



An
Bord
Pleanála

Inspector's Report ABP-321676-25

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| Development | Construction of a new pig fattening shed including effluent tank and all associated ancillary works. The facility has an existing IPPC Licence under reg. no. P0489-01. |
| Location | Rosderra Farms, Barnlough, Bansha, Co. Tipperary. |
| Planning Authority | Tipperary County Council |
| Planning Authority Reg. Ref. | 2460187 |
| Applicant(s) | Rosderra Farms UC |
| Type of Application | Permission |
| Planning Authority Decision | Grant subject to conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Peter Sweetman |
| Observer(s) | None |
| Date of Site Inspection | 28 th March 2025 |
| Inspector | Ciara McGuinness |

1.0 Site Location and Description

- 1.1. The site is located in a rural area in the townland of Barnlough, c2.7km to the south of Bansha. The site is within a long-established piggery on an existing hard stand area to the rear of the pig farm. There are several other pig sheds within the farm laid out in an orderly form in a northeast/southwest direction. The site is confined to the footprint of the proposed shed. The site is accessed from the L-8318-0 Local Road, via private road c.700m in length. The surrounding area is predominantly agricultural land with a significant amount of one-off housing. The site is located in the Glen of Aherlow which runs between the Galtee Mountains and Slievenamuck. The River Aherlow is c.750m to the south of the site. The East Ballinlough Stream is located on the western boundary of the farm.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new pig fattening shed including effluent tank and all associated ancillary works. The proposed building has a floor area of 551.06sqm and a height of 5.35m. An effluent tank of 1411m³ is proposed.
- 2.2. The proposed development is intended to provide enhanced animal welfare (increased floor space per pig) to ensure maximum efficiency and to comply with animal welfare requirements.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 20th December 2024, subject to 6 no. of conditions. Conditions were of a standard nature.

Condition 2 states that this grant of permission does not authorise an increase in stocking rates above that previously permitted for this facility.

Condition 3 requires uncontaminated surface water runoff from roofs and clean areas to be collected and disposed of separately from farmyard materials.

Condition 4 requires the finishes of the roof and side cladding to match the existing complex.

Condition 5 relates to construction management and hours of work.

Condition 6 requires payment of a financial contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report (dated 07/05/2024) notes that the proposed development is located within a long-established piggery on an existing hardcore area. The proposal is considered to be acceptable in principle subject to procedural and standard planning requirements being complied with. The building is acceptable from a design perspective and is grouped together with the existing piggery units on the landholding. The closest dwelling is c.700m. The Environment Section has not received complaints regarding odour nuisances, and it is not considered that the additional building will compound any existing on-site odours. There are no archaeology or flood risk issues.

Further information was requested in relation to the following;

- Overall stocking numbers, farmyard manure generated (including calculations) and land spread locations in addition to area of land spread available.
- Submit an AA Screening
- Submit an EIA Screening

The Further Information response notes that stocking numbers are currently operating in line with the planning history on site (EIA completed under PA Reg Ref No 99/765) and EPA license. The development will be provided for animal welfare purposes and will not result in an increase in stocking numbers. An AA Screening Report and EIA Screening report were also submitted. The Planning Authority is satisfied that the proposed development does not require EIA or a Stage 2 Appropriate Assessment. A grant of permission is recommended.

3.2.2. Other Technical Reports

District Engineer – All resulting surface water run off arising from the development shall not be permitted to discharge onto the public road or adjoining properties.

Environment – The Environment & Climate Action section is recommending this proposal to be granted planning permission with conditions attached that require the proposed development to be constructed to DAFM specifications.

3.3. Prescribed Bodies

EPA - There was a report received from the EPA post issue of the Further Information Request stating;

There is no reference in the site drawings or application documents which outline how slurry and wash water from the new house will be managed on site i.e. below ground slatted tanks, above ground storage tank or an alternative method. It should be noted that Commission Implementing Decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (notified under document C(2017) 688), has specific requirements in relation to the installation of new pig housing and associated tanks and/or leak detection units.

