

**Planning Report**  
**Limerick City & County Council**

**File No:** 19/1135  
**Applicant:** Ballyfaskin Enterprises Ltd.  
**Location:** Ballyfaskin, Ballylanders, Co. Limerick.  
**Dev. Description:** PERMISSION for increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application

**Site notice & date of site inspection:** notice in place 11 December 2019, photo on computer file

**Description of existing and proposed development and site analysis:**

The site forms part of an existing piggery business located 2.5km south east of Ballylanders, on the R662 approximately 100m north of the junction with the L8526. The site is 2.6ha and the existing buildings on site provide internal area of 571sqm for the business. The highest building on site has roof height of 15m and the remaining livestock buildings are approximately 5m high. There is dwelling possibly belonging to the applicant located at the roadside immediately west of the pig farm. The closest third party dwelling house is approximately 50m from the farm. The site is flat and the existing development is partially screened by mature trees.

The proposed development is to construct substation on the western boundary with an internal floor area of 21.6sqm and the roof height is approximately 4.5m. The hardstanding area is proposed to be extended with some re-alignment of the internal road. The proposed development would accommodate up to 1000 sows and pogeny at any one time.

**Photographs:** on computer file

**Planning history:**

Current:

1. Ref: 063801 permission granted to P.Ryan for the construction of new loose dry sow house to comply with new regulations.
2. Ref:07/2101 permission granted to P.Ryan for the construction for new store, cover over existing open pig manure storage tank with a house for hospital pens, replacing 4 no. pig houses with modern new design buildings and construction of a cover geo-membrane lined pig manure storage basin.
3. Ref:09/586 permission granted to P.Ryan for an extension to the farrowing house D and replace existing farrowing house E.
4. Ref: 12/306 permission granted to Ballyfaskin Enterprises for the expansion of existing integrated sow unit to 600 sows, construction of a new dry sow house, 3 no fattening houses, a new farrowing house, a feed mill, new site entrance and associated works. The development required an Integrated Pollution Control Licence and an Environmental Impact Statement.
5. Ref:14/276 permission granted to Ballyfaskin Enterprises Ltd for the construction of staff facilities and underground rainwater harvesting tank and associated pump house.

Adjacent:

Ref:08/998 permission granted to C.Ryan for the construction of extension to cow house.

Ref: 11/373 permission granted to P.Ryan for extension to milking parlour

Ref: 05/2342 permission granted to Fitzgerald-Ryan and Ryan for the construction of a dwelling, septic tank, garage, percolation area.

Pre-planning: Ref 10637 on system

**Habitats directive project screening assessment:**

<p>Construction Phase:</p> <p>Are effects significant? Yes/No/NA</p> <p>Are substantial works required: Yes/No/NA</p> <p>Are effects significant? Yes/No/NA</p> <p>Operating phase effects:</p> <p>Are effects significant? Yes/No/NA</p>	<p>Ex-situ effects:</p> <p>Are effects significant? Yes/No/NA</p> <p>Run-off:</p> <p>Are effects significant? Yes/No/NA</p> <p>Abstraction:</p> <p>Are effects significant? Yes/No/NA</p> <p>Displacement:</p> <p>Are effects significant? Yes/No/NA</p>
---	--

**Identification of Natura 2000 sites which may be impacted by the proposed development:**

1	<p><b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.</b></p>	<p><i>Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?</i></p> <p>Name of site:</p>	No
2	<p><b>Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.</b></p>	<p><i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i></p> <p>Name of site:</p>	No
3	<p><b>Impacts on designated marine habitats and species.</b></p>	<p><i>Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i></p>	No



		Name of site:	
4	<b>Impacts on birds in SPAs-</b>	Is the development within 1km of a Special Protection Area  Name of site:	No
5	<b>Cumulative effects</b>	Would consideration of a number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	Yes/No

**Conclusion:**

Within 15km for the proposal the following are located:

- Moanour Mountain SAC 002257
- Lower River Suir SAC 002137 and
- Galtee Mountain SAC 00648.

As per Appropriate Assessment of Plans and Projects – Guidance for Local Authorities, Department of Environment, Heritage, and Local Government and precautionary principles Natura Impact Assessment /Appropriate Assessment is required for impact on SAC within 15km of the project. The Applicant has submitted an environmental impact assessment report and an Appropriate Assessment Report with the application. The site is located circa 1.3km east of River Aherlow.

