OFFALY COUNTY COUNCIL

PLANNING REPORT

PL REF. NO:	**PL2 15/2**
APPLICANT:	ROSDERRA FARMS
LOCATION:	ARDRA, BRACKNAGH, CO. OFFALY
PROPOSAL:	(A) DEMOLITION OF 10 NO. EXISTING PIG HOUSES, AND, (B) CONSTRUCTION OF 2 NO. PIG HOUSES, AND, EXTENSIONS TO 2 NO. EXISTING STRUCTURES TO FORM PIG HOUSE NO. 3, TOGETHER WITH ALL ANCILLARY STRUCTURES (TO INCLUDE MEAL STORAGE BINS, STORAGE TANKS, STORMWATER ATTENUATION TANK) AND ALL ASSOCIATED SITE WORKS ON THE SITE OF AN EXISTING PIG FARMING ENTERPRISE. THIS APPLICATION RELATES TO A DEVELOPMENT, WHICH IS FOR THE PURPOSES OF AN ACTIVITY REQUIRING AN INTEGRATED POLLUTION PREVENTION AND CONTROL (I.P.P.C.) LICENCE UNDER PART IV OF THE ENVIRONMENTAL PROTECTION AGENCY (LICENSING) REGULATIONS 1994 TO 2013. AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) HAS BEEN SUBMITTED WITH THIS PLANNING APPLICATION
RECOMMENDATION:	**Request further information**
DECISION DUE DATE:	26/02/2015

BRIEF DEVELOPMENT DESCRIPTION:

Redevelopment of existing piggery from 550 sow integrated unit to 1250 sow breeding unit. It involves demolishing 10 existing pig houses and constructing two pig houses and extending two existing structures to form a pig house. The application includes an EIS.

BRIEF SITE DESCRIPTION:

The site is situated in the countryside of county Offaly. The site consists of a hedgerow along the front boundary and flat land.
Roadway Type bounding site: Local

RELEVANT PLANNING HISTORY:

88/272 GERRY FENNELL granted PIG PRODUCTION UNIT AND NEW SEPTIC TANK

92/205 MASTER PORK PACKERS LTD granted RETENTION OF PIG REARING AND FATTENING UNIT
95/275 MASTER PORK PACKERS granted RETENTION OF PIG FARM, ALTER UNITS C AND D TO A SLATTED SYSTEM AND PROVIDE ADDITIONAL WASTE STORAGE

PRE-PLANNING CONSULTATIONS:
Meetings were held with the applicants where it was considered that the principal of the development was acceptable.

INTERNAL REPORTS:

Area Engineer:	No objections subject to conditions.
Environment and water services:	No objections subject to conditions. I note an EIA report on various topics regarding this application.
Roads report:	No objections.
CFO:	Application was referred

PRESCRIBED BODIES:

Waterways Ireland:	Application was referred
OPW:	Application was referred
Inland Fisheries Ireland:	Application was referred
EPA:	Notes the EIS appears to address the key points which come within the functions of the agency.
Department of Arts Heritage and the Gaeltacht:	Requests further information.
Barrow Drainage Board:	Application was referred

SITE NOTICE
The Area Engineers report notes the site notice was on site during the requisite period and was visible and legible as required by articles 19 and 20 of the planning and developments regulations as amended.

REGIONAL IMPACTS
The development subject of this application is not contrary to the Midland Regional Planning Guidelines and so it was not referred to the Midland Regional Authority.

IPPC licence
I note that the proposed development while originally requiring an IPPC licence now requires an Industrial Emissions Directive (IED) activity licence. The planning regulations require advertisement where a development requires a waste licence or an IPPC licence.

3RD PARTY OBSERVATIONS:
None received.

INFRASTRUCTURE SERVICES:

WATER: New well
SURFACE WATER: Watercourse

ASSESSMENT:
I have inspected the site and considered the plans and particulars submitted with the application and all internal reports and submissions from prescribed bodies. I propose to assess this application under the following headings:

- Development Plan Standards/Policies
- Environmental Impact Assessment
- IPPC licence
- Roads and Traffic Safety
- Public Health & Services
- Flood Guidelines
- Appropriate assessment

Development Plan Standards/Policies
The following issues are of relevance in determining this application.

RDP-01 It is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community.

RDO-04 It is an objective of the Council to ensure that all agricultural activities adhere to any legislation on water quality and biodiversity e.g. Phosphorus Regulations, Water Framework Directive, Nitrates Directive and Habitats Directive.

8.12 Agricultural Development Agricultural buildings and associated works, while accepting the need to be functional, are required to be sympathetic to their surroundings, in terms of scale, materials, finishes, and siting. Agricultural developments should be designed in accordance with the standards of the Department of Agriculture Food and Marine. In assessing planning applications for agricultural development the Council will have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2006. It is essential that applications for agricultural developments make provision for the satisfactory

collection, storage, distribution and disposal of waste generated by the proposed development. Proposals for Agricultural Developments should refer to:

- DAFM website: Farm Building and Structures Specifications;
- PL 6 - Agricultural & Farm Development - The Planning Issues DEHLG, 2002

The development is in accordance with these policies.

Environmental Impact Assessment

Reason for EIS:

The proposed development requires an EIS as it exceeds a threshold set out in Schedule 5 of the Planning & Development Regulations 2001, namely;

Part two class 1 (e) (ii)

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.

Adequacy of EIS:

A non-technical summary is included as required by legislation.

Alternatives:

Alternative processes and management of by-products are considered in section five of the EIS.

The EIS satisfies Schedule 6 of the Planning and Development Regulations 2001 in relation to the 'information to be contained in an EIS', as it includes a description of, the proposed development, the existing environment, the likely significant impacts and the mitigation measures. An indication is made of 'any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information' in section 4.13 of the EIS. It notes there were no particular difficulties. The EIS assesses the construction and operation impacts of the proposed development.

EIA Report:

The following constitutes the EIA Report and identifies the *likely significant* effects (direct and indirect) of the proposed development on the environment and accompanying mitigation measures:

1. Human Beings / Human Environment

Effects:

Positive effects are that the development will directly employ 6 and indirectly employ15 people.

2. Fauna & Flora (Ecology)

farm. In Section 7.2 (b) of EIS it is expected there will be little or no impact to groundwater during landspreading of the pig slurry at the customers farmers.

Effect:
The potential for leakage from the underground effluent storage tanks into an aquifer.

Mitigation:

- The proposed structures will be constructed in accordance with Department of Agriculture, Food and the Marine specifications for farm buildings and storage units.
- Installation of leak detection systems underneath the proposed slurry storage tanks, including regular monitoring of those inspections points.
- The facility will be providing slurry storage capacity for approximately 19 months, this is in excess of the required 26 weeks storage as outlined in Article 10 (1) of S.I. No. 31 of 2014.
- Collection of all soiled water in the effluent storage tanks.
- During the movement of livestock on site, it will occur along slatted passageways with the effluent storage tanks underneath to collect all organic material.
- Installation of storm water attenuation to control storm water discharges from the facility.
- All over-ground storage tanks will be bunded.
- Installation of a collection and concrete apron at the slurry fill points to collect any spills or leaks during the collection of slurry for off-site use.
- The finished floor level of the replaced buildings and structures will be 1.8 metres above the existing floor levels and the proposed floor level will be constructed approximately 1.3 metres – 0.7 metres above estimated 1 in 100 years and 1 in 1000 years flood levels, respectively.

