest employment sector.

8.6.9. The area surrounding the subject site is sparsely populated, with residential development occurring in a linear pattern along the public roads. Figure 4.3 of the EIAR shows that there are 11 no. residential properties, 4 no. residential & commercial properties, 2 no. commercial properties, and 2 no. properties of unknown function within 1 km of the subject site.

8.6.10. The most significant tourist hub in the locality is Portlaoise, which is located 15 km to the north of the subject site. Portlaoise has direct road linkages to the M7 (Limerick to Dublin) motorway, is served by Irish Rail, and is circa 1.5hrs from Waterford Airport. Portlaoise accommodates a range of amenities and resources for tourists, and the centre of the town is designated as an Architectural Conservation Area.

8.6.11. It is stated throughout the EIAR that there is a residential property immediately adjoining the existing farm that is owned and occupied by the previous owner of the farm. It is stated that this property will be offered first to the applicant, if it were ever to go for sale. The EIAR confirms that this property is not a sensitive receptor for the purposes of the assessment of likely significant impacts arising from the proposed development, and I accept this baseline assumption.

8.6.12. **Potential Effects**

8.6.13. The EIAR describes potential impacts in Section 1.2'Impacts' [5]. This section describes the potential for impacts on population and human health in respect of economy and employment, amenities and tourism, traffic, land use, and visual amenity. Impacts on air, dust and odour, noise, and water are assessed in more detail under their respective EIAR chapters. Owing to the character of the

[5] I note that there is an error in the numbering of the sections in Chapter 4 such that Section 1.1.1 'Amenities and Tourism' comes after Section 4.3.5 'Community and Social Infrastructure'.

surrounding area and the scale and nature of the proposed development, no likely significant impacts are predicted in respect of population and human health.

8.6.14. It is noted in section 1.2.1 of the EIAR that the existing farm currently employs 6 no. full time staff. The proposed development will provide temporary employment during the construction phase of development. No additional full-time staff would be employed during the operational phase.

8.6.15. **Mitigation**

8.6.16. Proposed mitigation measures in respect of population and human health are described under the individual chapters for Air Quality, Odour & Climate, Noise, Landscape & Visual, Biodiversity, Land – Soils, Geology & Hydrology, Material Assets, Architectural, Archaeological & Cultural Heritage.

8.6.17. **Residual Effects**

Chapter 4 EIAR does not include a section describing residual impacts. On the basis that no likely significant negative impacts have been identified in the EIAR in respect of population and human health, significant residual effects are not anticipated.

8.6.18. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.6.19. I have examined, analysed and evaluated Chapter 4 and 13 of the EIAR and all of the associated documentation on file in respect of population and human health. I am satisfied that the applicant's understanding of the baseline environment, by way of desktop and site surveys, is comprehensive and that the key impacts in respect of likely effects on population and human health as a consequence of the development have been identified.

8.6.20. **Conclusion: Direct and Indirect Effects**

8.6.21. On the basis that the townland of Graigue and surrounding areas are sparsely populated, that land use in the area is predominantly agricultural, and having regard to the distance of the site from urban areas, community and community infrastructure, and tourist and amenity areas, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on the human population as a result of the proposed development.

8.6.22. Having regard to the surveys and assessments carried out in respect of noise, odour and air quality, the distances between the subject site and sensitive

receptors/residential properties, and good construction and working practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on human health as a result of the proposed development.

8.7. Biodiversity

8.7.1. Issues Raised

8.7.2. The third party appeal made to ACP and the third party submission made to the PA refer to the need for, and requirements of, Appropriate Assessment of the proposed development under Article 6.3 of the Habitats Directive.

8.7.3. The PA report dated 26 July 2024 raised concerns in respect of Chapter 8 'Biodiversity' of the EIAR, as discussed in Section 3.2 of this Report. The applicant addressed these issues through the Further Information submitted 25 September 2025. This Further Information included a bat survey and clarifications in respect of hedgerow removal, duration of construction, and impacts on bats.

8.7.4. Context

8.7.5. Chapter 8 of the EIAR deals with biodiversity. The associated attachment is Attachment 8.0, which comprises the Bat Survey Report (2024) prepared by Gannon & Associates. The List of Attachments on page 12 of the EIAR refers to Attachment 8.0 as the noise environment attachments. I consider this to be a minor typo.

8.7.6. The assessment is undertaken in accordance with both government and industry best practice guidelines. The assessment methodology includes consultations with the NPWS, desk top survey, habitat survey, fauna survey, bird survey, and bat surveys, which are carried out at appropriate times of the year. Limitations are identified in respect of the field surveys, on the basis that these represent a snap-shot in time and the absence of a species at the time of the survey may not mean its absence from the site generally. To overcome this issue, the EIAR assesses the suitability of the site to accommodate certain species even where the species itself is not present at the time of the survey.

8.7.7. Baseline

8.7.8. The baseline environment is described in Section 8.4 of the EIAR. The subject site comprises a pig farm and an agricultural field. Land use in the vicinity of the site is agricultural. There are 2 no. EPA licenced facilities within 10km of the site. The nearest watercourse to the site is the River Owveg, which is stated to be 394 metres to the south-east of the site.

8.7.9. There are 4 no. Natura 2000 sites within the potential Zone of Influence of the site, comprising the River Barrow and River Nore SAC, the Lisbigney Bog SAC, the Ballyprior Grassland SAC, and the River Nore SPA. The closest of these sites is the River Barrow and River Nore SAC, which is stated to be 276 metres to the southeast of the site. There are 11 no. NHA and pNHA within the potential zone of influence of the site, which range from between 4.96 km and 14.8 km from the subject site. The EIAR states that there is a groundwater connection between the subject site and the River Barrow and River Nore SAC, the Lisbigney Bog SAC, and the River Nore SPA[6].

8.7.10. The dominant habitat at the site is 'buildings and artificial surfaces (BL3). There are areas of 'scattered trees and parkland (WD5)' and 'treeline (WL2)' at the southern boundary of the existing farm and an area of 'recolonising bare ground (ED3)' at the eastern boundary of the existing farm. The area of the proposed development works comprises predominantly 'improved agricultural grassland (GA1)'. There is an area of 'hedgerows (WL1)' at the southern boundary of the proposed development site and between this site and the existing farm. No plant species of conservation significance or third schedule invasive plant species were noted during the site assessment.

8.7.11. The surveys found trackways in the hedgerows to the southeast of the site, but no evidence of any fauna (excluding bats and birds) was found within the subject site. There was no evidence found of badgers or otters. There is no suitable habitat at the site for Pine Martin, reptiles or amphibians including common frog and Viviparous Lizard, March Fritillary, Desmoulins Whorl Snail, Kingfisher or any aquatic fauna.

8.7.12. The existing buildings at the site have negligible to low bat roost potential owing to their design and frequency of use, and there is no evidence of bat usage of these

[6] From my own assessment, I found that the subject site is located on the Killkenny-Ballynakill Gravels ground waterbody while the Lisbigney Bog SAC was located in the Durrow ground water Body. In this way, the subject site may not be connected to the Lisbigney Bog SAC via groundwater.

buildings. The abandoned cottage to the southeast of the subject site had a moderate roosting potential and is screened from the site by large trees. Hedgerows within the subject site had a negligible bat roosting potential and there was no notable use of the hedgerow that is to be removed as a foraging or commuting feature for bats. Bat activity was low during the Emergence Survey. Two bat species were recorded: Common pipistrelle and soprano pipistrelle.

8.7.13. Bird species found during the site survey comprise; Blackbird, Bullfinch, Chaffinch, Coal Tit, Goldfinch, Grey Wagtail, House Sparrow, Jackdaw, Magpie, Robin, Rook, Starling and Wren. None of the bird species recorded are listed in Annex 1 of the EU Birds Directive. Grey Wagtail are red listed under the Birds of Conservation Concern in Ireland (BoCCI) classification and House Sparrow and Starling are amber listed.

8.7.14. The desk survey of the National Data Centre Records found no protected Flora species within the 10km square (S48) of the subject site. Five invasive Flora species were recorded in the same 10km square as the site comprising; Giant Hogweed, Giant Rhubarb, Himalayan Knotweed, Japanese Knotweed and Rhododendron. Bird species of note recorded within the same 2km tetrad (R48W) as the subject site include: Swallow, Kestrel, Linnet, Pheasant, Starling, Woodpigeon, Sparrow, Sand Martin, and Sky Lark. Fauna of note in the R48W tetrad include the following protected species: Daubenton's Bat, Lesser Noctule, Pipistrelle and Soprano Pipistrelle. NPWS records identified 13 no. protected, rare or threatened Flora species within 10 km of the site, and 29 no. protected, rare or threatened Fauna species within 10 km of the site.

8.7.15. The Owveg River is not designated as a Salmonid Water under EC (Quality of Salmonid Waters) Regulations (S.I. No. 293 of 1988). EPA data states that the Owveg River is in good ecological condition.

8.7.16. **Likely Potential Effects**

8.7.17. The EIAR describes potential impacts in Sections 8.5.1 to 8.5.5, inclusive. This information is summarised in Table 8.17 of the EIAR. Moderate to Significant Negative effects of the development, as identified in the EIAR, are summarised in Table 8.1 below.

Table 8.1: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Construction	Direct moderate permanent negative effect on fauna (mortality of nesting birds) caused by the removal of 30-metres of hedgerow and the use of heavy machinery on the site. Indirect moderate temporary negative effect on designated sites as a result of air quality impacts arising from the development.
Operation	Indirect moderate temporary negative effect on designated sites as a result of air quality impacts arising from the operation of the pig farm.

Section 8.5.4 of the EIAR assesses potential cumulative impacts in respect of biodiversity. It is stated in this section that the main potential for cumulative impacts occurs in respect of ammonia emissions to air generated during the operational phase of development. The submitted Ammonia Impact Assessment concluded that no significant cumulative impacts in respect of ammonia deposition will arise. Section 8.5.4 also assesses cumulative impacts in respect of habitat loss/ fragmentation, disturbance to species, and deterioration in water quality. The assessments undertaken in the EIAR did not identify any likely significant cumulative impacts in respect of biodiversity.

8.7.18. **Mitigation**

Mitigation measures for biodiversity are set out in section 8.6 of the EIAR. No likely significant impacts are identified in the EIAR and, therefore, mitigation measures are predominantly based on best practice measures. Notable measures include the following:

Construction Phase:

- Site inspection and screening of materials and machinery for invasive species.
- Implementation of appropriate guidance in respect of the protection of trees, hedgerows and scrub.
- Compliance with legislative provisions relating to the removal of trees, hedgerows and scrub, particularly during bird nesting season.

- Minimisation of construction works during the hours of darkness when bats are active (April to October). In the months April to September, construction will take place between 07:00 to 19:00 Monday to Friday, from 07:00 to 13:00 on a Saturday, and not at all on Sundays and Bank Holidays. In the months October to March, Construction works would commence one hour after sunrise (dawn) and stop one hour before sunset (dusk).
- Control of site lighting to reduce light spill.
- Implementation of best practice in respect of protection of water from pollutants.
- Dust control measures during dry periods.