**Summary of relevant planning matters:**

Limerick County Development Plan 2010-2016

- Objective ED 018: Agricultural developments
- Policy 10.8.1 Intensive pig and poultry units

Section 10.8 of the County Development Plan refers to **Agricultural Development** and states that:

*Agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) while accepting the need to be functional, are required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and should avoid breaking the skyline.*

*Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green. The grouping of agricultural buildings will be encouraged and use of existing landscaping in order to reduce their overall impact in the interests of visual amenity.*

*Some agricultural developments are exempt from planning control. However, no new building or structure on a farm is exempt from planning permission unless it has adequate effluent storage facilities. The Planning Authority will require adequate provision for the collection, storage and*

disposal of effluent produced from agricultural developments. Developers are required to adhere to the Department of Agriculture Guideline entitled 'Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes' and the following Slurry Storage and Slurry disposal/recycling requirements:

- All effluent storage tanks should be constructed to Department of Agriculture and Food specifications.
- The capacities of all slurry, effluent and soiled water tanks and all other tanks for pollutants shall comply with the current Department of Agriculture Guidelines and any subsequent documents/guidelines.
- The applicant may be required to demonstrate that sufficient lands of suitable nutrient status are available within a reasonable distance for the disposal/recycling of organic waste from a proposed agricultural development.

Section 10.8.1 of the County Development Plan refers to **Intensive Pig and Poultry Units** and states that:

*In assessing an application for intensive pig or poultry units, the Planning Authority will consider and require information on the following:*

- Depending on the size of the unit, an E.I.S. may be required. In addition, an Integrated Pollution Control licence may be required from the Environmental Protection Agency.
- Scale and intensity of operations including the cumulative impact of similar type developments.
- Waste management including frequency and location of disposal relative to pig and poultry units. In addition, the applicant will be required to demonstrate that there is a stable, secure, sustainable outlet for all slurries and manures from the proposed development. All slurry and effluent shall be stored in concrete tanks constructed in accordance with S123 'Minimum Specification: Slatted livestock units; Reinforced Concrete tanks' (DAFF 1994) or other types of structures approved by the Planning Authority.
- Air pollution arising from housing units and effluent storage, transportation and spreading. The control of odour is another important consideration.
- Proximity of development to aquifers and watercourses.
- Units should be located a minimum of 400 metres from the nearest dwelling other than the applicants dwelling. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlement because of the impacts on residential amenities.
- Animal housing units in terms of design, and associated activities such as cleaning, ventilation and heating.
- Landscaping of site - a comprehensive landscaping plan should be submitted as part of the planning application.

**Services:**

Ballyduff PGWSS indicated on system

Effluent waste disposal – storage and spreading of slurry

IPPC licence deals with licensed contractors deals with animal husbandry waste.

**Submissions/objections:**

a) Internal Submissions

Roads requested

13/1/2020 BC – report received requiring further information



Water Services requested  
Environmental services requested

15/1/2020 BC – report no concerns  
report received requiring further  
information, report requested seeking  
further information regarding noise,  
farmyard management plan, record  
keeping, land banks, capacity, maps,  
wells and tests

Natural Heritage/Ecologist requested

inadequate screening document

#### b) External Submissions

EPA requested – Admin, none received to date, correspondence received advising that case is  
EIA Portal ID 2019156

HSE requested - report recommendation as follows;

1. Insufficient scoping and the non-technical summary of EIAR does not summarise the likely significant effects adequately, proposed mitigation measures, and residual impacts. There is unsubstantiated text and generic references which are not specific to the application.
2. The application does not include assessment of noise referred to in third party submissions (4am and 5am referred to by submission). The noise assessment is not adequate, as it does not predict the likely significant effects from all noise sources during construction and operation, identify an evaluation criteria to assess the significant of any impacts and does not specify any mitigation or final residential impacts. The reliance on the licencing regime is not adequate for a planning application. The applicant is required to carry out an adequate noise assessment to accompany the planning application.
3. The odour management plan should include a robust complaints procedure whereby complaints from the public are recorded and investigated. (Planner observation - Section 2.1.3 Complaints procedure of the Odour Management Plan should be requested to be expanded to reflect the HSE observation).
4. The HSE does not consider the likely effects on the ground and surface water have been adequately assessed with regard to the spreading of waste water from the proposed development. The EHS recommends the Planning Authority request that an adequate assessment of any likely significant effects on ground and surface water is carried out.

Gas Network Ireland – no report to date

Development Applications unit – no report to date

#### c) Objections

1 Con Bourke objects on the following issues:

1. Malodour and prevailing winds, observed to be particularly pertinent 1am – 5am daily
2. Noise generated by traffic movement, and livestock, observed pertinent 1am – 5am
3. Location of proposal in environmentally sensitive location close to Glen of Aherlow, Galtee Mountains, River Aherlow and its tributaries. Reference is made to existing intensive development in the area including quarries, pig farms, bovine enterprise. Mr.Bourke comments on his personal observations of declining oxygen level in rivers and consequent declining fish quantities.
4. Comments on his observations regarding public site notice on front boundary

Note the site notice was in place on 11/12/2019 as observed by B.Collins, Limerick City and County Council within the statutory timeframe as established by planning legislation. Photo of site notice taken on site visit.



Mr. Bourke supplied eircode reference for his residence. It is taken that Con Bourke and other objectors in the Bourke name reside approximately 280m – 400m north of the proposal on the R662. Refer to ref:05/2837 and 06/501 on the planning application system.