Effect:
Potential risk of water pollution of groundwater from pig slurry

Mitigation:

- Customers will be advised by the applicant of their obligations to adhere to Nitrates Directive with regards to preserving the specified buffer zones and prohibited land spreading periods.
- The finished floor level of the replaced buildings and structures will be 1.8 metres above the existing floor levels and the proposed floor level will be constructed approximately 1.3 metres – 0.7 metres above estimated 1 in 100 years and 1 in 1000 years flood levels, respectively.

5. Noise & Vibration

Noise

In Section 7.7 of the EIS, it considers the operational activities on the site will not give rise to noise levels that may cause any significant impact on the local environment. This assumption is based on noise monitoring carried out on larger

Issues raised by the Department of Arts Heritage and the Gaeltacht need to be addressed. Please see appropriate assessment section of this report.

3.- Soils & Geology

In Section 7.1(a) Site and Immediate Area: it is stated the proposed development will have significant effect on the soil during the development. In section 7.1(b) Customer farmlands it mentioned there will be an impact to the soils during the application of the livestock manure from the facility.

Effect:
Section 7.1(a) of EIS states the excavation of the area for the re-development and clearing of the site for the installation of the underground manure storage tanks.

Mitigation:

- The material excavated from the site will be used as part of the amelioration works to be carried out at, and/or, around the site, or elsewhere on the farm.

Effect:
Section 7.1(b) of EIS indicates the potential impacts to the soil will occur during the land spreading of pig fertiliser. These impacts are:
a) Hydraulic loading
b) Chemical loading
c) Soil structure damage

Mitigation:

- The rate of application for organic fertilisers will be restricted to 40m3per hectare.
- Pigs slurry will not be applied on steeply sloping lands
- Strict adherence to the specified buffer zones, application rates, ground and weather conditions at the time of application.
- In relation to chemical loading of the soils, this development proposes to promote nutrient substitution rather than addition. All organic fertiliser from this development will be allocated for use in accordance with S.I. No. 31 of 20141, thus avoiding over enrichment of the farmland areas with nutrients.
- Customer farmers will be advised that the application of organic fertiliser to farmland should not occur during the restricted period of 15th October – 12th January (Offaly) or other such dates as specified in SI 31 of 2014 or when soils become waterlogged, and/or ground conditions are unsuitable.

4.Water (Hydrology & Hydrogeology)
Groundwater

In Section 7.2(b) of EIS, states the main threat to ground water in the vicinity of the pig farm is from the storage of relatively large volumes of animal manures on the

[1] European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014.

facilities operated by the applicant. It does expect however on a short term basis there will be noise emissions due to construction work.

Effect:
Possible increased noise emissions from the site during construction of new sheds.

Mitigation:
- The remote location of the site will ensure it will not cause a nuisance.
- Construction works will occur during normal working hours.

6. Waste Management
Effect:
Potential for disease outbreak from carcasses and veterinary waste.
Mitigation:
- Waste will be disposed of by approved contractors,

7. Air Quality & Odor & Climatic Factors
Air
Effect:
In Section 7.4 mentions odour as a possible impact to air quality within the vicinity of the facility or in the area of customer farm lands.

Malodour emissions generated by the pig fattening unit, and during the land spreading of pigs slurry at the customer farmlands.

Mitigation:
- The facility is located in a remote area – nearest dwelling is approximately 1km away.
- The applicant committed to landscape along the northern and eastern boundaries of the site with trees.
- Farmers will use low trajectory splash plates during land spreading.
- The applicant to limit the allocation of organic fertilisers to their customers.
- The applicant to advise their customers to adhere to recommended set back distances from odour sensitive dwellings during land spreading.
- The livestock buildings are regularly washed, disinfected, stocked to optimum levels, and adequately ventilated.
- The applicant has committed to adopting economical odour abatement techniques.

Climatic Factors
It is stated in Section 7.6 of the EIS there will be no significant effect on the climate as a result of the operation of this facility.

8.Landscape & Visual Impact
Effects:

Given that the proposal will replace on existing piggery visual impacts are deemed to be slight.
Mitigation:

- Reinforcing of planting as specified in section 7.6 of the EIS.

9. Traffic & Transport
Effects:
Temporary effects from construction traffic.

10. Material Assets (including architectural, archaeological and cultural heritage)
There are no likely significant effects on the environment from a Material Assets (including architectural, archaeological and cultural heritage) perspective.

11. Interaction of impacts
There are no likely significant effects on the environment from an interaction of impacts

Flood Guidelines
The flood assessment submitted as part of the proposed development notes that the The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009 makes provision for extension to existing businesses in the flood guidelines:

"5.28 Applications for minor development such as small extensions to houses, and most changes of use of existing buildings, and or extensions and additions to existing commercial and industrial enterprises are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal."

Given that the proposal is for redevelopment of an existing piggery I note that the proposal can be considered to be an extension and addition to an existing commercial enterprise. I also note that the proposed redevelopment will involve increasing the floor levels of many buildings on site which will help safeguard the site from flood risk and which would otherwise not occur. I therefore consider that a justification test is not necessary.

Appropriate assessment
It is noted that the department of Arts Heritage and the Gaeltacht have indicated that further information should be requested in relation to potential impacts on European sites.

The further information request raises three issues, land spreading of slurry, nitrogen deposition and flooding of the site.

In relation to flooding of the site I have discussed the department of Arts Heritage and the Gaeltacht comments with Offaly County Council environment and water services section. The aforementioned comments question the impacts of moving slurry off site during a flood event. Offaly County Council do not consider this to be a likely event and furthermore note slurry is stored in sealed over ground tanks. The comments also raise the generation of contaminated storm water run off. It is noted that the movement of animals shall be over slatted units/passages and such storm water shall not be generated. However given that none of these mitigation measures are mentioned in the appropriate assessment I consider that in the interests of completeness the applicant should be asked to address these issues as part of a Natura Impact statement.

In this regard I note that the Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities: "The Screening for AA, NIS and AA may be carried out as part of the EIS, as indicated in the Habitats Regulations but, if so, the screening or AA results must be a distinct and discrete section within the EIS."

Issues in relation to land spreading and nitrogen shall be raised as further information issues.

While I note the departments of Arts Heritage and Gaeltacht comments in relation to the Offaly County Development Plan 2009 – 2015 in relation to land spreading of slurry stating *'the developer shall have all lands available and suitable for spreading in close proximity to the pig unit'* I note that nutrient managment planning rests with the customer farmer and that the current development plan is the 2014-2020 plan.

A screening exercise for an appropriate assessment has been carried out and it has been deemed that a natura impact assessment is necessary in relation to the topics raised by the department of Arts Heritage and the Gaeltacht.

CONCLUSION & RECOMMENDATION:
Having regard to the plans and particulars submitted with the application and my inspection of the site, I recommend that **Further Information** be requested.