Operational Phase:

- Operation and management of the farm in accordance with the Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry and Pigs (2017) and the Nitrates Regulations S.I. 113 of 2022.
- Best practice farm management to reduce odour and ammonia emissions.
- Clean surface water will go to ground via the existing soakaways.
- Fouled water will be stored in the proposed underground tanks.

8.7.19. **Residual Effects**

8.7.20. With the implementation of mitigation measures (including monitoring), residual effects are set out in section 8.7, Table 8.18 of the EIAR. These provide that no significant residual direct, indirect or cumulative effects on biodiversity will arise.

8.7.21. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.7.22. I have examined, analysed and evaluated Chapter 8 of the EIAR and all of the associated documentation and submissions on file in respect of biodiversity. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive. I am satisfied that the key impacts in respect of likely effects on biodiversity as a consequence of the development have been identified, and I largely agree with the potential impacts and residual impacts identified.

8.7.23. I note that the submitted EIAR does not expressly refer to potential for cumulative impacts during the construction phase of development where dust arising from the site may interact with dust arising from the existing quarry to the south. Condition 1 of the most recent planning permission at the quarry (**PA Reg. Ref. 13190**), states that the permission is for 10 years from the date of grant, 09 April 2013. In this way, quarry activities at the newest part of the site should have ceased, which removes some of the potential for significant cumulative impacts in respect of dust. Notwithstanding the above, Section 8.86 of the EIAR submitted with **Reg. Ref. 13190** states that dust levels arising from the quarry are far below the level at which significant impacts on sensitive ecosystems could arise. In addition, Condition 14 of **Reg. Ref. 13190** requires the implementation of dust mitigation measures at the site. Dust mitigation measures are also required at the older portion of the quarry under Condition 5 of **Reg. Ref. QY05/49**. Drawing from the above, I consider that the implementation of mitigation measures at the site in conjunction with existing measures undertaken at the quarry, will prevent likely significant effects on air quality at designated sites.

8.7.24. I consider that Chapter 8 of the EIAR provides a sufficiently detailed assessment of potential impacts arising on species, habitats and designated sites. I agree with the findings of the EIAR in that there will be no likely significant effects on designated sites as a result of the proposed development.

8.7.25. **Conclusions: Direct and Indirect Effects**

8.7.26. Having regard to the examination of environmental information it is considered that by virtue of the agricultural nature of the site, the lack of high value habitats or rare or protected species at the site, the distance of the site from designated sites, the best practice mitigation measures, emissions limits of the existing EPA licence, and the character and scale of the proposed development, there is no potential for significant environmental effects on biodiversity.

8.8. Land, Soil, Water, Air and Climate

8.8.1. Land & Soil

8.8.2. Issues Raised

8.8.3. No issues have been raised by any party to the appeal in respect of land and soil.

8.8.4. **Context**

8.8.5. Chapter 9 of the EIAR deals with Land & Soil. The assessment is undertaken in accordance with industry best practice guidelines from the EPA and the Institute of Geologists of Ireland (IGI). The assessment draws from desk top surveys. No limitations are identified and none are evident in the assessment.

8.8.6. **Baseline**

8.8.7. The baseline environment is described in section 9.3 of the EIAR. As per Section 9.3.1, subsoil beneath the subject site comprises Carboniferous limestone sands and gravels (GLs), which were deposited by receding glaciers. Glacio-fluvial sands and gravels, such as those underlying the subject site, have very high permeability. To the north and west of the site are areas of namurian sandstones and shales, and to the east in the vicinity of the Owveg River are deposits of Alluvial Minerals.

8.8.8. The site is located on bedrock classified as Carboniferous siltstone, specifically the Killeshin Siltstone Formation. This formation comprises of grey argillaceous siltstones or silty mudstones, with amounts of sandstone and shale. These siltstones are described as poorly bedded and with an irregular conchoidal fracture. The subject site is not located on any geological heritage site. The closest geological heritage site is located at Abbeyleix Bog, circa 4 km to the west of the subject site.

8.8.9. The lands in the immediate vicinity of the subject site are largely in agricultural use with once off rural housing and farmyards. There is an existing sand and gravel quarry with a concrete batching plant located to the southeast of the subject site, on the opposite side of the L7794 road. The EIAR states that the closest active and operational quarry to the subject site is 8.7 km to the south, in the townland of Boley Lower, as per the GSI's 'Pits and Quarries' database.

8.8.10. The GSI database indicates that there have been no landslides recorded at the site or within 5 km of the site. Similarly, there are no karst features located at or within 5 km of the subject site. It is stated that the GSI database is not wholly comprehensive. It is noted that no surface expression of karst depressions or collapse features were observed at the site, but that there is potential for below ground features to be present.

8.8.11. It is stated that topography in the area of the subject site is flat with gentle rises. The subject site is located on a rise, at circa 178 metres above sea level. As per Figure 9.5 of the EIAR, the lands surrounding the subject site are at approximately the same level. Further to the east, topography falls to circa 130 metres above sea level at the Owveg River.

8.8.12. **Potential Effects**

8.8.13. The EIAR describes potential impacts in Section 9.4 of the EIAR in the construction phase, operational phase and in the 'do nothing' scenario. Moderate to Significant Negative effects of the development, pre-mitigation, have only been identified during the construction phase of development, see Table 8.2 below. No likely moderate to significant negative impacts were predicted to arise during the operational phase or cumulatively.

Table 8.2: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Construction	Negative moderate short-medium term impact on soil quality as a result of accidental hydrocarbon leakage or spillage. Negative long-term significant impact on the composition of the soil as a result of accidental spillage or concrete or cement material.

8.8.14. **Mitigation**

8.8.15. Section 9.5 of the EIAR lists mitigation measures to prevent potential for adverse impacts on Lands and Soils. These measures are stated to be largely based on accepted best practices. Notable mitigation measures are listed below.

8.8.16. **Construction Phase**

- Existing topsoil would be retained on site to be used for the proposed development. Topsoil would be stored in an appropriate manner on site for the duration of the construction works and protected for re-use on completion of the main site works.

- Top-soiling and landscaping of the works would take place as soon as finished levels are achieved, in order to reduce weathering and erosion and to retain soil properties.

- Handling, transport and storage of fuel and chemicals would be controlled e.g. oil and fuel stored on site would be stored in designated areas.

- Mitigation measures include the supervision of uncured concrete works, scheduling of cement works outside of periods of heavy rainfall, and the return of unused cement to the batching plant off-site.

8.8.17. **Operational Phase**

- The farm will continue to operate in compliance with its EPA IE Licence and associated Environmental Management System.

- All slurry / wash water mix would be land spread in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025.

8.8.18. **Residual Effects**

8.8.19. With the implementation of mitigation measures (including monitoring), residual effects are set out in Section 9.6, Tables 9.2 and 9.3. These provide that no significant residual direct, indirect or cumulative effects on land and soils will arise.

8.8.20. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.8.21. I have examined, analysed and evaluated Chapter 9 of the EIAR and all of the associated documentation on file in respect of land and soils. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on land and soil as a consequence of the development have been identified.

8.8.22. **Conclusion: Direct and Indirect Effects**

8.8.23. With reference to the assessments undertaken, the scale of the development and the proposal to reuse all excavated soils on site for fill and landscaping, the quantity of hardstanding proposed at the site, and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative residual effects on land and soil as a result of the proposed development.

8.8.24. **Water**

8.8.25. **Issues Raised**

The appeal states that the proposed development shall be assessed for compliance with the requirements of the Water Framework Directive. A similar matter was raised by the appellant in their submission to the PA. Section 10 and Appendix 3 of this report contains the assessment of the proposed development in respect of the WFD.

8.8.26. **Context**

8.8.27. Chapter 9.0 'Land – Soils, Geology and Hydrology' of the EIAR deals with water. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes a desk top survey in respect of underlaying geology, the WFD status of river basin district and surface water features and pressures identified, flood risk, WFD groundwater body status and vulnerabilities, groundwater abstraction and quality, and designated sites. No limitations are identified in the EIAR. As indicated in the Assessment section of this report, cumulative impacts in respect of water are assessed in Chapter 8 'Biodiversity' of the EIAR.

8.8.28. **Baseline**

8.8.29. The baseline environment is described in Section 9.3 of the EIAR. A description of existing farming activities at the site is provided in Section 2.2 and 2.5 of the EIAR.

8.8.30. The site contains a pig farm that has been operational since 1973. At present, clean surface water from roofs and clean yards is collected and directed to ground via stone soakaways and the soil percolation area. Dirty yards, where animals have access, discharge to the slurry tanks underlaying the animal sheds.

8.8.31. The development site is described as located in an area of limestone uplands within the South Eastern River Basin District. The EIAR refers to the expansive nature of this River Basin District, and the high proportion of protected waterbodies within it. The site is within the Nore Catchment, the Nore_SC_060 sub catchment, and the sub basin of the Owveg (Nore)_30, as per WFD classifications.

8.8.32. There are no surface water bodies at the site. The Owveg River is the closest surface water feature to the site, which is stated to be 394 metres to the east of the site. The next closest surface water body is the Rahanavannagh stream, which is

located 800 metres north-east of the site. Under the WFD (2010-2022) the Owveg River (OWVEG (NORE)_030) has a 'Good' status and is 'Not at Risk' of not achieving 'Good' status. The Owveg maintains this 'Good' status for another circa 12 km downstream of the subject site and across two further sections of the river, OWVEG (NORE)_040 and OWVEG (NORE)_050. The site is not located in the floodplain of the Owveg River and flood risk at the site is stated to be low.

8.8.33. In respect of groundwater, the site is located above the Killkenny-Ballynakill Gravels groundwater body and the Killeshin Siltstone Formation. A borehole in the vicinity is cited as 33.5metres deep, which indicates the approximate depth of the water table at the site. The site is located in a 'High' groundwater vulnerability area, above a Regionally Important gravel aquifer. The site is not located within or in the vicinity of a surface or groundwater source protection zone. The closest drinking water protection area is 2.7 km northwest of the site. There are several springs and groundwater wells in the locality, including a borehole on lands under the applicants control immediately adjoining the subject site.

8.8.34. There has been no evidence of groundwater contamination arising from the existing pig farm at the site. The existing farm is operating under the conditions of Licence EPA IE licence (P0710-03). Annual groundwater analysis carried out at the site, in accordance with the EPA Licence. The EIAR states that there have been no exceedances in thresholds for nitrate, total ammonia, faecal coliforms and total coliforms at the site.

8.8.35. There are 3 no. protected groundwater dependant terrestrial ecosystems within 10km of the site comprising the River Barrow and River Nore SAC, Lisbigney Bog SAC, and the Ballyprior Grassland SAC. The EIAR notes that the Ballyprior Grassland SAC falls within a different river catchment to the subject site. The EIAR refers to the River Nore SPA, which includes the river channel and marginal vegetation.

8.8.36. **Likely Potential Effects**

8.8.37. The EIAR identifies the potential for a range of environmental effects on water. Moderate to Significant Negative effects of the development, prior to mitigation, are summarised in Table 8.3 below.