Applicant will be advised to comment on concern in the event of request for further information requested.

2 Tim Bourke objects on the following grounds:

1. Inadequate information in the environmental screening report submitted with the application. Report from Environmental Consultant support same as outlined below.
2. Negative impact on water quality
3. Obnoxious odour and air quality, health issues in relation to air pollution (respiratory, bronchial and nasal issues) for future generation
4. Devaluation of property
5. Queries where additional slurry will be disposed
6. Loss of Mr. Bourke' right to fresh air and the residential amenity of his house and garden
7. Traffic safety, road design and alignment.
8. Noise generation from heavy machinery, trucks, tractors slurry tanks, observed to be morning to night. Comments on loading of livestock at 5am, 3-4 times a week
9. States monitoring of Ballyfaskin Enterprises is non-existent.

Environmental report submitted by the Mr. Bourke, prepared by Gerry Tobin as follows:

Environmental screening is deficient as it fails to consider the potential negative environmental impact of the Lower Suir SAC site Code 002137, located 8km from proposal. The screening is not carried out in accordance with Article 6 (3) of the EU Habitats Directive (Directive 92/43/EEC) and Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities, Department of Environment, Heritage and Local Government, 2009. The report concludes that the proposal is likely to have significant effects on Natura 2000 sites within the threshold distance of the project.

3 Christine Bourke objects on the following grounds;

1. Visual amenity and depreciating local landscape
2. Loss of light and overshadowing
3. Traffic generation due to intensification, depletion of local road infrastructure and road safety, nuisance due to soiling of road,
4. Noise and disturbance observed from 4 am daily
5. Odour, spreading of slurry and consequent risk of air and water pollution, effect on residential amenity
6. Use of hazardous materials considered harmful to the environment
7. Loss of tree coverage
8. Design, appearance and material not in keeping with local landscape.

Planner observation: The site is located within an existing farmstead. Loss of light and overshadowing of adjoining properties do not apply in this instance as the substation is within existing complex, has a ridge height of 4.5m. Mature trees screen the proposal from the public road. The roof height of the proposal is lower than the highest structure on the site (mill).

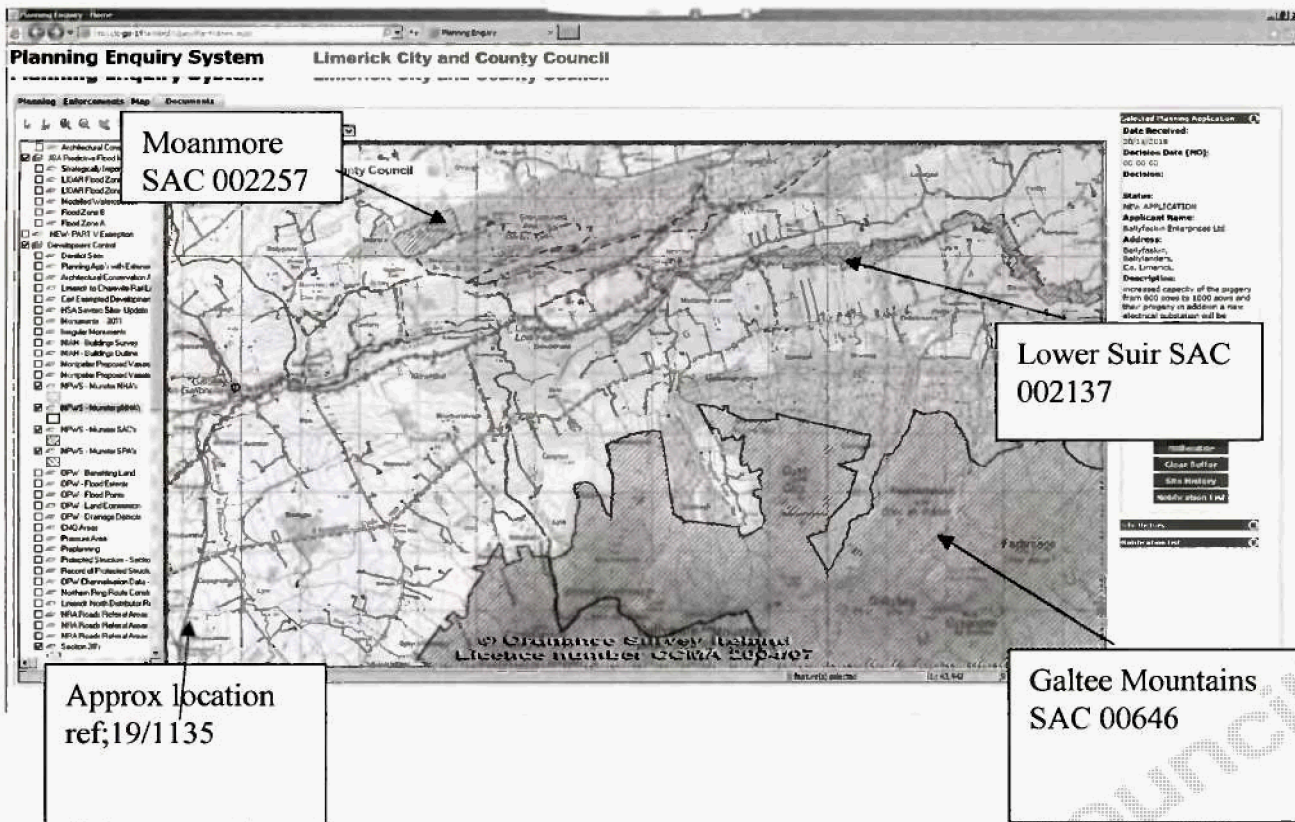
4 Patrick Bourke objects on the following grounds:

1. Visual amenity and depreciating local landscape
2. Loss of light and overshadowing
3. Traffic generation due to intensification, depletion of local road infrastructure and road safety, nuisance due to soiling of road,









### Non-technical Summary/EIAR

The EIAR as submitted has been assessed under the most recent guidelines - Guidelines for Planning Authorities and An Bord Pleanála in carrying out Environmental Impact Assessment August 2018.

The purpose the Non-technical Summary is to communicate clearly and succinctly to the wider public the environmental and technical aspects of the proposed development to the general public and to demonstrate that alternatives have been considered by the applicant. Having considered alternatives the applicant is putting forward the most suitable proposal in terms of proper planning, sustainable development, public health, road safety and environmental protection. The document submitted lacks this clarity. There is no clear description of what the application proposes and justification for need for the substation. Section 4.6 of the Guidelines (page 23) states:

*'The developer must include a Non-Technical Summary in the EIA report. This should broadly include a description of the project, the baseline conditions, reasonable alternatives, and the likely significant effects, mitigation measures, monitoring measures, as well as the methods used for the assessment including explanations of any hurdles encountered during the analysis. The summary should be concise and comprehensive and should be written in language easily understood by a lay member of the public not having a background in environmental matters or an in-depth knowledge of the proposed project.'*

The document as submitted does not satisfy the above in the interest of transparency and clear communication to the public audience. It contains unsubstantiated generic text that is not specific to the proposed development. Further information is required to address the above.

The document fails to list the names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency. The Council as the



competent authority is not facilitated in assessing the competency of the experts informing the report. Section 4.9 of the guidelines state:

*'The 2001 Regulations require that an EIAR includes a list of names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency<sup>63</sup>. This is to facilitate the competent authority and the public in coming to a conclusion in relation to the competency of experts.'*

There is lack of clarity regarding consideration of 'reasonable alternatives' as advised by section 4.12 and 4.13 of the Guidelines. Given the inadequacy of the report the Council as the competent authority is not in a position to undertake its requirements of Section 6 of the 2018 Guidelines to reach a clear reasoned conclusion to inform the decision to permit the proposal or otherwise.

Further information is requested to address the inadequacies of the EIAR and the applicant should be advised to be guided by the 2018 Guidelines.

**Contributions:** to apply in the event of permission being granted

**Recommendation:**

I recommend **Further Information be sought for the following:**

#### **9 Third Party Objections**

There are a number of third party objections to the proposal. The Applicant is advised to respond to same through a comprehensive written statement.

#### **7 Traffic safety, traffic movement, surface water disposal and lighting**

(a) The submitted layout plan indicating the sightlines on Drawing No. T-001, has indicated sightlines of 160m in both directions from the existing vehicular access. Sightlines indicated in a southerly direction are incorrect as sightlines in this direction are hampered by mature trees/vegetation in a neighbouring site; the Road Section measured this at 110m onsite on 14.01.2020. The posted speed limit on this road is 80km/h; however, the operational speed is closer to 100km/h.

- The Applicant must address this sightline and stopping sight distance issue.
- It is not clear that this is a topographical survey, therefore, the Applicant is to undertake a topographical survey of site front boundary and along the nearside road edge over a distance of 160m north and south direction from the centre of the proposed entrance and is to identify the following; –
  - i. Road edge;
  - ii. Vegetation line including mature vegetation clusters;
- The Applicant is to provide a drawing showing sightlines from a point 3.0m back from the road edge at the proposed entrance and extending 160m north and south to a point where it meets the nearside road edge. Any boundary within the clear sight triangle that is interfering with the sightlines must be shown that it will be set back.
- The Applicant is to highlight on his drawing any boundaries belonging to adjacent landowners to the north and south of their site that will require setback in order to achieve the 160m sightlines as required above. This may require boundary setback and or vegetation removal and either are to be highlighted and labelled on the revised drawing. Written permission to adjust and maintain any boundaries outside of the ownership of the Applicant shall be submitted.