1. The applicant is requested to submit a Natura Impact Statement (N.I.S) to determine if there is an adverse effect on the integrity of European sites. The NIS shall address the following:

a) It is noted that the Appropriate Assessment screening document states that the IPCC No. is P0435-02, however this number relates to another pig farm IPPC license for Rosderra Farms Clonaslee Pig Unit and not Rosderra Farms, Bracknagh Pig Farm. The correct IPCC license number for the existing unit is P0614-01.

The IPCC license Inspectors report states that slurry is spread from this unit within the catchment of the River Barrow. It is planned to produce 11310m3 of slurry annually. No assessment has been made of the impact of this land spreading, particularly on the River Barrow and River Nore SAC Site Code 002162.

A considerable amount of data exists in relation to this in the form of the IPCC license reports and EPA required annual reports as well as Department of Agriculture, Food and the Marine records of movement of organic fertilizer, which could be used to conduct this assessment. It is noted that soil monitoring on lands on which slurry from this unit is spread has already been carried out as referenced in the EPA IPCC license Inspectors Report. It is considered that the land spreading of this quantity of slurry within the catchment of the River Barrow and River Nore SAC may constitute a significant impact on the site and this has not been appropriately assessed. Please submit such an assessment.

B) It is noted that the IPPC licence inspectors reports states that '*The EPA Water Quality in Ireland report for the period 1998-2000 indicates that the Figile River at Ardara Bridge has an unionised ammonia problem with median values of 0.362 mg/INH3.*' The closest EPA station to the application site is Ardara Bridge immediately downstream of the site. The potential impact of nitrogen deposition arising from this unit on the River Barrow and River Nore SAC Site Code 002162 has not been assessed. Please submit such an assessment.

C) The proposed development is within approximately 70 metres of the Figile River and within a low-lying area. The storage tanks will have a capacity to store up to 18 months of slurry. However, impacts of a major flood event on the unit have not been assessed in the appropiate assessment screening document submitted. In particular, the possibility of the mobilization of stored slurry during such an event has not been assessed. Also, the potential issues with slurry contaminated storm water run-off have not been assessed. These issues need to be covered by the aforementioned Natura Impact Statement.

Ed Kelly (signature) Lintaen sep 25/2/15

Ed Kelly
Executive Planner
24/2/2015

APPROPRIATE ASSESSMENT SCREENING REPORT FOR PLANNING APPLICATIONS

Screening is used to determine if an AA is necessary by examining:
- *If the plan / project is directly connected with / necessary to the management of the European site.*
- *If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.*

Planning Authority (OCC):

Planning Application Ref. No.: PL2 15/2

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	(A) DEMOLITION OF 10 NO. EXISTING PIG HOUSES, AND, (B) CONSTRUCTION OF 2 NO. PIG HOUSES, AND, EXTENSIONS TO 2 NO. EXISTING STRUCTURES TO FORM PIG HOUSE NO. 3, TOGETHER WITH ALL ANCILLARY STRUCTURES (TO INCLUDE MEAL STORAGE BINS, STORAGE TANKS, STORMWATER ATTENUATION TANK) AND ALL ASSOCIATED SITE WORKS ON THE SITE OF AN EXISTING PIG FARMING ENTERPRISE. THIS APPLICATION RELATES TO A DEVELOPMENT, WHICH IS FOR THE PURPOSES OF AN ACTIVITY REQUIRING AN INTEGRATED POLLUTION PREVENTION AND CONTROL (I.P.P.C.) LICENCE UNDER PART IV OF THE ENVIRONMENTAL PROTECTION AGENCY (LICENSING) REGULATIONS 1994 TO 2013. AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) HAS BEEN SUBMITTED WITH THIS PLANNING APPLICATION		
Site location:	ARDRA, BRACKNAGH, CO. OFFALY		
Site size:	3.8ha	Floor Area of Proposed Development:	7579sqm
Identification of nearby *European* Site(s):	**Barrow and river Nore cSAC**		
Distance to *European* Site(s):	9.3 Kms downstream or 5.9km directly.		
The characteristics of existing, proposed or other approved plans / projects which may	**None**		

cause interactive / cumulative impacts with the project being assessed and which may affect the *European* site:		
Is the application accompanied by an EIS?	Yes	

(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):

The reasons for the designation of the *European* site:	

The site is a candidate SAC selected for alluvial wet woodlands and petrifying springs, priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for old oak woodlands, floating river vegetation, estuary, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Desmoulin's Whorl Snail *Vertigo moulinsiana* and the Killarney Fern.

The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the *European* site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) **(ATTACH INFO.)**

The site is very important for the presence of a number of EU Habitats Directive Annex II animal species including Freshwater Pearl Mussel (*Margaritifera margaritifera* and *M. m. durrovensis*), Freshwater Crayfish (*Austropotamobius pallipes*), Salmon (*Salmo salar*), Twaite Shad (*Alosa fallax fallax*), three Lamprey species - Sea (*Petromyzon marinus*), Brook (*Lampetra planeri*) and River (*Lampetra fluviatilis*), the marsh snail *Vertigo moulinsiana* and Otter (*Lutra lutra*). This is the only site in the world for the hard water form of the Pearl Mussel *M. m. durrovensis* and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning.

The site supports many other important animal species. Those which are listed in the Irish Red Data Book include Daubenton's Bat (*Myotis daubentoni*), Badger (*Meles meles*), Irish Hare (*Lepus timidus hibernicus*)

and Frog (*Rana temporaria*). The rare Red Data Book fish species Smelt (*Osmerus eperlanus*) occurs in estuarine stretches of the site. In addition to the Freshwater Pearl Mussel, the site also supports two other freshwater Mussel species, *Anodonta anatina* and *A. cygnea*. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bar-tailed Godwit, Peregrine and Kingfisher. Nationally important numbers of Golden Plover and Bar-tailed Godwit are found during the winter. Wintering flocks of migratory birds are seen in Shanahoe Marsh and the Curragh and Goul Marsh, both in Co. Laois and also along the Barrow Estuary in Waterford Harbour. There is also an extensive autumnal roosting site in the reedbeds of the Barrow Estuary used by Swallows before they leave the country.

(C) NPWS ADVICE:	
Advice received from NPWS over phone:	None received.
Summary of advice received from NPWS in written form **(ATTACH SAME):**	Referral report dated 24/2/2015 which requires a NIS.