Table 8.3: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Construction	Direct slight-moderate short-medium term negative effects on groundwater arising from accidental leakage or spillage of hydrocarbons from vehicles and machinery. Direct slight-moderate short term negative effects on groundwater arising from accidental leakage or spillage of cement or other polluting sources.
Operation	Direct moderate short term negative effects on groundwater and surface water from accidental leakage of slurry and wash-water from tanks.

8.8.38. Cumulative impacts in respect of water are discussed in Section 8.5.4 of the EIAR, in the chapter relating to biodiversity. It is stated that cumulative impacts can arise in respect of land spreading of manure. It is noted that EPA licenced facilities within 15 km of the subject site generate sludge from wastewater or agriculture. It is stated that all land spreading activities are required to be undertaken in accordance with the Nitrate Regulations. It is further stated that no increase in animals at the farm is proposed. Having regard to the foregoing, it is stated that no likely significant cumulative impacts on water quality arise.

8.8.39. **Mitigation**

Mitigation measures for water are set out in sections 8.6 and 9.5 of the EIAR. The measures in respect of the construction phase are largely based on Construction Industry Research and Information Association (UK) technical guidance on water pollution control and on currently accepted best practice. Mitigation measures during the operational phase of the development include compliance with the existing EPA IE Licence, good housekeeping practices, and management of pig feed and slurry to reduce volume and nutrient load. Notable measures include the following:

Construction Phase:

- During the construction phase the contractor will adhere to best standard construction best practice, taking cognisance of the Construction Industry Research and Information Association (CIRIA) guidelines "*Control of Water Pollution from Construction Sites; guidance for consultants and contractors*" 2001, "*Control of*

Water Pollution from Construction Sites – Guide to Good Practice", 2002, and the 2016 guidelines published Inland Fisheries Ireland, "*Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters*".

Operational Phase:

- The farm will continue to operate in compliance with its EPA IE Licence and its Environmental Management System.
- All slurry/ wash water mix will be land spread in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022[7].
- Only clean rainwater and surface water will be directed to ground by the existing surface water system.

8.8.40. **Residual Effects**

8.8.41. With the implementation of mitigation measures (including monitoring), residual effects are set out in section 8.7, Table 8.18 and in Section 9.6, Tables 9.2 and 9.3. These provide that no significant residual effects on water will arise.

8.8.42. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.8.43. I have examined, analysed and evaluated Chapters 8 and 9 of the EIAR and all of the associated documentation and submissions on file in respect of water. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on water as a consequence of the development have been identified.

8.8.44. The appellant raises concerns in respect of water, specifically with regard to the requirements under the WFD. In this regard, I note that the Owveg River has a Good WFD status and is not at risk of not meeting WFD requirements. The existing farm at the site has been operational since 1973 and the proposed development will not increase the number of animals at the site, which will remain at 620 no. sows. On the basis that the Owveg River has maintained its good status while the existing farm is in operation, I consider that the proposed development will not impede the Owveg River in continuing to achieve a good WFD status. While significant negative impacts

[7] These 2022 regulations have been replaced by S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025

on water are not identified during the construction or operational phase of the proposed development, I agree with the findings of the EIAR that mitigation measures requiring best practice construction management and operational management should be applied at the site.

8.8.45. The proposed development does not include the spreading of slurry, a by-product of site operations, at the subject site. It is proposed that slurry arising from the farm will continue to be collected by landowners for use on their own properties. I recognise that landspreading could, generally, give rise to cumulative effects on surface water, groundwater and European Sites. The use of organic fertiliser as fertiliser on lands used for spreading is monitored and controlled by other competent bodies – DAFM and Local Authorities. The spread of fertiliser is governed by the GAPPW Regulations, 2025, to prevent water pollution. The GAPPW Regulations, 2025, provide for site specific assessment of lands. The use of fertiliser in accordance with the GAPPW Regulations, 2025, will not cause environmental pollution. In this way, significant likely cumulative impacts in respect of land spreading will not arise.

8.8.46. **Conclusions: Direct and Indirect Effects**

8.8.47. Having regard to the examination of the environmental information provided in the EIAR in respect of water, it is considered that by virtue of the nature and character of the proposed development, the lack of surface water features at the site, best practice mitigation measures, compliance with the GAPPW Regulations 2025, and continued compliance with the EPA IE Licence, there is no potential for significant environmental effects on water.

8.8.48. **Air Quality, Odour and Climate**

8.8.49. **Issues Raised**

8.8.50. No issues have been raised by any party to the appeal in respect of air quality, odour or climate.

8.8.51. **Context**

8.8.52. I have examined Chapter 5, which deals with this topic. This chapter was prepared in accordance with best practice guidelines and with reference to national legislative requirements. The assessment methodology includes desk top surveys, including

Ammonia Impact Assessment and an Odour Impact Assessment. No limitations are identified in the EIAR.

8.8.53. **Baseline**

8.8.54. Section 5.4 of the EIAR describes the baseline environment in respect of air quality, odour and climate. It is stated that the dominant sources of air emissions in the area surrounding the subject site are traffic, residential dwellings, and emissions from agricultural activities. As per the EPA's air quality classification, the subject site is located in Zone D – Rural. It is noted in the EIAR that there are no air monitoring stations currently operating in close proximity to the site. The closest monitoring station in Zone D is circa 24 km to the north of the subject site at Emo Court House, County Laois. Nitrogen Dioxide (NO_2) levels at the Emo Court station for 2021 were 3.61 ($\mu g/m^3$) and for 2022 were 3.48 ($\mu g/m^3$). Ozone (O_3) concentrations for 2021 were 52.74 ($\mu g/m^3$) and for 2022 were 53.66 ($\mu g/m^3$). It is stated in the EIAR that the EPA's Air Quality Index for Health Map registered the air quality at the site as 'good' (May 2021). It is noted in the EIAR that in 2021 air quality in Ireland met all EU Legal requirements but failed to meet WHO guideline levels. Fine particulate matter ($PM_{2.5}$), arising from burning solid fuels, and nitrogen dioxide (NO_2), arising from road transport, are stated as being the main threats to air quality.

8.8.55. In respect of sources of odour, it is stated in the EIAR that the site is located in a rural area where typical farmyard odours would be expected. It is stated that significant odours in the area would generally be present during slurry spreading season.

8.8.56. The existing farm at the site constitutes a source of odour. Condition 5.1 of the EPA Licence pertaining to the current pig farm requires that no emissions, including odours, interfere with the amenities or the environment beyond the site boundaries. It is stated in the EIAR that no complaints have been made in respect of odours or emissions arising from the existing farm.

8.8.57. Greenhouse gas emissions from the agricultural sector arise from animal digestion, slurry management, and land spreading of fertilisers. The agriculture sector is reported to have contributed 38% of Ireland's total greenhouse gas emissions in 2021. The EPA report 'Ireland's Greenhouse Gas Emissions Projections 2022-2040' gives projected greenhouse gas emissions for two scenarios, With Existing

Measures and With Additional Measures. The With Additional Measures scenario sees a 20% reduction in greenhouse gas emissions between 2021 to 2030. Mitigation measures under the With Additional Measures scenario includes the reduction in crude protein in pig diets, use of slurry amendment additives, covered external slurry storage and low emission slurry land spreading techniques.

8.8.58. It is stated in Section 5.6.2 of the EIAR that there are 100kVa of solar panel at the existing pig farm at the site, which will generate 22% of the total annual electricity requirement of the farm.

8.8.59. **Potential Effects**

8.8.60. The EIAR describes potential impacts in Section 5.6. Potential significant negative effects of the development, pre-mitigation, have only been identified during the construction phase of development, see table 8.4 below. Impacts arising from dust are also assessed in Chapter 8 ' Biodiversity' of the EIAR, and Section 8.7 of this report. No likely moderate to significant negative impacts were predicted to arise during the operational phase or cumulatively.

Table 8.4: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Construction	Temporary direct significant effects arising from dust (excavations, earth moving works, and debris on the public road).

8.8.61. **Mitigation**

8.8.62. Mitigation measures in respect of air quality, odour and climate are largely based on best practice construction and operation methods. Notable mitigation measures are listed below as follows:

8.8.63. **Construction Phase**

- Public roads should be inspected regularly to ensure that fouling by dust does not occur.
- Topsoil and gravel overburden would be used in the levelling off and landscaping of the site which would be stabilised by natural plant reinstatement.

- Hard surface parts of the farmyard would be swept to remove mud and aggregate materials from their surface.
- Material handling systems and site stockpiling of materials would be designed and laid out to minimise exposure to wind.
- Should construction activities occur during particularly dry weather, a water misting system would be installed to reduce the level of dust travelling offsite.

8.8.64. **Operational Phase**

- Use of low protein diets to all animals on site to reduce emissions of nitrogen-based compounds.
- Water and feed systems are maintained in optimum condition and operation to minimise water and feed.
- The use of a high-tech computerized ventilation system, in animal houses with a backup system.

8.8.65. **Residual Effects**

8.8.66. The EIAR does not contain a separate section describing residual effects on air quality, odour and climate. Residual effects, post mitigation, are described with potential impacts in Section 5.6 and with proposed mitigation measures in Section 5.7 of the EIAR. No significant negative residual impacts are predicted during the construction or operational phase of the development, directly, indirectly or cumulatively.

8.8.67. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.8.68. I have examined, analysed and evaluated Chapter 9 of the EIAR and all of the associated documentation on file in respect of Air Quality, Odour and Climate. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on air quality, odour and climate as a consequence of the development have been identified.

8.8.69. As is discussed in greater detail in Appendix 1 of this report, I consider that the methodology used to assess the proposed development in the Ammonia Impact Assessment is somewhat flawed. The AIA fails to provide any assessment of

emissions arising from the existing pig farm at the site and, therefore, provides no baseline against which to assess the impacts of the proposed development. The AIA appears to assess the proposed development as though the entire farm is proposed in the first instance rather than an extension to an existing farm with no proposed increase in animal numbers. In this way, the AIA overstates the changes in emissions arising from the proposed development, in my opinion. From the information provided in the AIA, I consider that the proposed development will cause a reduction in ammonia and nitrogen emitted from the subject site on the basis that the proposed development incorporates best practice design for the reduction of emissions and odours, including shallow slurry tanks and tall emissions vents.

8.8.70. I note that Section 5.8 'Cumulative Impacts & Mitigation' of the EIAR states that there would be a reduction in odour, air quality and greenhouse gas emissions arising from the proposed development. On the basis of the information provided in the EIAR and associated documentation, I agree with this finding.

8.8.71. **Conclusion: Direct and Indirect Effects**

8.8.72. Having regard to the surveys and forecasting undertaken, the scale and duration of the construction phase, the current farming activities and operational practices at the site including compliance with the existing EPA IE Licence, and the agricultural nature of the surrounding area, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on air quality, odour or climate as a result of the proposed development.

8.8.73. **Noise**

8.8.74. **Issues Raised**

8.8.75. No issues have been raised by any party to the appeal in respect of noise.

8.8.76. **Context**

8.8.77. Chapter 6 and Attachment 6.0 of the EIAR deal with noise. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes a desk top survey and site surveys. No limitations are identified.