- (b) The Applicant shall submit a Traffic Assessment, which shall outline the following:
- Number of existing vehicles entering and exiting the development on a daily/weekly basis;
  - Number of extra vehicles entering and exiting the development on a daily/weekly basis as a result of this proposal;
  - Number of staff current and proposed staff;
  - Type of vehicles entering and exiting the development;
  - Laden weight of truck/per axel load;
- (c) The Applicant shall submit a revised Site Layout Plan with clear auto tracking in and out of the existing vehicular access to the R662.
- (d) The Applicant shall confirm that the car parking is in line with the County Development Plan and submit a revised Site Layout Plan indicating the car parking layout.
- 1(i) A revised Site Layout Plan shall be submitted to the Planning Authority indicating appropriate 'STOP' road markings and 'STOP' sign at the existing vehicular to the R662 in the interest of safety “.
- 2(ii) The Applicant shall submit a revised Site Layout Plan to indicating all car parking dimensions and distance between them.
- (e) The Applicant shall submit a Surface Water Disposal Plan to the Planning Authority showing the following:
- existing and proposed manholes clearly numbered with cover/invert levels;
  - road gullies;
  - Based on the size of the overall development an Attenuation Tank will be required, which should provide the designated storage volume and should be a sealed system;
  - The Attenuation Tank system must have BBA Agreement Certification;
  - Based on the size of the overall development Hydrobrake will be required. The Hydrobrake should meet designated flow requirements at the specified design head;
  - Based on the size of the overall development a Class 1 By-Pass Interceptors will be required and should be sized appropriately (based on flow and drainage area) and fitted with a ventilation pipe and an oil alarm. All installation, handling, excavation and maintenance procedures should be carried out in accordance with manufacturer's guidelines;
  - Discharge location shall be clearly indicated;
  - Layout Plan shall have a with a clear legend;
  - The Applicant shall submit to the Planning Authority surface water calculations to support this planning application in line with the Greater Dublin Strategic Drainage Study GDSDS, clearly indicating discharge rates.
- (f) The Applicant shall submit
- Longitudinal sections shall be submitted for approval to Planning Authority for any new storm pipe line, which should include all manholes, pipelines, pipe gradients.
  - A maintenance plan and maintenance schedule should be submitted for approval to the Planning Authority;
- (g) The Applicant should supply a Lighting Design in line with the following, this shall be **designed and signed by a Lighting Design Engineer**: –
- Cover the staff car parking area to the building areas;
  - Lantern (luminaire) types are commonly used brands Certified to BS EN 60598-1:2008;
  - LED installations comply with the IET Code of Practice for the Application of LED Lighting Systems 2014;



- A legible plot of the lux levels and contour levels must be superimposed on the Site Layout Plan to a scale of 1/500 is submitted (along with supporting calculations);

- The lantern type is a SEAI triple E Registered product;

#### 4 Noise

It is the Council's experience that electrical substations can have sound associated with them. A noise assessment should be carried out in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound to establish the potential impact on the nearest noise sensitive properties from the electrical substation, as well as the potential impact due to increased noise levels from the development related to increased numbers of animals in the existing buildings, traffic movements and associated machinery. The assessment should be carried out by a suitably qualified acoustic engineer. The baseline noise assessment should be carried out not taking into account the existing development.

A site layout drawing should be submitted with the noise assessment outlining the location of the nearest noise sensitive properties, monitoring locations and noise sources. Calibration certificates should be submitted for all the sound monitoring equipment (sound level meters and calibration equipment).

#### 5 Environmental impact/Screening and Appropriate Assessment

(4) Within 15km for the proposal the following are located:

- Moanour Mountain SAC 002257
- Lower River Suir SAC 002137 and
- Galtee Mountain SAC 00646.

As per Appropriate Assessment of Plans and Projects – Guidance for Local Authorities, Department of Environment, Heritage, and Local Government, 2009 and precautionary principles Natura Impact Assessment/Appropriate Assessment is required for impact on SAC within 15km of the project. The AA submitted refers only to Galtee Mountains SAC 00646 and does not include Moanour Mountain and Lower Suir SACs located within 15km of the proposed development. The AA refers to a 'sphere of influence' of 10km but 2009 guidance recommends 15km.<sup>2</sup> Thus, the AA submitted is deemed inadequate. Submit a revised comprehensive AA Screening Report addressing the above.

The applicant is advised to contact Tom O'Neill, Heritage Officer  
 LCCC if required

6. The EIAR as submitted has been assessed under the most recent guidelines - Guidelines for Planning Authorities and An Bord Pleanála in carrying out Environmental Impact Assessment August 2018.