I note that details of the underground tank in addition to the connection point to the existing slurry collection system is shown on the submitted drawings.

3.4. Third Party Observations

A third-party submission was received from Mr. Peter Sweetman. The submission notes the Planning Authority's has 4 no. legal tasks to carry out under the Planning and Development Act 2000 (as amended), Environmental Impact Assessment Directive, Habitats Directive and Water Framework Directive. Reference is made to CJEU rulings in cases 232/17, 258/11, 293/17 and 294/17. The submission states that as the development is within the zone of influence of the Lower River Suir SAC, Appropriate Assessment is required.

4.0 Planning History

PA Reg Ref 01536 – Permission granted for the erection of a milking parlour and dairy and to convert existing milking parlour to dry goods store.

PA Reg Ref 99765 - Permission granted for the erection of 4 no. pig buildings, 4 no. feed bins, 1 no. office/canteen house and septic tank and the installation of a new borehole for water supply.

PA Reg Ref P310355 – Permission granted for an existing pig fattening farm development.

PA Reg Ref P310354 – Permission granted for the construction of 4 no weaner units, store and storage tank.

PA Reg Ref P3546 – Permission granted for an extension at Pig fattening unit

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

- 5.1.1. Section 8.4.1 of the Development Plan deals with Agriculture and Horticulture and states that the Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology.

The following policies are considered relevant;

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

Planning Policy 11-1 In assessing proposals for new development to balance the need for new development with the protection and enhancement of the natural environment and human health. In line with the provisions of Article 6(3) and Article 6 (4) of the Habitats Directive, no plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European 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 be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects)

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

- 5.1.2. The site which is located in the Glen of Aherlow Primary Amenity Area, which is an area notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities.

The following policy is considered relevant;

Planning Policy 11 - 17 Ensure the protection of the visual amenity, landscape quality and character of designated 'Primary' and 'Secondary' amenity areas. Developments which would have a significant adverse material impact on the visual amenities of the area will not be supported. New development shall have regard to the following:

- a) Developments should avoid visually prominent locations and be designed to use existing topography to minimise adverse visual impact on the character of primary and secondary amenity areas.
- b) Buildings and structures shall integrate with the landscape through careful use of scale, form and finishes.
- c) Existing landscape features, including trees, hedgerows and distinctive boundary treatment shall be protected and integrated into the design proposal.

5.2. **National Policy**

- Climate Action Plan
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025

- Department of Agriculture, Food and the Marine's Food Vision 2030
- Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3. **Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

5.4. **Other Guidance**

- European Commission's 'Farming for Natura 2000, Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)
- S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

5.5. **Natural Heritage Designations**

Lower River Suir SAC (Site Code 002137) - c.650m to the south of the site

Galtee Mountains SAC (Site Code 000646) - c3.4km to the southwest of the site

5.6. **EIA Screening**

- 5.6.1. The applicant has submitted a Screening Report for Environmental Impact Assessment with the application addressing issues included for in Schedule 7A of the 2001 Regulations.
- 5.6.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 2 of this report). I have had regard to the information provided in the applicant's EIA Screening Report and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIA Screening

Report identifies and describes adequately the effects of the proposed development on the environment.

5.6.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

5.6.4. This conclusion is based on regard being had to:

1. the criteria set out in Schedule 7, in particular
 - a. the limited nature and scale of the proposed development, in an established pig farm
 - b. the absence of any significant environmental sensitivity in the vicinity,
 - c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including;
 - the Appropriate Assessment Screening Report, the findings of the Local Authority that the distance between the development site and any European Sites, and the very weak and indirect ecological pathway is such that the development will not result in any likely changes to the European sites that comprise part of the Natura 2000 network in the Lower River Suir SAC. Appropriate Assessment is not required.
 - the Appropriate Assessment (Natura Impact Report) of the Tipperary County Development Plan, 2022 to 2028;
 - the EIA Screening Report, the findings of the Local Authority that having regard to the criteria in Schedule 7 and the information provided in accordance with Schedule 7A, the proposal does not include for an increase in stock numbers above that existing, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required