8.8.78. **Baseline**

8.8.79. The baseline noise environment is described in Section 6.3.2 of the EIAR. Daytime background noise at all 3 no. monitoring locations was dominated by traffic, bird song, and dog barking. In the evening and during the night, background noise was dominated by traffic and dog barking. Low fan noise was audible from the noise monitor located at the western boundary of the existing farm during the daytime, evening time and nighttime. The site was found not to occur within a 'Quiet Area' or 'Low Background Noise Area', with reference to EPA Guidance (Guidance Note on Noise (NG4) 2016). The daytime ambient noise levels range between 40 – 50 dB, with an overall and rounded average of 40 dB.

8.8.80. Current farming activities at the site are the subject of an existing EPA Licence, which includes limits on operational noise. The baseline monitoring found that the existing farm is operating within its current licence limits of 55dB for the daytime and 45dB for the night-time period. Individual noise exceedances predominantly arose from non-site related sources including passing traffic and wind. One exceedance was related to traffic entering/existing the site.

8.8.81. **Potential Effects**

8.8.82. Section 6.4.3 of the EIAR gives the analysis of the predictive noise assessment. It is stated that 'Worst case scenario' construction phase noise does not exceed the recommended thresholds. The 'worst case scenario' noise predictions during the operational phase of the development exceed the recommended daytime limit at the dwelling closest to the existing farm. On the basis that the fans would only operate at maximum levels when external temperatures are 28 degrees or above, which is calculated at 0.09% of the years hours, these impacts were not considered to be significant.

8.8.83. Section 6.5 of the EIAR contains an overall evaluation of the noise results. No significant impacts are predicted during the construction or operational phase of the proposed development, directly, indirectly or cumulatively with reference to measured background noise.

8.8.84. **Mitigation**

8.8.85. Section 6.6 of the EIAR describes mitigation measures in respect of noise. No mitigation measures are proposed during the operational phase of the proposed development. Notable mitigation measures are listed below as follows:

8.8.86. **Construction Phase**

- Plant and machinery used on-site would comply with the EC (Construction Plant and Equipment) Permissible Noise Levels Regulations, 1988 (S.I. No. 320 of 1988). All noise producing equipment would comply with S.I. No 632 of 2001 European Communities (Noise Emission by Equipment for Use Outdoors) Regulations 2001.

- In the months April to September, construction will take place between 07:00 to 19:00 Monday to Friday, from 07:00 to 13:00 on a Saturday, and not at all on Sundays and Bank Holidays. In the months October to March, Construction works would commence one hour after sunrise (dawn) and stop one hour before sunset (dusk).

- Works will be cognisant of the National Roads Authority's "Guidelines for the Treatment of Noise and Vibration in National Road Schemes", the British Standard 5228: Part 1 "Code of practice for Noise Control on Construction and Open Sites" and the CIRIA 2015 "Environmental Good Practice on Site".

8.8.87. **Residual Effects**

8.8.88. The EIAR does not include a specific section describing residual noise impacts post mitigation. Section 6.5 of the EIAR describes residual effects alongside potential impacts. It is stated that there would be potential for temporary moderate noise impacts during the construction phase of the development. No significant noise impacts are predicted at noise sensitive locations during the operational phase of development.

8.8.89. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.8.90. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation on file in respect of noise. I am satisfied that the applicant understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on noise as a consequence of the development have been identified.

8.8.91. **Conclusion: Direct and Indirect Effects**

8.8.92. Having regard to the surveys and forecasting undertaken, and with reference to the agricultural nature of the site and the surrounding area, the short duration of the construction phase, and the nature of the proposed development, I am satisfied that

there is no potential for any significant direct, indirect or cumulative effects on the noise environment as a result of the proposed development.

8.9. Material Assets, cultural heritage and the landscape

8.9.1. Utilities & Traffic

8.9.2. Issues Raised

8.9.3. No issues have been raised by any party to the appeal in respect of Utilities and Traffic.

8.9.4. Context

8.9.5. I have examined Chapter 10 of the EIAR, which deals with this topic. As per section 10.2, the EIAR assesses impacts of the proposed development in respect of electricity, water, wastewater, natural gas, telecommunications, and traffic. The assessment is undertaken in accordance with industry best practice guidelines. The assessment methodology includes desk top surveys. No limitations are identified.

8.9.6. Baseline

8.9.7. The baseline environment is described in section 10.3 of the EIAR. The existing farm at the subject site is currently connected to the following: mains electricity, potable water from the mains infrastructure and a private well, the septic tank for domestic foul water, and broadband, phone and television connections. The existing farm uses circa 22,499 m^3 of water per year. The septic tank at the farm serves the existing staff toilet and welfare facilities. The septic tank is constructed of pre-cast concrete and has a capacity of 4,500 litres. There are no mains gas services available in the immediate vicinity of the subject site.

8.9.8. The subject site is not located in close proximity to any public transportation routes. The subject site has 2 no. agricultural entrances from the L7794, which has a speed limit of 80 km/hr at that location. The Average Daily Traffic generated by existing pig farm is 10 no. vehicles (including out and return journeys). This consists of staff cars, feed delivery vehicles, pig sales, manure transport from the site, and service personnel.

8.9.9. Potential Effects

8.9.10. The EIAR describes potential impacts in Section 10.4. On the basis that the proposed development will connect to existing site services and would not comprises any intensification of the existing farm, the EIAR does not predict that any moderate or significant negative impacts will arise during the construction or operational phases. As per section 10.4.3, the proposed development would not increase demands on the water, electricity or road networks serving the area therefore, likely significant cumulative impacts on these material assets are not predicted.

8.9.11. **Mitigation**

8.9.12. Mitigation measures to be implemented at the subject site are described in Sections 10.5.1 and 10.5.2 of the EIAR. On the basis that no impacts are predicted, the EIAR does not list any operational phase mitigation measures. Notable conditions are listed below.

8.9.13. **Construction Phase**

- All works in the vicinity of utilities apparatus would be carried out in ongoing consultation with the relevant utility company or local authority and would be in compliance with any requirements or guidelines they may have.

8.9.14. **Residual Effects**

8.9.15. Residual effects are set out in Section 10.6 of the EIAR. It is stated that residual impacts would be imperceptible.

8.9.16. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.9.17. I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation in respect of Utilities and Traffic. I am satisfied that the applicant understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on utilities and traffic as a consequence of the development have been identified.

8.9.18. **Conclusion: Direct and Indirect Effects**

8.9.19. Having regard to the scale and nature of the proposed development, I am satisfied that there is no potential for any significant direct, indirect or cumulative construction effects on utilities or traffic as a result of the proposed development.

8.9.20. **Natural & Other Resources**

8.9.21. **Issues Raised**

8.9.22. No Issues have been raised by any party to the appeal in respect of natural resources and other resources.

8.9.23. **Context**

8.9.24. I have examined Chapter 11 of the EIAR, which deals with Material Assets: Natural & Other Resources. The assessment is undertaken in accordance with industry best practice guidelines. The methodology includes desk top surveys of information from Geological Survey Ireland Spatial Resources, Teagasc Subsoil Mapping and EPA mapping. No limitations are identified.

8.9.25. **Baseline**

8.9.26. Lands in the vicinity of the subject site are primarily used for pasture. There is a sand and gravel quarry with a concrete batching plant located to the southeast of the site. There are areas of forest at the Owveg River, to the east of the subject site and patches of arable land to the northwest.

8.9.27. In respect of minerals, there are 4 no. quarries within 15 km of the subject site, including the quarry to the immediate southeast. These facilities quarry sand and gravel, crush rock, and Crushed Rock / Dimension Stone. As per the GSI website, mineral localities within 5 km of the site include 1 no. area of sandstone, 4 no. areas of limestone, 1 no. area of shale, and 2 no. areas of coal.

8.9.28. **Potential Effects**

8.9.29. The EIAR describes potential impacts in Section 11.4 ‘Impact & Mitigation’. Owing to the size of the subject site, its location, and nature, the EIAR predicts that no impacts on land use, economic materials or raw materials will arise as a result of the proposed development. On this basis, the EIAR does not include any mitigation measures in respect of natural resources.

8.9.30. **Residual Effects**

8.9.31. It is stated in Section 11.5 that, with the implementation of mitigation measures outlined in other chapters of the EIAR, residual impacts of the development on natural resources would be imperceptible.

8.9.32. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.9.33. I have examined, analysed and evaluated Chapter 11 of the EIAR and all of the associated documentation on file in respect of Material Assets: Natural & Other Resources. I am satisfied that the applicant understanding of the baseline environment, by way of desk surveys, is comprehensive and that the key impacts in respect of likely effects on Material Assets: Natural & Other Resources as a consequence of the development have been identified.

8.9.34. **Conclusion: Direct and Indirect Effects**

8.9.35. Having regard to the location of the site in a rural area, the characteristics of the existing pastureland at the site and agricultural lands in the locality, distance from operational quarries, and the nature of the construction materials required to build the development, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on natural and other resources, including land use, soil, and minerals, as a result of the proposed development.

8.9.36. **Archaeological, Architectural and Cultural Heritage**

8.9.37. **Issues Raised**

8.9.38. No Issues have been raised by any party to the appeal in respect of archaeological, architectural and cultural heritage.

8.9.39. **Context**

8.9.40. Chapter 12 of the EIAR deals with archaeological, architectural and cultural heritage. The assessment is undertaken with reference national level legislation and in accordance with industry best practice guidelines. The assessment methodology includes desk top surveys. No limitations are identified.

8.9.41. **Baseline**

8.9.42. Section 12.4 of the EIAR gives a description of the existing environment at, and in the locality, of the subject site. There have been no previously licenced archaeological works at the subject site. There are no national monuments, archaeological features or structures of architectural heritage listed within or immediately adjoining the subject site. The closest archaeological monuments to the site are a Ringfort-Rath (RMP No. LA030-010) located 196 metres to the southwest of the subject site, a Ritual Site – Holy tree/bush (RMP No. LA0-30-047001) located 222 metres to the east of the subject site, and a Cross (RMP No. LA030-0487002)

located 223 metres to the east of the subject site. In addition to the above, there are a further 17 no. recorded monuments within 2 km of the subject site. There are 9 no. sites listed in the National Inventory of Architectural Heritage within 2 km of the subject site.

8.9.43. **Potential Effects**

8.9.44. The EIAR describes potential impacts in Section 12.6. Likely moderate or significant permanent impacts are not predicted during the operational phase of development, directly, indirectly or cumulatively. Predicted effects arising from the construction phase are summarised in Table 8.5 below.

Table 8.5: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Construction	Direct moderate permanent negative effect any unknown sub-surface archaeological features at the site.

8.9.45. **Mitigation**

8.9.46. Section 12.7 of the EIAR describes mitigation measures and monitoring in respect of archaeological, architectural and cultural heritage. On the basis that impacts will not arise during the operational phase of development, no operational phase mitigation measures are outlined in this section of the EIAR. Notable mitigation measures include the following:

8.9.47. **Pre-Construction/Construction Phase**

- A pre-construction geophysical survey and archaeological test excavation will be undertaken.
- Pre-construction archaeological test excavation will target the areas of archaeological potential identified by the geophysical survey.
- Archaeological work must be carried out under licence in accordance with Section 26 of the National Monuments Act 1930 (as amended), and with a method statement agreed in advance with the National Monuments Service (Department of Culture, Heritage and the Gaeltacht) and the National Museum of Ireland. The

results of this investigation will determine whether redesign to allow for preservation *in-situ*, full archaeological excavation and/or monitoring are required.