The purpose of the Non-technical Summary is to communicate clearly and succinctly to the wider public the environmental and technical aspects of the proposed development to the general public and to demonstrate that alternatives have been considered by the applicant. Having considered alternatives the applicant is putting forward the most suitable proposal in terms of proper planning, sustainable development, public health, road safety and environmental protection. The document submitted lacks this clarity. There is no clear description of what the application proposes and justification as need for the substation. Section 4.6 of the Guidelines (page 23) states:

*'The developer must include a Non-Technical Summary in the EIA report. This should broadly include a description of the project, the baseline conditions, reasonable alternatives, and the likely significant effects, mitigation measures, monitoring measures, as well as the*

<sup>2</sup> Section 2.2 European Sites that may be effected – Appropriate Assessment submitted with the application



*methods used for the assessment including explanations of any hurdles encountered during the analysis. The summary should be concise and comprehensive and should be written in language easily understood by a lay member of the public not having a background in environmental matters or an in-depth knowledge of the proposed project.'*

The document as submitted does not satisfy the above in the interest of transparency and clear communication to the public audience. Further information is required to address the above.

The document fails to list the names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency. The Council as the competent authority is not facilitated in assessing the competency of the experts informing the report. Section 4.9 of the guidelines state:

*'The 2001 Regulations require that an EIAR includes a list of names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency<sup>63</sup>. This is to facilitate the competent authority and the public in coming to a conclusion in relation to the competency of experts.'*

There is lack of clarity regarding consideration of 'reasonable alternatives' as advised by section 4.12 and 4.13 of the Guidelines. Given the inadequacy of the report the Council as the competent authority is not in a position to undertake its requirements of Section 6 to reach a clear reasoned conclusion to inform the decision to permit the proposal or otherwise.

Submit a revised EIAR and you are advised to be guided by the 2018 Guidelines. Avoid unsubstantiated generic text that is not specific to the proposed development. The revised EIAR should be written bearing in mind the audience including the general public.

### **3 Odour**

The odour management plan should include a robust complaints procedure whereby complaints from the public are recorded and investigated. Section 2.1.3 Complaints procedure of the Odour Management Plan should be requested to be expanded to address the above. Note submissions/objections received referring to odour pungency. You are invited to respond with written statement to the concerns.

### **1 Farmyard Management, landbank and nutrient management**

An Effluent Management Plan (with a Narrative Report attached) prepared by a suitably qualified Pig Specialist shall be submitted and shall deal with the following:

- a) Provide calculations showing slurry generated annually from the current production system and demonstrate that the minimum 26 weeks storage requirement under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended) is satisfied.
- b) Provide the above information for operations post-development.
- c) Calculations for all soiled water generated shall be included in the Plan.
- d) A Yard Layout Plan shall indicate flowpaths for all effluents arising.





- e) Provide details of the record-keeping system operated at the facility for disposal of all effluents arising.
- f) Provide details on landbanks for all Importing Farmers and confirm that Nutrient Management Plans are in place for these Farmers.
- g) Clearly demonstrate that landbank capacity is sufficient to cater for the volume of effluents arising on the facility (post development).
- h) Provide an explanation as to how the current facility for 600 no. sows can – without building extension – accommodate 1000 no. sows post-development. Show relevant calculations and furnish an explanation regarding proposed internal modifications which will be required to facilitate the additional pig numbers post development.
- i) Submit a location map which shows the discharge point(s) for all uncontaminated roof and surface water run-off arising on the site

j) Submit a site layout plan that is clearly legible

2 **Water Services**

- a) Provide details of the water supply for the proposed development. Show location of any wells boreholes associated with the development and attach latest test results for same.

The applicant is advised to contact Helen Leonard, Farm Team LCC in relation to parts 1 and 2 above.

<b>Executive Planner (Print Name)</b>	Bernadette Collins	<b>Date:</b>	20th Jan 2020
<b>Signature:</b>			
<b>Senior Executive Planner</b>			22/01/2020

For inspection purposes only.  
Consent of copyright owner required for any other use.

OA 19/1135

8 (a) Paragraph 3+ on page 17 of the EIA submitted refers to "structures for which permission is being sought". Please clarify and clearly outline what structures are being proposed. Submit floor plans + elevations of same on a site layout plan.

(b) The gross floor space on page 3 of the planning applications is stated as being 571sqm. Please clarify what this figure relates to as

(c) If the applicant is proposing new buildings or extensions to same it shall be clearly shown and re-advertised accordingly.

Limerick City Council  
Viewing Purposes Only  
Consent of copyright owner required for any other use.  
For inspection purposes only.



## Collins, Bernadette

---

**From:** Leonard, Aidan  
**Sent:** 17 January 2020 17:23  
**To:** Collins, Bernadette  
**Cc:** plandev; Goggin, Anne  
**Subject:** 19/1135 - Ballyfaskin Enterprises Ltd.

Hi Bernadette,

I had a look at E.I.A.R.submission prepared by Mr. Trevor Montgomery (received 20<sup>th</sup> November 2019). Unfortunately I didn't have the time to do in-depth study of same but based what I gleaned I advise that the following additional information / clarification be requested:

### 1) Farmyard Mangement Plan

An Effluent Management Plan (with a Narrative Report attached) prepared by a suitably qualified Pig Specialist shall be submitted and shall deal with the following:

- a) Provide calculations showing slurry generated annually from the current production system and demonstrate that the minimum 26 weeks storage requirement under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended) is satisfied.
- b) Provide the above information for operations post-development.
- c) Calculations for all soiled water generated shall be included in the Plan.
- d) A Yard Layout Plan shall indicate flowpaths for all effluents arising.