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:	
*(The purpose of this is to identify if the effect(s) identified could be significant – if **uncertain** assume the effect(s) are significant).*	
Given the location the limited nature and size of the development applied for and the characteristics of *European* sites in the vicinity it is considered that 100 metres should be used as a potential zone of impact of the project in accordance with section 3.2.3 of the appropriate assessment guidelines. There are no *European* sites within 100 metres of the development applied for and therefore no significant effects on any *European* sites either alone or in combination with other plans and projects.	
Would there be... ... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).	**No**
... a reduction in habitat area on a *European* site?	**No**
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the *European* site?	**Potentially indirect impacts due to landspreading.**

... serious / ongoing disturbance to species / habitats for which the *European* site is selected (e.g. because of increased noise, illumination and human activity)?	No
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the *European* site?	No
Would the project interfere with mitigation measures put in place for other plans / projects. [Look at *in-combination effects* with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to *European* sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.	No

(E) SCREENING CONCLUSION:

Screening can result in:

1	*AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.*
2	*No potential for significant effects / AA is not required.*
3	*Significant effects are certain, likely or uncertain. (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.*
	Conclusion:3
	Justify why it falls into relevant category above: *Given the location and the nature and size of the development applied for and the characteristics of European sites in the vicinity and the appropriate assessment guidelines it is considered that the development may have likely significant impacts on European sites*
Name:	
Position:	**Date:** 24/2/2015

Mitchelstown 25/2/15

SITE SYNOPSIS

SITE NAME: RIVER BARROW AND RIVER NORE

SITE CODE: 002162

This site consists of the freshwater stretches of the Barrow/Nore River catchments as far upstream as the Slieve Bloom Mountains and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. Major towns along the edge of the site include Mountmellick, Portarlington, Monasterevin, Stradbally, Athy, Carlow, Leighlinbridge, Graiguenamanagh, New Ross, Inistioge, Thomastown, Callan, Bennettsbridge, Kilkenny and Durrow. The larger of the many tributaries include the Lerr, Fushoge, Mountain, Aughavaud, Owenass, Boherbaun and Stradbally Rivers of the Barrow and the Delour, Dinin, Erkina, Owveg, Munster, Arrigle and King's Rivers on the Nore. Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also runs through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

The site is a candidate SAC selected for alluvial wet woodlands and petrifying springs, priority habitats on Annex I of the E.U. Habitats Directive. The site is also selected as a candidate SAC for old oak woodlands, floating river vegetation, estuary, tidal mudflats, *Salicornia* mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Desmoulin's Whorl Snail *Vertigo moulinsiana* and the Killarney Fern.

Good examples of Alluvial Forest are seen at Rathsnagadan, Murphy's of the River, in Abbeyleix estate and along other shorter stretches of both the tidal and freshwater elements of the site. Typical species seen include Almond Willow (*Salix triandra*), White Willow (*S. alba*), Grey Willow (*S. cinerea*), Crack Willow (*S. fragilis*), Osier (*S. viminalis*), with Iris (*Iris pseudacorus*), Hemlock Water-dropwort (*Oenanthe crocata*), Angelica (*Angelica sylvestris*), Thin-spiked Wood-sedge (*Carex strigosa*), Pendulous Sedge (*C. pendula*), Meadowsweet (*Filipendula ulmaria*), Valerian (*Valeriana officinalis*) and the Red Data Book species Nettle-leaved Bellflower (*Campanula trachelium*). Three rare invertebrates have been recorded in this habitat at Murphy's of the River. These are: *Neoascia obliqua* (Diptera: Syrphidae),

Tetanocera freyi (Diptera: Sciomyzidae) and *Dictya umbrarum* (Diptera: Sciomyzidae).

A good example of petrifying springs with tufa formations occurs at Dysart Wood along the Nore. This is a rare habitat in Ireland and one listed with priority status on Annex I of the EU Habitats Directive. These hard water springs are characterised by lime encrustations, often associated with small waterfalls. A rich bryophyte flora is typical of the habitat and two diagnostic species, *Cratoneuron commutatum* var. *commutatum* and *Eucladium verticillatum*, have been recorded.

The best examples of old Oak woodlands are seen in the ancient Park Hill woodland in the estate at Abbeyleix; at Kyleadohir, on the Delour, Forest Wood House, Kylecorragh and Brownstown Woods on the Nore; and at Cloghristic Wood, Drummond Wood and Borris Demesne on the Barrow, though other patches occur throughout the site. Abbeyleix Woods is a large tract of mixed deciduous woodland which is one of the only remaining true ancient woodlands in Ireland. Historical records show that Park Hill has been continuously wooded since the sixteenth century and has the most complete written record of any woodland in the country. It supports a variety of woodland habitats and an exceptional diversity of species including 22 native trees, 44 bryophytes and 92 lichens. It also contains eight indicator species of ancient woodlands. Park Hill is also the site of two rare plants, Nettle-leaved Bellflower and the moss *Leucodon sciuroides*. It has a typical bird fauna including Jay, Long-eared Owl and Raven. A rare invertebrate, *Mitostoma chrysomelas*, occurs in Abbeyleix and only two other sites in the country. Two flies *Chrysogaster virescens* and *Hybomitra muhlfeldi* also occur. The rare Myxomycete fungus, *Licea minima* has been recorded from woodland at Abbeyleix.

Oak woodland covers parts of the valley side south of Woodstock and is well developed at Brownsford where the Nore takes several sharp bends. The steep valley side is covered by Oak (*Quercus* spp.), Holly (*Ilex aquifolium*), Hazel (*Corylus avellana*) and Birch (*Betula pubescens*) with some Beech (*Fagus sylvatica*) and Ash (*Fraxinus excelsior*). All the trees are regenerating through a cover of Bramble (*Rubus fruticosus* agg.), Foxglove (*Digitalis purpurea*) Wood Rush (*Luzula sylvatica*) and Broad Buckler-fern (*Dryopteris dilatata*).

On the steeply sloping banks of the River Nore about 5 km west of New Ross, in County Kilkenny, Kylecorragh Woods form a prominent feature in the landscape. This is an excellent example of a relatively undisturbed, relict Oak woodland with a very good tree canopy. The wood is quite damp and there is a rich and varied ground flora. At Brownstown a small, mature Oak-dominant woodland occurs on a steep slope. There is younger woodland to the north and east of it. Regeneration throughout is evident. The understorey is similar to the woods at Brownsford. The ground flora of this woodland is developed on acidic, brown earth type soil and comprises a thick carpet of Bilberry (*Vaccinium myrtillus*), Heather (*Calluna vulgaris*), Hard Fern (*Blechnum spicant*), Cow-wheat (*Melampyrum* spp.) and Bracken (*Pteridium aquilinum*).

Borris Demesne contains a very good example of a semi-natural broad-leaved woodland in very good condition. There is quite a high degree of natural re-generation of Oak and Ash through the woodland. At the northern end of the estate

Oak species predominate. Drummond Wood, also on the Barrow, consists of three blocks of deciduous woods situated on steep slopes above the river. The deciduous trees are mostly Oak species. The woods have a well established understorey of Holly (*Ilex aquifolium*), and the herb layer is varied, with Brambles abundant. Whitebeam (*Sorbus devoniensis*) has also been recorded.

Eutrophic tall herb vegetation occurs in association with the various areas of alluvial forest and elsewhere where the flood-plain of the river is intact. Characteristic species of the habitat include Meadowsweet (*Filipendula ulmaria*), Purple Loosestrife (*Lythrum salicaria*), Marsh Ragwort (*Senecio aquaticus*), Ground Ivy (*Glechoma hederacea*) and Hedge Bindweed (*Calystegia sepium*). Indian Balsam (*Impatiens glandulifera*), an introduced and invasive species, is abundant in places.