- In the event of archaeological features or material being uncovered during the construction phase, machine work will cease in the immediate area to allow the archaeologist to assess, excavate and record any such material.

- Should archaeological features or material be uncovered during the construction phase, adequate funds to cover excavation, fencing (if required), post-excavation analysis and reporting, and conservation work should be made available.

8.9.48. **Residual Effects**

8.9.49. With the implementation of mitigation measures (including monitoring), residual effects are set out in Section 12.8 of the EIAR. These provide that no significant residual effects on archaeological, architectural or cultural heritage will arise.

8.9.50. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.9.51. I have examined, analysed and evaluated Chapter 12 of the EIAR and all of the associated documentation on file in respect of archaeological, architectural and cultural heritage. I am satisfied that the applicant understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on biodiversity as a consequence of the development have been identified.

8.9.52. **Conclusion: Direct and Indirect Effects**

8.9.53. With the implementation of standard mitigation measures in respect of archaeology, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on archaeological, architectural and cultural heritage as a result of the proposed development.

8.9.54. **Landscape & Visual**

8.9.55. **Issues Raised**

8.9.56. No issues have been raised by any party to the appeal in respect of potential impacts on landscape or visual amenity.

8.9.57. **Context**

8.9.58. Chapter 7 of the EIAR deals with 'Landscape & Visual'. The assessment is undertaken in accordance with industry best practice guidelines. The assessment methodology includes desktop and site surveys. No limitations are identified.

8.9.59. **Baseline**

8.9.60. Section 7.3 of the EIAR gives a description of the existing environment. Under the Laois County Development Plan 2021-2027, the subject site is located in an upland area, which is classified as a medium sensitive landscape area. It is stated in the EIAR that these landscapes have the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localised sensitivity factors. As per the Landscape Character Assessment of the Development Plan, the site is located within the Hills and Upland landscape character type. Under the Development Plan, the closest Listed View to the subject site is '023 – Heywood Demense', which is located 1.93 km to the southwest of the subject site at its closest point.

8.9.61. The existing pig farm at the site is visible from the local road, particularly from the south. The farm is less visible from the north, east and west due to screening from trees/hedges and topography. In general, farmyards and one-off rural dwellings are the most dominant visible man-made structures in the landscape. There is also an existing sand and gravel quarry to the south of the subject site.

8.9.62. **Potential Effects**

8.9.63. The EIAR describes potential impacts in Section 7.4. Potential Significant Negative effects of the development, pre-mitigation, have only been identified during the operational phase of development, see table 8.6 below. No likely moderate to significant negative impacts were predicted to arise during the construction phase or cumulatively.

Table 8.6: Summary of Potential Moderate to Significant Negative Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Operation	Direct significant permanent negative effect on visual amenity and the landscape when viewed from the L7794, to the immediate south of the site.

8.9.64. **Mitigation**

8.9.65. Section 7.5 of the EIAR describes mitigation measures in respect of landscape and visual amenity. On the basis that significant impacts are only predicted during the operational phase of the development, construction phase mitigation measures are not proposed. Notable mitigation measures include the following:

8.9.66. **Operational Phase**

- Native trees, appropriate to the area, are to be planted south of the proposed buildings.
- New buildings will be finished in a dark green colour.

8.9.67. **Residual Effects**

8.9.68. With the implementation of mitigation measures, residual effects are set out in Section 7.6 of the EIAR. It is stated that no significant residual effects on landscape and visual amenity will arise.

8.9.69. **Analysis, Evaluation and Assessment: Direct and Indirect Effects**

8.9.70. I have examined, analysed and evaluated Chapter 7 of the EIAR and all of the associated documentation on file in respect of landscape and visual amenity. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on the landscape and visual amenity as a consequence of the development have been identified.

8.9.71. **Conclusion: Direct and Indirect Effects**

8.9.72. Having regard to the nature, scale, and design of the existing and proposed development, the character of the area and surrounding agricultural development, and the assimilative capacity of the landscape, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on the landscape character or visual amenities of the as a result of the proposed development.

8.10. Interactions between the Above Factors

8.10.1. Chapter 13 of the EIAR evaluates potential interactions between the various aspects of the environment assessed in the report. A matrix of interactions is presented in

Table 13.0 and a description of the interactions identified are provided in Section 13.1 to 13.12, inclusive. Mitigation measures are described under each of the detailed assessments in the proceeding chapters of the EIAR.

8.10.2. As per Chapter 4 of the EIAR, human health interacts with all assessed aspects of the environment. I have considered the interactions and interrelationships between environmental effects, and I am satisfied that significant impacts in relation to interactions can be avoided, managed and mitigated by the measures contained within the EIAR.

8.11. Vulnerability of the Proposed Development to Risks of Major Accidents and/or Disasters

8.11.1. No issues have been raised by any party to the appeal in respect of major accidents and natural disasters in relation to the proposed development. I have examined Sections 1.3, 9.3.4, and 9.4.2.6 of the EIAR, which deal with this topic.

8.11.2. The subject site is located in an area with no previous history of landslides or karst features, such as swallow holes or depressions. Existing works at the site do not fall under the provisions of the Seveso Regulations. The most likely natural disaster at the site would be fluvial flooding, and it is stated that the site is located in an area of lower flooding risk. Accidental spills at the site will be addressed in accordance with best practice, as per the mitigation measures outlined in the detailed chapters of the EIAR.

8.11.3. Having regard to the foregoing, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on the vulnerability of the site itself to major accidents and/or disasters, or changes to the risk of major accidents and/or disasters occurring in the vicinity of the site as of the as a result of the proposed development.

8.12. Reasoned Conclusions

8.12.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and the supplemental information provided by the application and the submission received, the contents of which I have noted, it is

considered that the main direct and indirect effects of the proposed development on the environment are as follows:

- Biodiversity: The removal of 30 metres of hedgerow at the site is predicted to have a slight to moderate long term negative impact on hedgerow habitat. Other moderate negative impacts include fauna mortality and air quality impacts on designated sites during the construction phase. Mitigation measures include compliance with legislative requirements in respect of scrub/tree removal, prior inspection of vegetation where it is to be removed during bird nesting season, supplemental planting, and implementation of best practice farm management techniques.

- Water: Significant negative impacts on water are not predicated as a result of the proposed development, either during the construction or operational phases. To avoid any potential negative impacts arising, the EIAR describes mitigation measures. Mitigation measures are largely based on the Construction Industry Research and Information Association (UK) technical guidance on water pollution control and best practice site management.

- Odours: Significant negative impacts owing to odours arising from the site are not anticipated however, the EIAR outlines best practice design and site management practices that will continue to be implemented at the site.

- Noise: The fans ventilating the animal sheds give rise to noise. Under the 'worst case scenario', which modelled all fans operating at maximum power, operational noise exceeds recommended limits at the southwestern site boundary. This dwelling is not considered a sensitive receptor, as discussed in Section 8.6.2 of this report. Significant negative impacts in respect of noise are not predicted and mitigation measures for operational noise are not proposed.

- Soil: The potential of significant negative impacts on soil during the construction phase is predicted in the EIAR. Mitigation measures include best practice site management in respect of the cement works. Significant negative residual impacts are not predicted.

- Archaeology: During the construction phase there is the potential for direct, permanent negative impacts on undiscovered sub-surface archaeological materials.

Mitigation measures include pre-construction phase surveys and test excavations, and archaeological monitoring of ground works.

- Visual Impacts: Significant negative visual impacts are not predicted however, the EIAR includes mitigation measures comprising native planting at the southern side of the proposed sheds, and the use of dark green cladding for the buildings.

8.12.2. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

9.0 Appropriate Assessment

9.1. Introduction

9.1.1. The requirements of Article 6(3) as related to Appropriate Assessment (AA) of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section and Appendix 1 and 2 of this report.

9.1.2. Please refer to Section 1.0 and 2.0 of this report for Background, Site Location and Description of the Proposed Development.

9.2. Issues Raised in Relation to the Appropriate Assessment

9.2.1. The appeal submitted to ACP 06 December 2024 states that the site is within 50 metres of the River Barrow and River Nore SAC and that Appropriate Assessment is required. The submission refers court judgements that set out the low threshold for Appropriate Assessment, the thresholds for granting planning permission, and confirm that mitigation measures cannot be referred to in the screening for Appropriate Assessment. The appeal also confirms that the grazing of cattle and application of fertilisers in the vicinity of Natura 2000 sites may be classified as a project.

9.3. Screening Determination

9.3.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in

combination with other plans and projects] will give rise to significant effects on River Barrow and River Nore SAC in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The proximity of the site to the River Barrow and River Nore SAC.
- The potential for dust emissions arising from the site during the construction phase of development.
- The potential for in-combination impacts in respect of dust arising during the construction phase of development.

9.4. Appropriate Assessment Conclusion

9.4.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177V was required.

9.4.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The short duration of the construction phase.
- The best practice mitigation measures proposed.
- The nature of development in the vicinity of the site, and dust mitigation employed.

10.0 Water Framework Directive

10.1.1. Refer to Appendix 3 'WFD Assessment'.

10.1.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes,

groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. It is recommended that the Coimisiún grants planning permission for the proposed development subject to amended conditions.

12.0 Comments on PA Conditions

12.1.1. Condition 2 of the PA decision require that the development be carried out, completed and maintained in accordance with the EIAR and the NIS. Condition 3 requires that works be carried out in accordance with the CEMP submitted. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that similar conditions be attached.

12.1.2. Condition 4 of the PA decision relates to archaeological appraisal of the subject site. I note that archaeological appraisals of the site form part of the mitigation measures outlined in Chapter 12 'Archaeological, Architectural & Cultural Heritage' of the EIAR submitted. On the basis that a condition is recommended to be attached in respect of mitigation measures in the EIAR and NIS, I do not consider it necessary to include a separate condition in respect of archaeology.

12.1.3. Condition 5 of the PA decision states that the proposed cladding shall be dark green and the external walls finished in nap plaster. On the basis that these materials are specified in the submitted application documentation, and forms one of the mitigation measures outlined in the EIAR, I do not consider it necessary to include a separate condition on this matter.

12.1.4. Condition 6 states that any waste arising during the construction phase be disposed of in accordance with the Waste Management Act 1996. The CEMP submitted with the application refers to this act but does not specifically state that waste shall be managed in accordance with its provisions. In this way, if the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a similar condition be attached.

12.1.5. Condition 7 relates to the protection of surface water and residential amenities. I consider that these topics are sufficiently covered by the mitigation measures of the EIAR and AA. In this way, I do not consider it necessary to include a separate condition to cover these topics.

12.1.6. Conditions 8, 9, 12, 13 of the PA decision relate to the separation of clean water, the transportation of organic fertilisers, and the design and maintenance of storage facilities, respectively. These topics are covered by the GAPPW Regulations. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a condition be attached to require all activities at the site to meet the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025).

12.1.7. Condition 10 of the PA decision relates to land spreading. On the basis that no land spreading is proposed at the subject site, I do not consider that a similar condition is necessary.