- the Strategic Environmental Assessment (SEA) of the Tipperary County Development Plan, 2022 to 2028.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment as outlined in the EIA Screening Report.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a third-party appeal by Peter Sweetman against Tipperary County Council's decision to grant permission. The grounds of appeal are summarised as follows;

- The Planning Authority failed to carry out an Appropriate Assessment according to the law as set out in paragraph 44 of the CJEU Case 258/11 - *'So far as concerns the assessment carried out under Article 6(3) of the habitats Directive, it should be pointed out that it cannot have lacunae and must contain, complete, precise and definite findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.'* Tipperary County Council does not have legal jurisdiction to give permission if this standard is not met.

6.2. Applicant Response

The applicant's response is summarised as follows;

A letter from CLW Environmental Planners Ltd has set out the following;

- The application and further information documentation demonstrate a complete and thorough assessment of the proposed development and its potential impacts.
- Tipperary County Council completed an appropriate and thorough examination of the application, as comprehensively outlined in the Planner's Report.

A letter from Whitehill Environmental, authors of the submitted AA Screening Report, sets out the following;

- The development was assessed in terms of the potential significant effects that may arise on Natura 2000 sites within the Zone of Influence.
- A watercourse known as the East Ballinlough Stream is located on the western boundary of the farm. This watercourse flows into the River Aherlow which is c.700m south of the site. The EPA have classed the ecological status of both these watercourses at points close to the application site as having 'good status'.
- In 2023, the EPA recorded a Q value of 4-5 (indicative of high ecological status) in the Aherlow River downstream of the proposed development. Therefore it can be concluded that the operation of the farm is not having a negative impact on water quality in the Aherlow River.
- Considering the distance from the proposed construction works to the East Ballinlough Stream (140m), it can be concluded that run off from the construction works will not be mobilised towards the stream and there will be no significant effects on the QIs of the Lower River Suir SAC.
- The operation of the shed will not give rise to an increase in stock, slurry or atmospheric emissions.
- It can be concluded that neither the construction or operation of the proposed development will give rise to significant effects upon the Lower River Suir SAC. It is considered that the AA passes the threshold as defined in Paragraph 44 of the CJEU Case 258/11.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on the planning file, having carried out an inspection of the site, and having regard to relevant local and national planning policies and guidance, I consider that the main issue on this appeal relates to the issue raised by the third-party appellant in respect of Appropriate Assessment.
- 7.2. Notwithstanding the narrow grounds of appeal submitted by the appellant, I have proceeded to carry out an assessment of the development proposed. I have examined the application details and all other documentation on file, inspected the site, and had regard to relevant local, regional and national policies and guidance. Having regard to Section 8.4 and Policy 10-3, I consider the proposed development to be in accordance with the provisions of the Tipperary County Development Plan 2022-2028 and, therefore, acceptable in principle.
- 7.3. The scope of this application relates to works within the Red Line Boundary and in this regard the Board should note that the carrying out of land spreading does not form part of this application. The proposed development is within an existing agricultural farmland. There is no increase in stock numbers arising from the proposed development.
- 7.4. I note that no third-party observations have been received from nearby residents. I do not consider that any residential amenity issues arise from the proposed development. I do not consider that the proposed development would generate any additional operational traffic. I would note that the proposed shed is of a standard agricultural design. I note that the site is within Glen of Aherlow Primary Amenity Area. In terms of visual impact, the site is well set back from public roads. The proposed shed is of similar scale, height and materials to the existing sheds, and will not be out of character with the existing development.
- 7.5. Surface water proposals have been adequately demonstrated. Clean surface water from the roof is proposed to be piped to the existing onsite soakpit system. All effluent from the shed will be discharged into the underground effluent tank. The EPA classified the ecological status of the East Ballinlogh River and the Aherlow River (Aherlow_070) at points close to the application site as 'good status'. In 2023, the EPA recorded a Q value of 4-5 (indicative of high ecological status) in the