### 2) Record Keeping / Landbanks

Provide details of the record-keeping system operated at the facility for disposal of all effluents arising. Provide details on landbanks for all Importing Farmers and confirm that Nutrient Management Plans are in place for these Farmers.

Clearly demonstrate that landbank capacity is sufficient to cater for the volume of effluents arising on the facility (post development).

### 3) Noise

**Simon has commented on noise as follows:**

*"It is the Council's experience that electrical substations can have sound associated with them. A noise assessment should be carried out in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound to establish the potential impact on the nearest noise sensitive properties from the electrical substation, as well as the potential increased noise level from increased numbers of animals in the existing buildings. The assessment should be carried out by a suitably qualified acoustic engineer. The baseline noise assessment should be carried out not taking into account the existing development.*

A site layout drawing should be submitted with the noise assessment outlining the location of the nearest noise sensitive properties, monitoring locations and noise sources. Calibration certificates should be submitted for all the sound monitoring equipment (sound level meters and calibration equipment)".

**4) Capacity**

Provide an explanation as to how the current facility for 600 no. sows can – without building extension – accommodate 1000 no. sows post-development. Show relevant calculations and furnish an explanation re. proposed internal modifications which will be required to facilitate the additional pig numbers post development.

**5) Traffic**

Comment on the nature and number of traffic movements associated with both the current and the proposed development.

**6) Map**

Submit a location map which shows the discharge point(s) for all uncontaminated roof and surface water run-off arising on the site.

**7) Water Supply**

Provide details re. water supply for the proposed development. Show location of any wells / boreholes associated with the development and attach latest test results for same.

I note comments from HSE (received Jan 2 2020) in relation to spreading of effluents. The question should indeed be asked. My understanding is that all effluents are exported from the site and the importing farm must manage all effluents in accordance with the requirements set out in the European Union (Good Agricultural Practice for Protection of Waters) 2017 (as amended).

I was hoping that Paul O' Grady might have an opportunity to carry out an odour assessment for the facility (as it currently operates) using EPA Odour Assessment Guidance Note 5. He's been away for the past two weeks. I will e-mail him now to see if he might be able to do something before F.I. deadline expires.

I'm off on Monday so it might be worthwhile if you could give him a call on Monday (assuming he will be back to work) to see if he would do the assessment such that his findings (if any) can be addressed in F.I. letter.

Kind Regards

Aidan



**Collins, Bernadette**

---

**From:** O'Neill, Thomas  
**Sent:** 17 January 2020 12:00  
**To:** Collins, Bernadette  
**Subject:** RE: Planning ref:19/1135 Ballyfaskin Enterprises Ltd intensification of piggery from 600 sows to 1000sows

Hello Bernie – sorry for the delay in getting back to you.

The Lower Suir should be included in the AA screening as its upper reaches runs through the Glen of Aherlow and then extends through county Tipperary past Carrick on Suir- the lower reaches are coastal. Freshwater pearl mussel are located in the catchment so this is a further reason for inclusion. There may be hydrological links between the proposed development and the designated site.

In relation to Moanour, these are heath type habitats similar to those found on the Galtees. These would not be as vulnerable as the water based habitats of the Lower Suir but should be included as it close to the area of the development.

I hope that helps- any questions let me know,

Tom.

**From:** Collins, Bernadette  
**Sent:** Wednesday, January 15, 2020 12:04 PM  
**To:** O'Neill, Thomas <thomas.oneill@limerick.ie>  
**Subject:** FW: Planning ref:19/1135 Ballyfaskin Enterprises Ltd intensification of piggery from 600 sows to 1000sows

Hi Tom,

I had a look at the guidance for Planning Authorities 2010. I think that this needs a Natura Impact/AA within 15km of the site according to page 32. The Lower Suir SAC is possible beyond 15km recommended. I see another SAC Moanour Montains SAC code 002257 which is closer to the site. Should we be asking for this to be included in screening document?

**From:** Collins, Bernadette  
**Sent:** Monday, January 13, 2020 3:14 PM  
**To:** O'Neill, Thomas <thomas.oneill@limerick.ie>  
**Subject:** Planning ref:19/1135 Ballyfaskin Enterprises Ltd intensification of piggery from 600 sows to 1000sows

Hello Tom,

I am working through this application. There are a number of objectors. One objector Tim Bourke submits a report from an environmental consultant Gerry Tobin. Mr. Tobin argues that the screening fails to address the Lower River Suir SAC and is confined to the Galtee Mountains SAC only. He concludes that an Appropriate Assessment is required. Could you have a look at the above for me? There is an Appropriate Assessment with the application prepared by Montgomery EHS which does not refer to the Lower River Suir SAC.