Floating River Vegetation is well represented in the Barrow and in the many tributaries of the site. In the Barrow the species found include Water Starworts (*Callitriche* spp.), Canadian Pondweed (*Elodea canadensis*), Bulbous Rush (*Juncus bulbosus*), Milfoil (*Myriophyllum* spp.), *Potamogeton* x *nitens*, Broad-leaved Pondweed (*P. natans*), Fennel Pondweed (*P. pectinatus*), Perfoliated Pondweed (*P. perfoliatus*) and Crowfoots (*Ranunculus* spp.). The water quality of the Barrow has improved since the vegetation survey was carried out (EPA, 1996).

Dry Heath at the site occurs in pockets along the steep valley sides of the rivers especially in the Barrow Valley and along the Barrow tributaries where they occur in the foothills of the Blackstairs Mountains. The dry heath vegetation along the slopes of the river bank consists of Bracken (*Pteridium aquilinum*) and Gorse (*Ulex europaeus*) species with patches of acidic grassland vegetation. Additional typical species include Heath Bedstraw (*Galium saxatile*), Foxglove (*Digitalis purpurea*), Common Sorrel (*Rumex acetosa*) and Bent Grass (*Agrostis stolonifera*). On the steep slopes above New Ross the Red Data Book species Greater Broomrape (*Orobanche rapum-genistae*) has been recorded. Where rocky outcrops are shown on the maps Bilberry (*Vaccinium myrtillus*) and Wood Rush (*Luzula sylvatica*) are present. At Ballyhack a small area of dry heath is interspersed with patches of lowland dry grassland. These support a number of Clover species including the legally protected Clustered Clover (*Trifolium glomeratum*) - a species known from only one other site in Ireland. This grassland community is especially well developed on the west side of the mud-capped walls by the road. On the east of the cliffs a group of rock-dwelling species occur, i.e. English Stonecrop (*Sedum anglicum*), Sheep's-bit (*Jasione montana*) and Wild Madder (*Rubia peregrina*). These rocks also support good lichen and moss assemblages with *Ramalina subfarinacea* and *Hedwigia ciliata*.

Dry Heath at the site generally grades into wet woodland or wet swamp vegetation lower down the slopes on the river bank. Close to the Blackstairs Mountains, in the foothills associated with the Aughnabrisky, Aughavaud and Mountain Rivers there are small patches of wet heath dominated by Purple Moor-grass (*Molinia caerulea*) with Heather (*Calluna vulgaris*), Tormentil (*Potentilla erecta*), Carnation Sedge (*Carex panicea*) and Bell Heather (*Erica cinerea*).

Saltmeadows occur at the southern section of the site in old meadows where the embankment has been breached, along the tidal stretches of in-flowing rivers below Stokestown House, in a narrow band on the channel side of Common Reed

(*Phragmites*) beds and in narrow fragmented strips along the open shoreline. In the larger areas of salt meadow, notably at Carrickcloney, Ballinlaw Ferry and Rochestown on the west bank; Fisherstown, Alderton and Great Island to Dunbrody on the east bank, the Atlantic and Mediterranean sub types are generally intermixed. At the upper edge of the salt meadow in the narrow ecotonal areas bordering the grasslands where there is significant percolation of salt water, the legally protected species Borrer's Saltmarsh-grass (*Puccinellia fasciculata*) and Meadow Barley (*Hordeum secalinum*) (Flora Protection Order, 1987) are found. The very rare Divided Sedge (*Carex divisa*) is also found. Sea Rush (*Juncus maritimus*) is also present. Other plants recorded and associated with salt meadows include Sea Aster (*Aster tripolium*), Sea Thrift (*Armeria maritima*), Sea Couch (*Elymus pycnanthus*), Spear-leaved Orache (*Atriplex prostrata*), Lesser Sea-spurrey (*Spergularia marina*), Sea Arrowgrass (*Triglochin maritima*) and Sea Plantain (*Plantago maritima*).

Salicornia and other annuals colonising mud and sand are found in the creeks of the saltmarshes and at the seaward edges of them. The habitat also occurs in small amounts on some stretches of the shore free of stones.

The estuary and the other Habitats Directive Annex I habitats within it form a large component of the site. Extensive areas of intertidal flats, comprised of substrates ranging from fine, silty mud to coarse sand with pebbles/stones are present. Good quality intertidal sand and mudflats have developed on a linear shelf on the western side of Waterford Harbour, extending for over 6 km from north to south between Passage East and Creadaun Head, and in places are over 1 km wide. The sediments are mostly firm sands, though grade into muddy sands towards the upper shore. They have a typical macro-invertebrate fauna, characterised by polychaetes and bivalves. Common species include *Arenicola marina*, *Nephtys hombergii*, *Scoloplos armiger*, *Lanice conchilega* and *Cerastoderma edule*.

The western shore of the harbour is generally stony and backed by low cliffs of glacial drift. At Woodstown there is a sandy beach, now much influenced by recreation pressure and erosion. Behind it a lagoonal marsh has been impounded which runs westwards from Gaultiere Lodge along the course of a slow stream. An extensive reedbed occurs here. At the edges is a tall fen dominated by sedges (*Carex* spp.), Meadowsweet, Willowherb (*Epilobium* spp.) and rushes (*Juncus* spp.). Wet woodland also occurs. This area supports populations of typical waterbirds including Mallard, Snipe, Sedge Warbler and Water Rail.

The dunes which fringe the strand at Duncannon are dominated by Marram grass (*Ammophila arenaria*) towards the sea. Other species present include Wild Sage (*Salvia verbenaca*), a rare Red Data Book species. The rocks around Duncannon ford have a rich flora of seaweeds typical of a moderately exposed shore and the cliffs themselves support a number of coastal species on ledges, including Thrift (*Armeria maritima*), Rock Samphire (*Crithmum maritimum*) and Buck's-horn Plantain (*Plantago coronopus*).

Other habitats which occur throughout the site include wet grassland, marsh, reed swamp, improved grassland, arable land, quarries, coniferous plantations, deciduous woodland, scrub and ponds.

Seventeen Red Data Book plant species have been recorded within the site, most in the recent past. These are Killarney Fern (*Trichomanes speciosum*), Divided Sedge (*Carex divisa*), Clustered Clover (*Trifolium glomeratum*), Basil Thyme (*Acinos arvensis*), Hemp nettle (*Galeopsis angustifolia*), Borrer's Saltmarsh Grass (*Puccinellia fasiculata*), Meadow Barley (*Hordeum secalinum*), Opposite-leaved Pondweed (*Groenlandia densa*), Autumn Crocus (*Colchicum autumnale*), Wild Sage (*Salvia verbenaca*), Nettle-leaved Bellflower (*Campanula trachelium*), Saw-wort (*Serratula tinctoria*), Bird Cherry (*Prunus padus*), Blue Fleabane (*Erigeron acer*), Fly Orchid (*Ophrys insectifera*), Broomrape (*Orobanche hederae*) and Greater Broomrape (*Orobanche rapum-genistae*). Of these the first nine are protected under the Flora Protection Order 1999. Divided Sedge (*Carex divisa*) was thought to be extinct but has been found in a few locations in the site since 1990. In addition plants which do not have a very wide distribution in the country are found in the site including Thin-spiked Wood-sedge (*Carex strigosa*), Field Garlic (*Allium oleraceum*) and Summer Snowflake (*Leucojum aestivum*). Six rare lichens, indicators of ancient woodland, are found including *Lobaria laetevirens* and *L. pulmonaria*. The rare moss *Leucodon sciuroides* also occurs.