Aherlow River downstream of the proposed development. The EPA status/value indicates that the operation of the farm is having no negative impact upon the water quality of the River Aherlow. Based on the proposals submitted, I do not consider the proposal would not cause a deterioration of water quality within water bodies adjacent to the development, nor would the proposal result in a change to the existing 'good status'.

- 7.6. Overall, I am satisfied that the proposed development would not seriously injure the visual or residential amenity of the area and would be acceptable in terms of public health and traffic.
- 7.7. The above assessment represents my de novo consideration of all planning issues material to the proposed development. I have considered the issue of Appropriate Assessment below in Section 8 and Appendix 3.

8.0 AA Screening

- 8.1.1. See Appendix 3 of this report for Appropriate Assessment 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Suir SAC (002137) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.1.2. This determination is based on:
- The nature and scale of the development proposed,
 - Distance from and indirect connections to the European sites,
 - Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
 - Scientific Information provided in the Screening Report

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

I recommend that permission be GRANTED for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established pig farm, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 25th day of November 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 grant of permission does not authorise an increase in stocking rates above that previously permitted for this facility.

Reason: To clarify the terms of this permission.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.

4. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The landspreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations.

Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

Reason: In order to avoid pollution and to protect residential amenity.

5. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health

6. 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 Bord 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ciara McGuinness
Planning Inspector

10th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

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| An Bord Pleanála Case Reference | 321676-25 | | |
| Proposed Development Summary | The construction of a new pig fattening shed including effluent tank and all associated ancillary works. The facility has an existing IPCC License under reg no. P0489-01. | | |
| Development Address | Rosderra Farms, Barnlough, Bansha, Co. Tipperary. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes ✓ | Tick if relevant and proceed to Q2. |
| | | No | Tick if relevant. No further action required |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | ✓ | Schedule 5 Part 1 Class 17. Installations for the intensive rearing of poultry or pigs with more than- (b) 3,000 places for production pigs (over 30 kilograms), or (c) 900 places for sows. Class 22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex Schedule 5 Part 2 Class 1. <i>Agriculture, Silviculture and aquaculture</i> Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit. Class 13(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to | Proceed to Q3. |

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| | | in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater | |
| No | | | Tick if relevant. No further action required |
| 1. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | ✓ | The proposed development, which will improve the welfare of the existing pig stock, will result in 0 additional pigs and therefore does not equal or exceed the relevant threshold. | Proceed to Q4 |
| 2. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | The proposed development, which will improve the welfare of the existing pigs stock, will result in 0 additional pigs and therefore is below the relevant threshold. | Preliminary examination required (Form 2) |

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| 3. Has Schedule 7A information been submitted? | | |
| No | | Screening determination remains as above (Q1 to Q4) |
| Yes | ✓ | Screening Determination required |

Inspector: _____ Date: _____

Appendix 2 - EIA Screening Determination Form

| A. CASE DETAILS | | |
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| An Bord Pleanála Case Reference | 321676-25 | |
| Development Summary | Construction of a new pig fattening shed including effluent tank and all associated ancillary works. The facility has an existing IPPC Licence under reg. no. P0489-01. | |
| | Yes / No / N/A | Comment (if relevant) |
| 1. Was a Screening Determination carried out by the PA? | Yes | Screening Determination (Form 3) attached to Planners Report which concluded that an EIAR was not required. |
| 2. Has Schedule 7A information been submitted? | Yes | Environmental Impact Assessment Screening Report (containing the information specified in Schedule 7A) prepared by C.L.W. Environmental Planners is submitted. |
| 3. Has an AA screening report or NIS been submitted? | Yes | AA Screening Report prepared by Whitehill Environmental is submitted. |
| 4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR? | No | The facility has an existing IPPC Licence under reg. no. P0489-01. |