12.1.8. Condition 11 of the PA decision states that the developer shall immediately inform the PA of any accidental spillage at the site both during the construction and operational phases of the development. This requirement does not form part of the submitted CEMP and may provide an additional level of protection for the surrounding environment. If the Coimisiún is minded to grant permission for the development, I consider that a similar condition to the PA condition no. 11 should be attached.

12.1.9. Condition 14 requires the developer to comply with the "*Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects*" published by the Environmental Protection Agency, and to prevent deposition of material onto the public road. I note that CEMP refers to the EPA guidelines in the 'relevant guidelines' section and already includes a requirement to keep the public roads clean. I consider that requirements in respect of waste will be covered by Condition 6 of the PA decision, discussed above. On this basis, I do not consider that a separate condition regarding these matters is required.

12.1.10. Condition 15 requires the applicant to consult the ESB in respect of the overhead power line at the site and to ensure that external lighting is directed away from the public road. In order to protect the electrical grid and ensure safe driving

conditions on the public road, I consider that it would be appropriate to attach a similar condition. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a similar condition be attached.

12.1.11. Condition 16 of the PA decision requires the payment development contributions, as per the Council's Development Contribution Scheme 2023-2029. If the Coimisiún is minded to grant planning permission for the proposed development, I recommend that a similar condition be attached.

13.0 Reasons and Considerations

13.1.1. Having regard to the nature and scale of the proposed development, which is an extension to an existing pig farm that operates under an EPA IE Licence, the rural character of the area and agricultural development in the vicinity, the policies and provisions of the Laois County Development Plan 2021-2027, the planning and licensing history of the site, and the information provided in the Environmental Impact Assessment Report and the Natura Impact Statement and supporting application documentation, it is considered that the proposed development would not have significant adverse impacts on the receiving environment, would not give rise to significant water pollution, noise or odours, would not be visually obtrusive in the landscape, and would align with the provisions of the Water Framework Directive. The proposed development is, therefore, in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25 day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows

a) The proposed feed bins shall be finished in a dark green colour.

b) External lighting shall be cowled and directed away from the public road.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and road safety.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), as amended by the EIAR and supplemental information received by the planning authority on 25 day of September 2024, shall be implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), as amended by the NIS received by the planning authority on 25 day of September 2024, shall be implemented.

Reason: To protect the integrity of European Sites.

5. The construction of the development shall be managed in accordance with the submitted Construction Environmental Management Plan (CEMP), as amended by the CEMP received by the planning authority on 25 day of September 2024.

Reason: In the interest of amenities, public health and safety and environmental protection

6. Waste arising during the construction phase be disposed of in accordance with the Waste Management Act 1996, or any subsequent amending legislation.

Reason: In the interest of amenities, public health and safety and environmental protection

7. All activities at the site shall meet the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025).

Reason: In the interest of amenities, public health and safety and environmental protection

8. During the construction and operational phases, the developer shall immediately inform the planning authority of any accidental spillage at the site.

Reason: In the interest of amenities, public health and safety and environmental protection

9. Prior to the commencement of development, the developer shall consult with the ESB in respect of the overhead power line at the site.

Reason: In the interest of health and safety.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Sinéad O'Connor
Planning Inspector

08 April 2026

Appendix 1 – Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development comprises an extension of an existing pig farm at the site. The existing farm operates under EPA IE Licence Ref. Reg. P0710-03. It is proposed to construct 5 no. animal sheds, each with underlaying slurry tanks, and 3 no. feed bins. It is not proposed to increase the number of pigs at the site. The works are proposed to decrease the stocking density of animals. See Section 2.0 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The subject site is located in the rural townland of Graigue, 3km to the northeast of Ballinakill and 4.8 km to the southeast of Abbeyleix in County Laois. The western side of the site accommodates an established pig farm and the eastern side of the site is under grass. There are no surface waterbodies at or immediately adjoining the subject site. The existing farm is accessed from the local road via an agricultural gate. There is a second agricultural gate that serves the eastern portion of the site. The farm has existing surface water infrastructure including soakaways and a percolation area, a septic tank and percolation area of domestic foul water. The site currently has connections to mains electricity, and connections to mains water and to a private well. During the construction phase it is proposed to change the landcover of the site from improved agricultural grassland to buildings and artificial surfaces. It is proposed to remove 30-metres of hedgerow vegetation that it located to the east of existing Storage Shed 18. The construction phase will be 6 months in duration. During the operational phase, there will be emissions (ammonia) to the air from the existing and proposed animal sheds. Slurry from the animals and washings from the animal yards will be collected in the slurry tanks. This slurry will be collected by landowners for use as fertiliser on their own properties. The proposed development will connect to existing surface water, potable water, and electricity infrastructure at the site.

Screening report	**Y – Section 6.0 of the submitted NIS.**
Natura Impact Statement	**Y**
Relevant submissions	No submission from prescribed bodies.

The appellant states that the subject site is within 50 metres of the River Barrow and River Nore SAC and that Appropriate Assessment is required. To grant planning permission for the proposed development, the assessment must contain precise and definitive findings capable of removing all reasonable scientific doubt regarding the effects of the proposed development on the protected site.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

I have prepared this section using information from the applicant's Natura Impact Statement and information submitted with the application and using information from the National Parks and Wildlife Service (NPWS), the Environmental Protection Agency (EPA), and the Geological Survey of Ireland (GSI).

There are three European Sites within 10 kilometres of the subject site. I do not consider it necessary or appropriate to assess designated sites further than 10 km from the subject site on the basis of the size and nature of the proposed development.

The River Barrow and River Nore SAC (Site Code 002162) is located circa 300 metres to the east of the subject site, the Lisbegney Bog SAC (Site Code 000869) is located circa 5 km to the southwest of the site and the River Nore SPA (Site Code 004233) is located 5.3 km to the west and southwest of the subject site. These sites have been described below.

The subject site does not have or immediately adjoin any surface water bodies. Clean rainwater and surface water from the site is currently drained to ground via the existing soakways at the site.

The site is located on the Kilkenny-Ballynakill Gravels groundwater body. The River Barrow and River Nore SAC and the River Nore SPA are both partially located within that same groundwater body. In this way, there is potentially a pathway between the subject site and the River Barrow and River Nore SAC and the River Nore SPA via the Kilkenny-Ballynakill Gravels groundwater body. The Lisbegney Bog SAC is located on the Durrow groundwater body. On the basis that this SAC is not on the same groundwater body as the subject site, I do not consider that there is a groundwater pathway between the subject site and the Lisbigney Bog SAC.

Groundworks will be required during the construction phase of development, which will give rise to dust emissions to air. Intensive rearing of pigs gives rise to ammonia and nitrogen emissions to air from slurry therefore, ammonia and nitrogen will be emitted to air during the operational phase of the development. These emissions have the potential to cause the deterioration of air and water quality at the River Barrow and River Nore SAC, the Lisbigney Bog SAC and the River Nore SPA.

Owing to the proximity of the subject site to the River Barrow and River Nore SAC (circa 300 metres), there is potential for fauna at the SAC to travel to the subject site. The distance from the subject site to the Lisbegney Bog SAC and to the River Nore SPA exceeds 5km. Given the distance between the subject sites and the designated sites and the nature of the qualifying interests of the sites, I do not consider that source-pathway-receptor exists between these sites overland.

European Site (code)	Qualifying interests[1] Link to conservation objectives (www.npws.ie accessed 05 March 2026)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
River Barrow and River Nore SAC Site Code 002162	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	**300 metres to the east.**	Groundwater Air Overland	**Y**

	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
Lisbegney Bog SAC Site Code 000869	Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	**5 km to the southwest**	Air	**Y**

The River Nore SPA Site Code 004233	Kingfisher (Alcedo atthis) [A229]	**5.3 km to the west and south west**	Groundwater Air	**Y**

Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites

As is stated above, the subject site is on the same groundwater body as the River Barrow and River Nore SAC and River Nore SPA. I assessed the Geological Survey of Ireland (GSI) Groundwater Data set and found that the subject site is located in an area of high subsoil permeability. The site is separated from the River Barrow and River Nore SAC and the River Nore SPA by areas of low subsoil permeability. These areas of low subsoil permeability, coupled with the lack of direct surface water connectivity from the site, would prevent contaminated water from any accidental spillages during the construction or operational phases of development from reaching the SAC or SPA. In this way, I do not consider that direct or indirect impacts will arise from contaminated water as a result of the proposed development.

Section 4.2 of the applicant's NIS contains details of field surveys undertaken. The site survey found no evidence of otter or any other ex-situ species, flora or fauna, or habitats of qualifying interest of the SAC. In this way, there are no likely effects on the SAC as a result of habitat fragmentation or species mortality.

During the operation phase of the development, ammonia and nitrogen will be emitted to air from the farm. These emissions arise primarily from slurry, which is a by-product of operations at the site. The NIS refers directly to the Ammonia Impact Assessment submitted with the application, and states that the proposed development is above the critical load for the River Barrow and River Nore SAC, the Lisbigney SAC, and the River Nore SPA with reference to the SCAIL (Simple Calculation of Atmospheric Impact Limits), and, therefore, it is not possible to rule out likely effects on the SACs and SPA**. I have assessed the AIA submitted, and I do not wholly agree with the methodology employed or the conclusions reached in respect of the impacts arising from the proposed development.** Much of the text of the AIA refers to the existing farm and the proposed development separately however, I note that Section 5 'Assessment' does not include any separate assessment of the existing farm or quantify the emissions already arising from the 4,800 no. Production Pigs 4,300 no. Weaners, 650 no. sows, and 120 no. Maiden Gilts at the site. Tables 5 and 6 of the AIA refer to the number of animals in each existing and proposed shed and gives the emissions arising from the extended farm in total. In this way, the report assesses the pig farm as though it is an entirely new development, which is incorrect.

The proposed development will not increase the number of pigs currently farmed at the subject site. It is my opinion that the primary change at the farm, in respect of ammonia and nitrogen emissions, will be in the operation and management of slurry. It is stated in the submitted AIA that the existing farm is operating using deep slurry pits. Section 5.4 of the AIA outlines that deep pits produce higher levels of ammonia when compared to shallow slurry pits; 4.0 kg animal^{-1}year^{-1} for dry sows and 3.6 kg animal^{-1}year for fatteners in deep pit housing, in comparison to 2.7 kg animal^{-1}year^{-1} for dry sows and 2.6 kg animal^{-1}year for fatteners in shallow pit housing. In addition, it is stated in the AIA that lower exhaust vents, such as those in the existing farm, can cause increased deposition rates in the vicinity of the site. During the operational phase of the proposed development, 2,745 no. of the existing pigs at the site will be housed in the new accommodation with shallow slurry pits and tall chimney vents, and circa

5552 no. the of existing pigs[8] will be accommodated in the existing sheds that will be managed with shallow slurry pits rather than deep slurry pits. Based on the information provided in the AIA in respect of ammonia production and deposition, it is reasonable to assume that these existing animals will produce less ammonia in the proposed development (with shallow pits) than they do in the current farm (with deep pits), and that the emissions arising will be dispersed more efficiently from the taller vents on the 5 no. proposed sheds than they are currently dispersed in the existing sheds with shorter vents. Drawing from the above, it is my opinion that the proposed development will reduce ammonia and nitrogen emissions at the subject site and will improve dispersion of the emissions arising from the farming activities. On the basis that the proposed development will reduce ammonia and nitrogen arising from the site below the levels emitted for the past 20 years, since permission was granted under Reg. Refs. 05/568 and 04/886, I do not consider that significant negative effects on the qualify interests of the designated sites will arise as a result of ammonia or nitrogen deposition from the subject development.