The site is very important for the presence of a number of EU Habitats Directive Annex II animal species including Freshwater Pearl Mussel (*Margaritifera margaritifera* and *M. m. durrovensis*), Freshwater Crayfish (*Austropotamobius pallipes*), Salmon (*Salmo salar*), Twaite Shad (*Alosa fallax fallax*), three Lamprey species - Sea (*Petromyzon marinus*), Brook (*Lampetra planeri*) and River (*Lampetra fluviatilis*), the marsh snail *Vertigo moulinsiana* and Otter (*Lutra lutra*). This is the only site in the world for the hard water form of the Pearl Mussel *M. m. durrovensis* and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning.

The site supports many other important animal species. Those which are listed in the Irish Red Data Book include Daubenton's Bat (*Myotis daubentoni*), Badger (*Meles meles*), Irish Hare (*Lepus timidus hibernicus*) and Frog (*Rana temporaria*). The rare Red Data Book fish species Smelt (*Osmerus eperlanus*) occurs in estuarine stretches of the site. In addition to the Freshwater Pearl Mussel, the site also supports two other freshwater Mussel species, *Anodonta anatina* and *A. cygnea*.

The site is of ornithological importance for a number of E.U. Birds Directive Annex I species including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bar-tailed Godwit, Peregrine and Kingfisher. Nationally important numbers of Golden Plover and Bar-tailed Godwit are found during the winter. Wintering flocks of migratory birds are seen in Shanahoe Marsh and the Curragh and Goul Marsh, both in Co. Laois and also along the Barrow Estuary in Waterford Harbour. There is also an extensive autumnal roosting site in the reedbeds of the Barrow Estuary used by Swallows before they leave the country.

Landuse at the site consists mainly of agricultural activities – many intensive, principally grazing and silage production. Slurry is spread over much of this area. Arable crops are also grown. The spreading of slurry and fertiliser poses a threat to

the water quality of the salmonid river and to the populations of Habitats Directive Annex II animal species within the site. Many of the woodlands along the rivers belong to old estates and support many non-native species. Little active woodland management occurs. Fishing is a main tourist attraction along stretches of the main rivers and their tributaries and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. Both commercial and leisure fishing takes place on the rivers. There is net fishing in the estuary and a mussel bed also. Other recreational activities such as boating, golfing and walking, particularly along the Barrow towpath are also popular. There is a golf course on the banks of the Nore at Mount Juliet and GAA pitches on the banks at Inistioge and Thomastown. There are active and disused sand and gravel pits throughout the site. Several industrial developments, which discharge into the river, border the site. New Ross is an important shipping port. Shipping to and from Waterford and Belview ports also passes through the estuary.

The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, overgrazing within the woodland areas, and invasion by non-native species, for example Cherry Laurel and Rhododendron (*Rhododendron ponticum*). The water quality of the site remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed above. Good quality is dependent on controlling fertilisation of the grasslands, particularly along the Nore. It also requires that sewage be properly treated before discharge. Drainage activities in the catchment can lead to flash floods which can damage the many Annex II species present. Capital and maintenance dredging within the lower reaches of the system pose a threat to migrating fish species such as lamprey and shad. Land reclamation also poses a threat to the salt meadows and the populations of legally protected species therein.

Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore it is of high conservation value for the populations of bird species that use it. The occurrence of several Red Data Book plant species including three rare plants in the salt meadows and the population of the hard water form of the Pearl Mussel which is limited to a 10 km stretch of the Nore, add further interest to this site.

ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME OFFALY COUNTY COUNCIL

PLANNING APPLICATION REFERENCE No. PL2/15/2

A submission/observation in writing, has been received from **DEPARTMENT OF ARTS, HERITAGE AND THE GAELTACHT**

on 24/02/2015 in relation to the above planning application.

(Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001- 2013 and will be taken into account by the Planning Authority in its determination of the planning application.

Official's Name

Planning Authority Stamp

COMHAIRLE CHONTAE UIBH FHAILI
04 FEB 2015
PLANNING

24/02/2015

An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

24 February, 2015

Planning Ref: 15/2

Director of Services - Planning,
Offaly County Council,
Áras an Chontae,
Charleville Rd,
Tullamore,
Co. Offaly.

COMHAIRLE CHONTAE UIBH FHAILI
24 FEB 2015
PLANNING

Re: Planning Application Ref. Reg. No. 15/2 by ROSDERRA FARMS for a development at Ardra, Bracknagh, Co. Offaly

A Chara,

I refer to the above proposed development. This application was not referred to this Department, despite the fact it is a large scale development with potential to have significant impacts on the River Barrow and River Nore SAC Site Code 002162 and has been subject to EIS, AA screening and requires an EPA IPCC licence. Outlined below are the nature conservation recommendations of the Department of Arts, Heritage and the Gaeltacht

This proposed development lies within 100 metres of the Figile River, which in turn joins with the Black River and subsequently the River Barrow at Monasterevin, 9km downstream,, which is part of the River Barrow and River Nore SAC Site Code 002162. The development lies directly within 6km of the SAC.

The development involves the demolition of 10 existing pig rearing buildings and construction of two new houses. In addition an extension is planned between two existing houses to form a third new house. Stock numbers will change from 550 Sow Integrated Unit to a 1250 sow breeding unit. The new plant will involve the production of 11310m^3 of slurry per year. However, the application states that this is not an overall increase from the previous development. The application states there is an existing IPCC licence for the farm but that a new licence will have to be obtained to cover the new development. The Appropriate Assessment screening document states that the IPCC No. is P0435-02, however this number relates to another pig farm IPPC licence for Rosderra Farms Clonastee Pig Unit and not Rosderra Farms, Bracknagh Pig Farm. The correct IPCC licence number for the existing unit is P0614-01.

An Appropriate Assessment screening document has been prepared for this planning application and concludes that there will be no impacts upon the integrity or the conservation objectives of the River Barrow and River Nore SAC.

However, a number of issues have not been satisfactorily assessed.

1. **Landspreading of the slurry**

The IPCC licence Inspectors report states that slurry is spread from this unit within the catchment of the River Barrow. It is planned to produce 11310m^3 of slurry annually. No assessment has been made of the impact of this land spreading, particularly on the River Barrow and River Nore SAC Site Code 002162. A considerable amount of data exists in relation to this in the form of the IPCC licence reports and EPA required annual reports as well as Department of Agriculture, Food and the Marine records of movement of organic fertilizer, which could have been used to conduct this assessment. It is noted that soil monitoring on lands on which slurry from this unit is spread has already been carried out as referenced in the EPA IPCC licence Inspectors Report. It is considered that the land spreading of this quantity of slurry within the catchment of the River Barrow and River Nore SAC may constitute a significant impact on the site and this has not been appropriately assessed.