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| 5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | Other Assessments carried out include: <ul style="list-style-type: none"> • Environmental Impact Assessment Screening Report • Appropriate Assessment (Habitats Directive) Screening Report SEA was undertaken by Tipperary County Council in respect of the Tipperary Development Plan 2022-2028. | |
| B. EXAMINATION | Yes/ No/ Uncertain | Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect. | Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain |
| This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith | | | |
| 1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning) | | | |
| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment? | No | The farm is an existing, long established EPA licensed pig farm. The application relates to additional pig housing, to comply with animal welfare requirements requiring increased space allowances per animal, with no intensification of previously authorised activities. An Environmental Impact Assessment (EIA) has previously been completed for this farm in 1999. The sow numbers as currently operating (1000 sows integrated) are in line with this EIA, the | No |

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| | | permission and EPA licence as granted on the farm. | |
| 1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)? | No | The site is within the existing pig farm. The footprint of the site consists of built surfaces, and is surrounded by the existing pig houses. The proposed development will not cause physical changes to the locality. | No |
| 1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | Yes | Standards construction methods, materials and equipment will be used for the construction of the project. The main inputs into the running of the farm are feed, water and energy. The use of natural resources (land, soil and water) as a result of the development of the site are not regarded as significant in nature. | No |
| 1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment? | Yes | Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of standard measures typically outlined in a Construction and Environmental Management Plan (CEMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated. | No |
| 1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances? | Yes | The main wastes produced on site are animal tissues/carcasses and general/mixed waste. All waste produced will continue to be removed to/by authorised and registered contractors and only to approved sites, in line with relevant legislation and EPA licence requirements. There will be no increase in the volume of waste | No |

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| | | products to be produced as there is no intensification of activity on the farm. | |
| 1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | Yes | There will be no process discharge to ground. The development will use mass storage tanks completed to DAFM specifications with storm and soiled water separation and collection facilities. Operation of the standard measures typically listed in a Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages. The risk of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project likely to result in a significant effect on the environment. | No |
| 1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | Yes | There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CEMP. The operational phase of the project will not give rise to an increase in stock numbers which could cause an increase in noise or vibrations. | No |
| 1.8 Will there be any risks to human health, for example due to water contamination or air pollution? | Yes | As there is no increase in stock numbers there will be no increase in gaseous emissions. Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP would satisfactorily address potential risks on human health. The risk of water contamination is mitigated and managed, as outlined in Q1.6 above. | No |

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| 1.9 Will there be any risk of major accidents that could affect human health or the environment? | Yes | No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site not within the consultation/public safety zones for Seveso/COMAH sites. | No |
| 1.10 Will the project affect the social environment (population, employment) | Yes | The proposed development will result in a temporary localised increase in population and increase in employment during construction. | No |
| 1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment? | No | The proposed development relates to additional pig housing, to comply with animal welfare requirements requiring increased space allowances per animal, with no intensification of previously authorised activities. The project is not part of a wider large scale change that could result in cumulative effects on the environment. | No |
| 2. Location of proposed development | | | |
| 2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective | Yes | The site is not located in, on or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection. The Lower River Suir is c.650m to the south of the site and the Galtee Mountains SAC is c3.4km to the southwest. An Appropriate Assessment Screening is provided in support of the Application. The Applicant's Appropriate Assessment Screening concludes that AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in | No |