I note that Section 6.1 of the NIS refers to dust mitigation measures to be implemented during the construction phase of development. It is not appropriate to refer to, or rely on, mitigation measures during screening for Appropriate Assessment. In the absence of mitigation measures, it is my opinion that there is potential for dust to be created and emitted to air during the construction phase of development. Dust emissions can coat flora species and cause a reduction in water quality. I consider that dust arising from the subject site may have impacts on the designated sites either in isolation or cumulatively with surrounding development, in particular the nearby quarry development. Based on the foregoing, I do not consider that impacts arising from dust can be screened out at this stage.

Generally, there is potential for cumulative impacts arising from the land spreading of slurry. In this regard, I note that the proposed development does not include any land spreading of slurry. It is stated in the application documentation that slurry, which will arise as a by-product of the proposed development, will be transported off the subject site and will be used by occupiers on their own lands as fertiliser. The spreading of organic fertilisers is managed under the GAPPW Regulations, 2025. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAPPW Regulations, 2025, that no in combination or cumulative impacts arise from any land spreading associated with the proposed development.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
River Barrow and River Nore SAC Site Code 002162	Direct: Deterioration of air and water quality.	The subject site is located circa 300 metres to the west of the River Barrow and River Nore SAC. The

[8] This calculation is based on there being no tanks under existing sheds 8 and 10, as per Section 2.2 of the EIAR and that it is not proposed to change the management of the slurry tanks under sheds 1 and 4, as per Section 5.6.1 of the EIAR. I note that the numbering system for buildings in the AIA is different to that in the submitted Site Layout drawing.

		area between the subject site and the SAC is in agricultural use, and there are no significant tree stands or structures in this area to potentially capture dust arising during the construction phase of development. Coating plants species in dust can interfere with photosynthesis, respiration and transpiration, causing flora decline and/or mortality. Dust deposition could cause a deterioration in water quality, increasing sediments/turbidity, causing a reduction in plant and animal species or changes in species composition.
	Likelihood of significant effects from proposed development (alone): **Y**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? **n/a**	
	Possibility of significant effects (alone) in view of the conservation objectives of the site **Y**	
	Impacts	**Effects**
Lisbigney Bog SAC Site Code 000869	None	The subject site is located circa 5 km to the northeast of the Lisbigney Bog SAC. The area between the subject site accommodates agricultural land, industrial development, several roads, and Ballinakill village. Owing to the distance between the subject site and the SAC, the small size of the subject site and the 6-month duration of the construction phase, I do not consider that significant effects will arise as a result of dust emissions during the construction phase of development.
	Likelihood of significant effects from proposed development (alone): **N**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? **N**	

	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
	Impacts	**Effects**
The River Nore SPA Site Code 004233	None	The subject site is located in excess of 5 km to the northeast of the River Nore SPA. The area between the subject site accommodates agricultural land, industrial development, several roads, and Ballinakill village. Owing to the distance between the subject site and the SAC, the small size of the subject site and the 6-month duration of the construction phase, I do not consider that significant effects will arise as a result of dust emissions during the construction phase of development.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the River Barrow and River Nore SAC from effects associated with construction phase dust emissions. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects]
will give rise to significant effects on River Barrow and River Nore SAC in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The proximity of the site to the River Barrow and River Nore SAC.
- The potential for dust emissions arising from the site during the construction phase of development.

- The potential for in-combination impacts in respect of dust arising during the construction phase of development.

Appendix 2 – Stage 2 Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 5 no. animal sheds, 3 no. feed silos, and ancillary works in view of the relevant conservation objectives of **River Barrow and River Nore SAC** based on scientific information provided by the applicant and available from the National Parks and Wildlife Service (NPWS). The conclusions of my screening assessment are different from those reached by the applicant in their NIS. Notwithstanding this, the NIS, EIAR and CEMP, prepared by Panther Ecology Ltd., and application documentation, in conjunction with the information available from the NPWS, the EPA, and the Laois County Council planning register are sufficient to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and EIAR, and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations No observations or submissions were made by prescribed bodies. One public observation was made. This observation and appeal refer to the requirements for Appropriate Assessment.
River Barrow and River Nore (Site Code: 002162): **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(i) Deterioration of Air Quality during the construction phase (Dust)**

See Sections 5 & 7 of the NIS.			
Qualifying Interest features likely to be affected	**Conservation Objectives** **Relevant Targets and attributes.**	**Potential adverse effects:**	**Mitigation measures (summary)**
[3260] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation (Floating River Vegetation)	To maintain the Favourable conservation condition of Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Water quality: suspended sediment:** The concentration of suspended solids in the water column should be sufficiently low to prevent excessive deposition of fine sediments. **Water quality: nutrients:** The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition. **Vegetation composition: typical species:** Typical species of the	The full extent of this habitat in this site is currently unknown and it is possible that this habitat is present within the Owveg river. The Conservation Objectives for this qualifying interest include water quality attributes. **Therefore, there is potential for the proposed development to have an impact upon this qualifying interest due to a potential deterioration in water quality (suspended sediment and nutrients).**	Implementation of good working practices and standard dust mitigation measures during the construction phase of development, as per Section 6.0 of the NIS. Implementation of the dust mitigation measures outlined in Section 5.7.2 of the EIAR and in Section 4.2 of the CEMP include the following: • Material handling systems and site stockpiling of materials would be designed and laid out to minimise exposure to wind; • vehicles would be fitted with covers where possible to prevent material loss; • Hard surface parts of the farmyard would be swept to remove mud and aggregate materials;. • Public roads outside the site would be regularly inspected and cleaned as necessary;

	relevant habitat sub-type should be present and in good condition.		• Top-soiling and landscaping of the works will take place as soon as finished levels are achieved. Stockpiled material would be covered/dampened during dry weather to prevent spreading of sediment/dust; • Wheel wash during dry periods
[91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*	To restore the Favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Vegetation composition:** **native tree cover:** No decline. Native tree cover not less than 95%. **Vegetation composition:** **typical species:** A variety of typical native species present, depending on woodland type, including ash (Fraxinus excelsior) alder (Alnus glutinosa), willows (Salix spp) and locally, oak (Quercus robur). **Vegetation composition:** negative indicator species: Negative indicator species, particularly non-native invasive species, absent or under control.	According to the SAC Conservation Objectives report, alluvial forests are located approximately 9.8km south-west and 23km hydrologically upstream of the development site. However, the report notes that further unsurveyed areas may be present within the SAC. A potential deterioration in water quality would not be considered to have a significant adverse impact upon this qualifying interest. **I note that excess deposition of dust could impact on flora species in this habitat.**	

[1029] Freshwater Pearl Mussel (*Margaritifera margaritifera*) [1990] Nore Freshwater Pearl Mussel (*Margaritifera durrovensis*)	To restore the Favourable conservation condition of the Freshwater pearl mussel (Margaritifera margaritifera) in River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Water quality: macroinvertebrates and phytobenthos (diatoms):** Restore water quality macroinvertebrates: EQR greater than 0.90 (Q4-5 or Q5); phytobenthos: EQR greater than 0.93. **Host fish:** Maintain sufficient juvenile salmonids to host glochidial larvae.	**Freshwater Pearl Mussel are sensitive to sedimentation and nutrient enrichment. Furthermore, as the larval stages rely on salmonid fish hosts, any potential impact on salmonid fish can have an impact upon the Pearl Mussel. The conservation objectives report includes water quality attributes, which may be undermined by excess deposition of dust.**	
[1092] White-clawed Crayfish (*Austropotamobius pallipes*)	To maintain the Favourable conservation condition of White-clawed crayfish in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Water quality:** At least Q3-4 at all sites sampled by EPA.	The SAC Conservation Objectives report notes that crayfish are present almost throughout the SAC. Potentially located within the Owveg river c. 394m of the proposed site. According to the Conservation Objectives report, White-Clawed Crayfish have been recorded approximately 3.7km (hydrologically) downstream of development site. **The Conservation Objectives for this qualifying interest include water**	

		quality attributes, which may be undermined by excess deposition of dust	
[1095] Sea Lamprey (*Petromyzon marinus*)	To restore the Favourable conservation condition of Sea lamprey in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Extent and distribution of spawning habitat:** No decline in extent and distribution of spawning beds. Note: Lampreys spawn in clean gravels.	The SAC Conservation Objectives report notes that upstream migration may be inhibited by artificial barriers, and that artificial barriers are currently preventing juvenile lampreys from accessing the full extent of suitable habitat. Lamprey sp. were noted within the Dinin Sub-Catchment and throughout the Nore catchment (Gordon et al, 2021). **I note that lampreys require clean gravels as part of their life cycle. Excess deposition of dust could impact on this habitat.**	
[1096] Brook Lamprey (*Lampetra planeri*) [1099] River Lamprey (*Lampetra fluviatilis*)	To restore the favourable conservation condition of Brook lamprey in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: To restore the Favourable conservation condition of River lamprey in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Extent and distribution of spawning habitat:** No decline in	Potentially located within the Owveg river approximately 394m east of development site. Lamprey sp. were noted on Dinin Sub-Catchment and throughout the Nore Catchment (Gordon et al, 2021). **I note that lampreys require clean gravels as part of their life cycle. Excess deposition of dust could impact on this habitat.**	

	extent and distribution of spawning beds. Note: Lampreys spawn in clean gravels.		
[1106] Atlantic Salmon (Salmo salar)	To restore the favourable conservation condition of Salmon in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Water quality:** At least Q4 at all sites sampled by EPA.	Potentially located within the Owveg River approximately 394m east of the development site. Salmon were noted on the Dinin Catchment and throughout the Nore catchment (Gordon et al, 2021). **The Conservation Objectives for this qualifying interest include water quality attributes, which could be negatively impacted by dust deposition.**	
[1355] Otter (Lutra lutra)	To restore the favourable conservation condition of Otter in the River Barrow and River Nore SAC, which is defined by the following list of attributes and targets: **Fish biomass Available:** No significant decline.	The National Otter Survey of Ireland 2010/12 (Reid *et al.*, 2013) report noted that the occurrence of otter within survey sites for the south-eastern river basin district was 70.8%. While no evidence of otter (including spraints and tracks) was recorded during the site assessment, Otter have been recorded in Ballyroan approximately 1.2km to the north-west of the development site according to NBDC records. **A significant impact on water quality by dust deposition could**	

		indirectly impact upon this qualifying interest by causing a reduction in prey populations and availability.	
Other QI's		**Rationale for Exclusion (as per NIS):**	
[1130] Estuaries	Not At Risk	The nearest examples of these qualifying interests are located approximately 70km (hydrologically) downstream of the development site (NPWS, 2011). Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
[1140] Tidal Mudflats and Sandflats	Not At Risk	The nearest examples of these qualifying interests are located approximately 89km (hydrologically) downstream of the development site (NPWS, 2011). Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
[1170] Reefs	Not At Risk	The nearest examples of these qualifying interests are located greater than 115km (hydrologically) downstream of the development site (NPWS, 2011). Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
[1330] Atlantic Salt Meadows (*Glauco-Puccinellietalia maritimae*)	Not At Risk	The nearest examples of these qualifying interests are located approximately 97km (hydrologically) downstream of the development site (NPWS, 2011). Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
[1410] Mediterranean salt meadows (*Juncetalia maritimi*)	Not At Risk	The nearest examples of these qualifying interests are located greater than 100km (hydrologically) downstream of the development site (NPWS, 2011). Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.	
[4030] Dry Heath	Not At Risk	The SAC Conservation Objectives report notes that the spatial extent of this habitat is currently unmapped, but is indicated as occurring on steep, free-draining river valley sides. The proposed development is located within a rural environment with agricultural lands surrounding the site and this habitat would not be expected to be present within the area.	