In addition, the Offaly Council Development Plan 2009 - 2015 states in relation to land spreading of slurry *'the developer shall have all lands available and suitable for spreading in close*

proximity to the pig unit'. However, the application states that slurry will be spread in Offaly, Laois and Kildare from this unit. Without knowing the location of the land spreading areas, this appears to be in contravention of the County Development Plan.

2. Nitrogen deposition

The evidence from across Europe demonstrates that nitrogen deposition is a major threat to European biodiversity, especially in the Natura 2000 network including sensitive habitats and species listed under the Habitats Directive EC 92/43/EEC. Emissions of reactive nitrogen compounds from agricultural installations represent impacts from off-site activities. In some cases, the facilities may be many kilometres away (50-100km) from potentially affected sites (Hicks et al, 2011). It is noted that the IPPC licence inspectors reports states that '*The EPA Water Quality in Ireland report for the period 1998-2000 indicates that the Figile River at Ardara Bridge has an unionised ammonia problem with median values of 0.362 mg/l* NH_3.' The closest EPA station to the application site is Ardara Bridge immediately downstream of the site. The potential impact of nitrogen deposition arising from this unit on the River Barrow and River Nore SAC Site Code 002162 has not been assessed.

3. Flooding of the site

The proposed development is within approximately 70 metres of the Figile River and within a low-lying area. The storage tanks will have a capacity to store up to 18 months of slurry. However, impacts of a major flood event on the unit have not been assessed. In particular, the possibility of the mobilization of stored slurry during such an event has not been assessed. Also, the potential issues with slurry contaminated storm water run-off have not been assessed. This issue needs to be covered by the Appropriate Assessment screening document.

In summary, it is felt that the AA screening document is deficient as it did not take account of the potential impacts of the proposed development outlined above. It is noted that even though this application relates to improvement works to an existing development, that this development, extant since 1989, has never been subject to Appropriate Assessment and therefore the in combination effects of the existing and proposed development must be assessed.

Further information is required.

Any further assessment should reference the Site Specific Conservation Objectives for the River Barrow and River Nore SAC Site Code 002162 which are attached for information. Also the document referenced above entitled 'Nitrogen Deposition and Natura 2000, Science and Practice in Determining Environmental Impacts' is also attached for information.

Kindly forward any further information received; or in the event of a decision being made a copy of same should be forwarded to the following address as soon as it issues:

The Manager,
Development Applications Unit,
Department of Arts, Heritage and the Gaeltacht,
Newtown Road,
Wexford.

Preferably, documentation associated with the above can be referred electronically to the DAU at the following address: manager.dau@ahg.gov.ie

Is mise le meas,

Michael Murphy

Michael Murphy,
Development Applications Unit
Tel: (053) 911 7516

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PLANNING AUTHORITY NAME OFFALY COUNTY COUNCIL

PLANNING APPLICATION REFERENCE No. PL2/15/2

A submission/observation in writing, has been received from **An Taisce**

on 23/02/2015 in relation to the above planning application.

(Fee not applicable to prescribed bodies)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001- 2013 and will be taken into account by the Planning Authority in its determination of the planning application.

Official's Name

Planning Authority Stamp

23/02/2015

An Taisce
The National Trust for Ireland

20140217-19-2

Planning Section
Offaly County Council
Aras an Chontae
Charleville Road
Tullamore
Co Offaly

20.02.14

Ref: 15/2
App: ROSDERRA FARMS
For: (A) DEMOLITION OF 10 NO. EXISTING PIG HOUSES, AND, (B) CONSTRUCTION OF 2 NO. PIG HOUSES, AND, EXTENSIONS TO 2 NO. EXISTING STRUCTURES TO FORM PIG HOUSE NO. 3, TOGETHER WITH ALL ANCILLARY STRUCTURES (TO INCLUDE MEAL STORAGE BINS, STORAGE TANKS, STORMWATER ATTENUATION TANK) AND ALL ASSOCIATED SITE WORKS ON THE SITE OF AN EXISTING PIG FARMING ENTERPRISE. THIS APPLICATION RELATES TO A DEVELOPMENT, WHICH IS FOR THE PURPOSES OF AN ACTIVITY REQUIRING AN INTEGRATED POLLUTION PREVENTION AND CONTROL (I.P.P.C.) LICENCE UNDER PART IV OF THE ENVIRONMENTAL PROTECTION AGENCY (LICENSING) REGULATIONS 1994 TO 2013. AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) HAS BEEN SUBMITTED WITH THIS PLANNING APPLICATION
Site: ARDRA, BRACKNAGH, CO. OFFALY

Dear Sir/Madam,

This application warrants referral to An Taisce as site is in a bank of River Figile which is tributary of the River Barrow SAC, which is subject to variable flood levels.

In August 2008, there was significant flooding on this river. The applicants flood study is noted. The impact of this proposal which involves significant intensification needs to address the EIA Directive.

Please acknowledge our submission and advise us of any decision made, with all planners' reports attached in the event of a grant of permission as per DoEHLG Guidelines for Planning Authorities, June 2007.

Yours sincerely,

Ian Lumley
Built Environment & Heritage Officer
builtenvironment @antaisce.org

Environment & Water Services consider that this application to be satisfactory. W recommend the following conditions to be considered.

Foul Water

- The applicant shall submit details on the authorised waste collector and the authorised facility accepting the wastewater for further treatment for prior to commencement of works on-site.

Surface/Ground Water

- Any surface water discharged to a storm sewer or surface water course from trafficked impermeable areas within the site shall be via a silt trap and class 1 petrol interceptor. The petrol/oil interceptor shall be designed in accordance with BS EN 858-1:2002. The type and size shall in accordance with BS EN 858-2:2003 and the SEPA 2006 Pollution Prevention Guidelines PPG3. The applicant shall submit for the approval of the Planning Authority prior to commencement of works on-site, details of a proposal to incorporate a suitable form of pre-treatment into the proposed drainage system

- The applicant shall submit details on well head protection measures to protect the underlain aquifer from the ingress of possible contaminants above ground; to the planning authority for approval prior to commencement of works on site

General

- The applicant is required to farm in accordance with SI 610 of 2010, European Communities (Good Agricultural Practice for the protection of waters) Regulations 2010 as amended.

Waste

- All wastes arising from/at the proposed development shall be managed in accordance with the Waste Management Acts 1996 as amended. While awaiting removal, all waste materials shall be stored in designated areas protected against spillage or leachate run-off.

- Prior to the development, the developer shall submit a formal "Project Construction and Demolition Waste Management Plan" to the Local Authority for agreement prior to Commencement Notice Stage.

"This report shall include the following as a minimum:
***Demolition works** - details of waste types arising and estimated, proposed waste segregation, waste contractor to be engaged for each waste stream and final destination for each waste stream.*
***Construction Works** - details of waste management practices to be implemented on the site including proposed segregation levels, if any, waste receptacles to be used, waste contractor to be engaged for each waste stream and final destination for each waste stream."*

Nuisance

- Any environmental nuisance i.e. excessive noise, dust, construction traffic, caused during construction of the development shall be contained at an acceptable level. Construction shall take place during working hours 07.00am to 06.30pm Monday to Friday and 08.00am to 01.30pm Saturday

Report By:

Íde O'Connell, A.S., Environment & Water Services

Approved By:

Jean Ryan A/S.E.E., Environment & Water Services.