| | | | |
|--|-----|--|----|
| of a development plan/ LAP/ draft plan or variation of a plan | | combination with other plans or projects, will not have a significant effect on any European sites. | |
| 2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project? | No | The site is not under any wildlife or conservation designation. The site encompasses a small area within the existing pig farm complex. The site consists of built surfaces and is surrounded by existing pig houses. Any protected, important or sensitive species of flora or fauna which use areas around the site, are not likely to be affected by the project. | No |
| 2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected? | Yes | The site is located within the Glen of Aherlow Primary Amenity Area as outlined in Figure 11.1 of the Tipperary County Development Plan. The development will be integrated into the existing pig farm and will not be unduly visible or have any adverse impact from any advantage point. There are no features of historic or archaeological importance on or within the vicinity of the site. | No |
| 2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals? | No | There are no such resources on or close to the site. | No |
| 2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk? | Yes | There are no watercourses at or adjacent to the site. There will be no process discharge to ground. The development will use mass storage tanks completed to DAFM specifications with storm and soiled water separation and collection facilities. Operation of the standard measures typically listed in a Construction Environmental | No |

| | | | |
|---|----|--|----|
| | | Management Plan, will satisfactorily mitigate emissions from spillages. It is not anticipated that there will be adverse effects in any water resources in the vicinity of the proposed development. | |
| 2.6 Is the location susceptible to subsidence, landslides or erosion? | No | The development relates to an existing pig farm, on a built surface area. There is no evidence identified of these risks. | No |
| 2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | No | The site is accessed via a private road c.700m from the L-8318-0 Local Road. There are no key transport routes such as National Primary Roads on or around the proposed development location which are susceptible to congestion or which cause environmental problems, which could be affected by the project. | No |
| 2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project? | No | The site is located in a rural area removed from any existing sensitive land uses or community facilities. | No |
| 3. Any other factors that should be considered which could lead to environmental impacts | | | |
| 3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? | No | There will be no intensification of activities, increase in stock numbers or any associated levels of resource use or wastes/by-products produced. The development would not have an adverse effect when assessed individually. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects within the project. | No |

| | | | |
|---|----|--|----|
| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | No | There are no transboundary effects associated with the proposed development. | No |
| 3.3 Are there any other relevant considerations? | No | No | No |

C. CONCLUSION

| | | |
|--|-------------------------------------|-------------------|
| No real likelihood of significant effects on the environment. | <input checked="" type="checkbox"/> | EIAR Not Required |
| Real likelihood of significant effects on the environment. | <input type="checkbox"/> | EIAR Required |

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development, in an established pig farm
 - (b) the absence of any significant environmental sensitivity in the vicinity,
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including;
 - the Appropriate Assessment Screening Report, the findings of the Local Authority that the distance between the development site and any European Sites, and the very weak and indirect ecological pathway is such that the development will not result in any likely changes to the European sites that comprise part of the Natura 2000 network in the Lower River Suir SAC. Appropriate Assessment is not required.
 - the Appropriate Assessment (Natura Impact Report) of the Tipperary County Development Plan, 2022 to 2028;

- the EIA Screening Report, the findings of the Local Authority that having regard to the criteria in Schedule 7 and the information provided in accordance with Schedule 7A, the proposal does not include for an increase in stock numbers above that existing, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact report is not therefore required
- the Strategic Environmental Assessment (SEA) of the Tipperary County Development Plan, 2022 to 2028.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment as outlined in the EIA Screening Report.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3 – Screening for Appropriate Assessment

| Screening for Appropriate Assessment Test for likely significant effects | |
|---|---|
| Step 1: Description of the project and local site characteristics | |
| Brief description of project | Construction of a new pig fattening shed including effluent tank and all associated ancillary works. The facility has an existing IPPC Licence under reg. no. P0489-01. |
| Brief description of development characteristics and potential mechanisms of site and impact | <p>Permission is sought for the construction of a new pig fattening shed including effluent tank and all associated ancillary works. The proposed development is located within an existing, well-established pig farm. The proposed development is intended to provide enhanced animal welfare (increased floor space per pig) to ensure maximum efficiency and to comply with animal welfare requirements.</p> <p>The proposed shed will be located on a hard stand area.</p> <p>Clean surface water from the roof is proposed to be piped to the existing soakpit network. All effluent from the shed will be discharged into the underground effluent tank.</p> <p>The River Aherlow is c.750m to the south of the site. The East Ballinlough Stream is located on the western boundary of the farm c.150m to the west of the proposed development. Established farm buildings and forestry separate the proposed development site from this watercourse.</p> |
| Screening report | <p>A Screening Report prepared by Whitehill Environmental has been submitted by the applicant.</p> <p>Tipperary County Council Screened out the need for Appropriate Assessment</p> |
| Natura Impact Statement | No |
| Relevant submissions | None |
| | |