[6430] Hydrophilous Tall Herb Communities	Not At Risk	The SAC Conservation Objectives report notes that the distribution of this habitat within the SAC site is currently unknown, but is considered to occur at some riverside woodlands, river islands and in narrow bands along the floodplain of slow-flowing river stretches. This habitat was not observed within the proposed development boundary. Water quality is not listed as a conservation objective for this qualifying interest. It is therefore not anticipated that the development site would have the potential to adversely impact upon this qualifying interest.
[7220] Petrifying Springs	Not At Risk	The nearest example of this qualifying interest is located downstream on the River Nore (NPWS, 2011) approximately 64km south of the development site. Given the considerable hydrological distance, it is not anticipated that the development site would have direct or indirect negative impacts upon this qualifying interest.
[91A0] Old Oak Woodlands	Not At Risk	According to the SAC Conservation Objectives report, old oak woodlands are located approximately 44km south (62km hydrologically downstream near Graiguenamanagh. However, the report notes that further unsurveyed areas may be present within the SAC. Given the significant distance to this habitat, it is not anticipated that the proposed development would have a significant impact due to a deterioration in water or air quality.
[1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*)	Not At Risk	According to the SAC Conservation Objectives report, the nearest record of Desmoulin's whorl snail is located approximately 30km (hydrologically) upstream of the development site near Durrow. Owing to this distance, it is not anticipated that the development site would have the potential to adversely impact upon the Desmoulin's whorl snail.
[1103] Twaite Shad (Alosa fallax)	Not At Risk	The nearest records for Twaite Shad are located in the River Barrow approximately 14km hydrologically upstream from the confluence with River Nore. Artificial barriers block twaite shads' upstream migration, thereby limiting species to lower stretches and restricting access to spawning areas.
[6985] Killarney Fern (*Vandenboschis speciosa*)	Not At Risk	According to the SAC Conservation Objectives report, the nearest record of Killarney fern to the development site is located approximately 75km (hydrologically) downstream (near Inistioge) of the development site. Owing to this distance, it is not anticipated that the proposed development would have a significant impact due to a deterioration in water or air quality.

The above tables are based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note the relevant targets and attributes in respect of water quality and species composition, which can be impacted by dust deposition arising from the construction phase of the proposed development.

Assessment of issues that could give rise to adverse effects view of conservation objectives

During the construction phase of development there is potential for rogue dust emissions arising from the subject site. Dust is most likely to arise during earth moving activities and during periods of dry weather. Section 8.5.2 of the EIAR states that dust arising from the site has the potential to impact upon photosynthesis, respiration and transpiration process of flora by blocking leaf stomata. As is stated in Section 6.1 of the submitted NIS, dust arising from the construction phase of development would not be considered to be significant given the short duration of the works (6-months), the distances to designated sites, and the implementation of best practice mitigation measures. I consider that the small size of the subject site and the limited depth of the proposed ground works, which are required to accommodate proposed slurry tanks, reduces significantly the potential for large amounts of dust to arise. I note that it is not proposed to remove cut material from the site, and that all soils will be reused as fill. Mitigation measures proposed include measures to reduce dust arising from stockpiled materials and good housekeeping in respect of soils and materials in the yards and on public roads. It is my opinion that proposed best practice mitigation measures will reduce residual impacts arising from dust to imperceptible levels.

Drawing from this technical examination, I am confident that dust emissions arising from the proposed development will not give rise to adverse effects on habitats or species at the River Barrow and River Nore SAC in respect of its conservation objectives and targets.

In-combination effects

An assessment of in-combination effects is provided in Section 10 of the NIS, this contains details of developments recently permitted in the vicinity of the subject site and existing EPA licenced facilities within 15 km of the subject site. In combination effects on Air Quality and Water Quality are discussed in sections 10.3 and 10.4, respectively. The NIS does not specifically refer to the potential for in combination effects in respect of dust however, having reviewed the assessment of recent and licenced development provided in the NIS I note that none of these developments have, by their nature, potential to create

significant quantities of dust. From my own review of the area surrounding the subject, from the online planning register and with reference to the NIS, it is my opinion that the most significant source of dust in the vicinity of the site is the quarry to the southeast of the subject site. This quarry and concrete batching plant was registered under Ref. Ref. QY05/49 and, most recently, was amended under Reg. Ref. 12482 and extended under Reg. Ref. 13190. I consider it relevant that Section 8.86 of the EIAR submitted with Reg. Ref. 13190 states that dust levels arising from the quarry are far below the level at which significant impacts on sensitive ecosystems could arise. In addition to this, Condition 14 of Reg. Ref. 13190, Condition 6 of Reg. Ref. 12482, and Condition 5 of Reg. Ref. QY05/49 all require the implementation of dust mitigation measures at the quarry. Drawing from the above, it is evident that dust arising from the quarry is not at a level that would cause ecological disruption and is controlled and maintained at suitably low levels. It is my opinion that the implementation of best practice construction methodology in respect of dust at the subject site, in conjunction with the dust mitigation measures required at the nearby quarry, will prevent significant impacts on the River Barrow and River Nore SAC.

I am satisfied that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

I have determined that following the implementation of mitigation measures, the operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of any European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Direct and indirect impacts as a result of emissions arising from the proposed development have been ruled out on the basis of predicted dust arising during the construction phase of the proposed development in isolation and cumulatively. Best practice dust mitigation measures are proposed, which are effective and can be implemented. I note that monitoring will continue at the site in accordance with Industrial Emissions Licence (P0710-30), which was issued by the EPA in respect of the existing pig farm at the site.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the River Barrow and River Nore SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The short duration of the construction phase.
- The best practice mitigation measures proposed.
- The nature of development in the vicinity of the site, and dust mitigation employed.

Appendix 3 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	**ACP-321395-24**	**Townland, address**	Graigue, Ballinakill, County Laois
Description of project		Extend an existing pig farm consisting of five modern animal house units, three feed silo's, together with all ancillary site works. The planning application is for the purposes of an activity which operates under an industrial emissions license with the EPA (P0710-03).	
Brief site description, relevant to WFD Screening,		The site is located in a rural area characterised by agricultural and one-off rural dwellings. The eastern side of the site is currently under grass. The western side of the subject site accommodates an existing pig farm with 15 no. sheds for housing pigs at various stages, 20 no. meal bins, 1 no. storage shed and 1 no. canteen/welfare/office building. Clean surface water at the site is drained to groundwater soakaways located in the centre and in the southwest of the site, and to a surface water drain at the western site boundary. Fouled water and slurry are collected in the tanks underneath the existing sheds, except sheds 08 and 10. Potable water at the site is provided by the Ballypickas Group Scheme (90% of water used) and the existing on-site well. There are no surface water bodies at the subject site. The nearest surface waterbody to the site is the is the Owvbeg River, which is circa 450 metres to the west.	

Proposed surface water details	The proposed development will connect to the existing clean surface water collection system at the site. Fouled water and slurry will be collected in the proposed slurry tanks underneath each of the proposed animal sheds.
Proposed water supply source & available capacity	The proposed development will connect to existing mains water and will have a connection to the existing private well.
Proposed wastewater treatment system & available capacity, other issues	Workers at the proposed development will utilise the existing welfare facilities at the farm. At present, domestic foul water arising from the site is treated in a standard septic tank and percolation system.
Others?	No land spreading of slurry is proposed at the subject site. At present, slurry is collected and taken off the subject site by persons for use on their own lands as fertiliser. The proposed development will be operated in the same way.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
River Waterbody	450 m	OWVEG (NORE)_030 (IE_SE_15O010160)	Good	Not At Risk	None	Air.

Groundwater Waterbody		Killkenny-Ballynakill Gravels	Killkenny-Ballynakill Gravels IE_SE_G_163	Good	Not At Risk	None	Groundwater.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	OWVEG (NORE)_030 (IE_SE_15O010160)	groundwater	Accidental Spillages	Standard construction practice CEMP	No	Screened Out - The subject site is in an area of high subsoil permeability. The site is separated from the Owveg River and the Nore River by areas of low soil permeability.

2.	Surface	OWVEG (NORE)_030 (IE_SE_15O01 0160)	By Air - Dust	Dust emissions during earthworks causing deposition of dust to surface water.	Standard best practice measures.	No	Uncertain
3.	Ground	Killkenny-Ballynakill Gravels IE_SE_G_163	Groundwater	Accidental Spillages	Standard construction practice CEMP	No	Screened Out - The subject site is in an area of high subsoil permeability. The site is separated from the Owveg River and the Nore River by areas of low soil permeability.
OPERATIONAL PHASE							
3.	Surface	OWVEG (NORE)_030 (IE_SE_15O01 0160)	By air – Ammonia and Nitrogen deposition	Changes in water chemistry, species composition or direct mortality.	Built into the design of the animal sheds (shallow pit slurry storage and heights and location of	No	Screened out - The Ammonia Impact Assessment submitted with the application concludes that emissions arising from the proposed development, even when considered a new development in the first instance rather than an extension of an existing farm, are under EPA limits for ammonia and nitrogen.

					mechanical air vents)		
4.	Ground	Killkenny-Ballynakill Gravels IE_SE_G_163	The ground will be sealed	Spillages	Surface water features. Standard best Practice Housekeeping.	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	**Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water**	**Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Objective 3:Surface Water** **Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and**	**Objective 4: Surface Water** **Progressively reduce pollution from priority substances and cease or phase out emission,**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a**

			good surface water chemical status	**discharges and losses of priority substances**	**derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Dust Deposition	Implementation of best practice construction methodology as per the NIS, EIAR and CEMP (see conditions 2 and 3 of the PA Notification of decision).	Implementation of best practice construction methodology as per the NIS, EIAR and CEMP (see conditions 2 and 3 of the PA Notification of decision).	N/A	N/A	Yes
Details of Mitigation Required to Comply with WFD Objectives					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	**Objective 1: Groundwater** **Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**Objective 2 : Groundwater** **Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**Objective 3:Groundwater** **Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**		**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**

Construction works	Site specific construction mitigation methods. Will form part of the CEMP (see Condition 3 of the PA notification of decision)	Site specific construction mitigation methods. Will form part of the CEMP (see Condition 3 of the PA notification of decision)	N/A	Yes