COMHAIRLE CHONTAE UIBH FHAILI
16 FEB 2015
PLANNING

Planning Reports
Environment & Water Services Section

Environment EIA Report - PL2/15/002: EIS - Rosderra Farms, Bracknagh

The following forms the EIA Report for Soil & Geology, Groundwater, Surface water, Air and Noise identifying the effects (direct and indirect) of the proposed development on the environment and accompanying mitigation measures.

A - Soils & Geology

In Section **7.1(a) Site and Immediate Area**: it is stated the proposed development will have significant effect on the soil during the development. In **section 7.1(b) Customer farmlands** it mentioned there will be an impact to the soils during the application of the livestock manure from the facility.

1. *Effect:*

Section 7.1(a) of EIS states the excavation of the area for the re-development and clearing of the site for the installation of the underground manure storage tanks.

Mitigation:

- The material excavated from the site will be used as part of the amelioration works to be carried out at, and/or, around the site, or elsewhere on the farm.

2. *Effect:*

Section 7.1(b) of EIS indicates the potential impacts to the soil will occur during the land spreading of pigs. These impacts are:

a) Hydraulic loading
b) Chemical loading
c) Soil structure damage

Mitigation:

- The rate of application for organic fertilisers will be restricted to 40m^{3}per hectare.
- Pigs slurry will not be applied on steeply sloping lands
- Strict adherence to the specified buffer zones, application rates, ground and weather conditions at the time of application.
- In relation to chemical loading of the soils, this development proposes to promote nutrient substitution rather than addition. All organic fertiliser from this development will be allocated for use in accordance with S.I. No. 31 of 2014[1], thus avoiding over enrichment of the farmland areas with nutrients.
- Customer farmers will be advised that the application of organic fertiliser to farmland should not occur during the restricted period of 15th October – 12th January (Offaly) or other such dates as specified in SI 31 of 2014 or when soils become waterlogged, and/or ground conditions are unsuitable.

[1] European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014.

B - Groundwater

In **Section 7.2(b)** of EIS, states the main threat to ground water in the vicinity of the pig farm is from the storage of relatively large volumes of animal manures on the farm. In **Section 7.2 (b)** of EIS it is expected there will have little or no impact to groundwater during landspreading of the pig slurry at the customers farmers.

3. Effect:
The potential for leakage from the underground effluent storage tanks into an aquifer.

Mitigation:
- The proposed structures will be constructed in accordance with Department of Agriculture, Food and the Marine specifications for farm buildings and storage units.
- Installation of leak detection systems underneath the proposed slurry storage tanks, including regular monitoring of those inspections points.
- The facility will be providing slurry storage capacity for approximately 19 months, this is in excess of the required 26 weeks storage as outlined in Article 10 (1) of S.I. No. 31 of 2014.
- Collection of all soiled water in the effluent storage tanks.
- During the movement of livestock on site, it will occur along slatted passageways with the effluent storage tanks underneath to collect all organic material.
- Installation of storm water attenuation to control storm water discharges from the facility.
- All over-ground storage tanks will be bunded.
- Installation of a collection and concrete apron at the slurry fill points to collect any spills or leaks during the collection of slurry for off-site use.
- The finished floor level of the replaced buildings and structures will be 1.8 metres above the existing floor levels and the proposed floor level will be constructed approximately 1.3 metres – 0.7 metres above estimated 1 in 100 years and 1 in 1000 years flood levels, respectively.

4. Effect:
Potential risk of water pollution of groundwater from land spreading of pig slurry

Mitigation:
- Customers will be advised by the applicant of their obligations to adhere to Nitrates Directive with regards to preserving the specified buffer zones and prohibited land spreading periods.
- The finished floor level of the replaced buildings and structures will be 1.8 metres above the existing floor levels and the proposed floor level will be constructed approximately 1.3 metres – 0.7 metres above estimated 1 in 100 years and 1 in 1000 years flood levels, respectively.

C – Surface Water

In Section 7.3 (a) of the EIS, it included a Flood Risk Assessment undertaken by IE Consulting; this assessment was carried out because the site was flooded during August 2008 and this event may reoccur. In Section 7.3 (b) states there will be little or no impact on surface water during the land spreading of the pigs' slurry.

5. *Effect*

Facility possibly flooded during either 1 in 100 years or 1 in 1000 year event.

Mitigation

- The proposed replacement buildings and structures shall have finished floor levels approximately 1.8 metres above existing floor/ground levels and proposed floor levels shall therefore be constructed approximately 1.3 metres and 0.7 metres above estimated 1 in 100 year and 1 in 1000 year flood levels.
- Site specific storm water attenuation is proposed for the facility.
- Wastewater generated by staff will be stored in a concrete holding tank on site and will be transported off site for further treatment on a regular basis.

6. *Effect*

The rate of discharge from stormwater run-off from the roofed and paved areas within the site may impact on the Figile River.

Mitigation

- Installation of storm water attenuation tank at the facility grouped with a flow control device (hydro brake) to limit the rate of surface water run-off similar to a rate from a green field site, in to the adjacent river.

7. *Effect*

Pollution risk from surface run-off from customer lands into adjacent water courses or rivers

Mitigation

- Customers will be advised by the applicant of their obligations to adhere to the conditions of SI 31 of 2014 regarding buffer zones, restricted periods, suitable land conditions and weather for land spreading.

D – Air

In Section 7.4 mentions odour as a possible impact to air quality within the vicinity of the facility or in the area of customer farm lands.

8. Effect

Malodour emissions generated by the pig fattening unit, and during the land spreading of pigs slurry at the customer farmlands.

Mitigation

- The facility is located in a remote area – nearest dwelling is approximately 1km away.
- The applicant committed to landscape along the northern and eastern boundaries of the site with trees.
- Farmers will use low trajectory splash plates during land spreading.
- The applicant to limit the allocation of organic fertilisers to their customers.
- The applicant to advise their customers to adhere to recommended set back distances from odour sensitive dwellings during land spreading.
- The livestock buildings are regularly washed, disinfected, stocked to optimum levels, and adequately ventilated.
- The applicant has committed to adopting economical odour abatement techniques.

E - Climatic Factors

It is stated in Section 7.6 of the EIS there will be no significant effect on the climate as a result of the operation of this facility.

F – Noise

In Section 7.7 of the EIS, it considers the operational activities on the site will not give rise to noise levels that may cause any significant impact on the local environment. This assumption is based on noise monitoring carried out on larger facilities operated by the applicant. It does expect however on a short term basis there will be noise emissions due to construction work.

9. Effect

Possible increased noise emissions from the site during construction of new sheds.

Mitigation

- The remote location of the site will ensure it will not cause a nuisance.
- The sand and gravel activities occurring on the adjacent site will negate against any noise emissions from the construction activity at this site.
- Construction works will occur during normal working hours.

Report Prepared by:

Ide O'Connell.

Íde O'Connell,
AS Environment & Water Services