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

The European sites potentially within a zone of influence of the proposed development are listed in the table below. The screening report submitted by the applicant and the Planning Authority have considered the same 3 no. sites in their screening.

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
|-------------------------------|---|---|---|---|
| Lower River Suir SAC (002137) | ConservationObjectives.rdl | 650m | The East Ballinlough Stream is located on the western boundary of the farm, which flows into the River Aherlow to the south which forms part of the Lower River Suir SAC. | Y |
| Galtee Mountains SAC (000646) | ConservationObjectives.rdl | 3.4km | No known connection | N |
| Moanour Mountain SAC (002257) | ConservationObjectives.rdl | 13.4km | No known connection | N |

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

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|--|--|--|
| | Impacts | Effects |
| Site 1: Lower River Suir SAC (002137) Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Water courses of plain to montane levels with | Direct: None Indirect: Localised, temporary, low magnitude impacts from noise, dust and construction related | During construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water. The scale and nature of the development and the contained nature of the site and distance from receiving features, along with the use of standard best practice construction |

| | | |
|---|--|---|
| <p>the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> | <p>emissions to surface water during construction.</p> | <p>techniques make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. The separation distance and existing built form between the proposed building works and water course to the west of the site offers a considerable buffer area to ensure the water quality will not be impacted upon during the proposed construction works.</p> <p>At operational stage, I note that the development seeks to dispose of roof water to an existing soakpit system within the site. All effluent from the shed will be disposed of via the underground effluent tanks. With regards to the effluent tanks, I note that these will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. Furthermore, I note that the application of fertilisers are regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5- 10 metres of a watercourse following the opening of the spreading period. I note that an Appropriate Assessment was completed as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022, and concluded that the programme would not adversely affect the integrity of any European Site.</p> <p>Notwithstanding this, the Board should note that the carrying out of landspreading does not form part of this application.</p> |
|---|--|---|

| | | |
|---|--|--|
| | | <p>The application has indicated that current livestock numbers will not be increased, and the proposed development is to afford adequate space for existing livestock on the existing farm.</p> <p>The EPA classified the ecological status of the east Ballinlogh River and the Aherlow River (Aherlow_070) at points close to the application site as 'good status'. In 2023, the EPA recorded a Q value of 4-5 (indicative of high ecological status) in the Aherlow River downstream of the proposed development. The EPA status/value indicates that the operation of the farm is having no negative impact upon the water quality of the River Aherlow. Based on the proposals submitted, I do not consider the proposal would not cause a deterioration of water quality within water bodies adjacent to the development, nor would the proposal result in a change to the existing 'good status'.</p> |
| | Likelihood of significant effects from proposed development (alone): No | |
| | If No, is there likelihood of significant effects occurring in combination with other plans or projects? No | |
| Step 4 Conclude if the proposed development could result in likely significant effects on a European site | | |
| <p>I conclude that the proposed development alone would not result in likely significant effects on Lower River Suir SAC (002137). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p> | | |
| Screening Determination | | |
| Finding of no likely significant effects | | |
| <p>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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Suir SAC (002137) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.</p> | | |

This determination is based on:

- The nature and scale of the development proposed,
- Distance from and indirect connections to the European sites,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- Scientific Information provided in the Screening Report

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.