Any assistance is appreciated.

Thanks - B

Linnetick City Council  
Viewing purposes only.  
Consent of copyright owner required for any other use.



# INTERNAL REPORT

**Collins, Bernadette**

**From:** O'Donoghue, Donogh  
**Sent:** 03 January 2020 12:07  
**To:** Collins, Bernadette  
**Subject:** FW: 19-1135

Replace with  
Simon's  
revised  
version

**From:** Jennings, Simon <simon.jennings@limerick.ie>  
**Sent:** Thursday, January 02, 2020 4:06 PM  
**To:** Ryan, Darragh <darragh.ryan@limerick.ie>; plandev <planning@limerick.ie>; O'Donoghue, Donogh <donogh.odonoghue@limerick.ie>  
**Cc:** Leonard, Aidan <Aidan.Leonard@limerick.ie>; Goggin, Anne <anne.goggin@limerick.ie>  
**Subject:** 19-1135

**Applicant Name:** Ballyfaskin Enterprises Ltd.  
**Development Description:** increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as  
**Development Address:** Ballyfaskin,  
Ballylanders,  
Co. Limerick.

**19-1135**

It is the Council's experience that electrical substations can have sound associated with them. A noise assessment should be carried out in accordance with BS 4142:2014 *Methods for rating and assessing industrial and commercial sound* to establish the potential impact on the nearest noise sensitive properties from the electrical substation, as well as the potential increased noise level from increased numbers of animals in the existing buildings. The assessment should be carried out by a suitably qualified acoustic engineer. The baseline noise assessment should be carried out not taking into account the existing development.

A site layout drawing should be submitted with the noise assessment outlining the location of the nearest noise sensitive properties, monitoring locations and noise sources. Calibration certificates should be submitted for all the sound monitoring equipment (sound level meters and calibration equipment).

Regards,

Simon Jennings  
Executive Scientist  
Physical Development Directorate



Limerick City & County Council

Merchants Quay, Limerick, V94 EH90

Telephone: +353 (0)61 407550

Limerick City & County Council  
Viewing Purposes Only  
For inspection purposes only.  
Consent of copyright owner required for any other use.

Bernadette

**Planning File No.:** 19/1135

**Applicant's Name:** Ballyfaskin Enterprises Ltd.

**Development Address:** Ballyfaskin, Ballylanders, Co. Limerick

**Development Description:** increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application

14.01.2020

## Road Observations:-

Sightlines:

Under the Planning Application 12/306 the Road Section requested sightlines of 160m to be achieved on the R662.

The submitted layout plan indicating the sightlines on Drawing No. T-001, has indicated sightlines of 160m in both directions from the existing vehicular access. Sightlines indicated in a southerly direction are incorrect as sightlines in this direction are hampered by mature trees/vegetation in a neighbouring site; the Road Section measured this at 110m onsite on 14.01.2020. The posted speed limit on this road is 80km/h; however, the operational speed is closer to 100km/h.

- The Applicant must address this sightline and stopping sight distance issue. – FI
- It is not clear that this is a topographical survey, therefore, the Applicant is to undertake a topographical survey of site front boundary and along the nearside road edge over a distance of 160m north and south direction from the centre of the proposed entrance and is to identify the following; – FI
  - i. Road edge;
  - ii. Vegetation line including mature vegetation clusters;
- The Applicant is to provide a drawing showing sightlines from a point 3.0m back from the road edge at the proposed entrance and extending 160m north and south to a point where it meets the nearside road edge. Any boundary within the clear sight triangle that is interfering with the sightlines must be shown that it will be set back. – FI
- The Applicant is to highlight on his drawing any boundaries belonging to adjacent landowners to the north and south of their site that will require setback in order to achieve the 160m sightlines as required above. This may require boundary setback and or vegetation removal and either are to be highlighted and labelled on the revised drawing. Written permission to adjust and maintain any boundaries outside of the ownership of the Applicant shall be submitted. – FI



#### Traffic Assessment:

The Applicant shall submit a Traffic Assessment, which shall outline the following:

- Number of existing vehicles entering and exiting the development on a daily/weekly basis;
- Number of extra vehicles entering and exiting the development on a daily/weekly basis as a result of this proposal;
- Number of staff current and proposed staff;
- Type of vehicles entering and exiting the development;
- Laden weight of truck/per axel load;
- Measures to reduce damage to the R662

#### Roads and Footpaths:

1. The Applicant shall submit a revised Site Layout Plan with clear auto tracking in and out of the existing vehicular access to the R662. – FI

#### Car Parking Arrangements:

1. The Applicant shall confirm that the car parking is in line with the County Development Plan and submit a revised Site Layout Plan indicating the car parking layout. – FI
2. A revised Site Layout Plan shall be submitted to the Planning Authority indicating appropriate 'STOP' road markings and 'STOP' sign at the existing vehicular to the R662 in the interest of safety ". – FI
3. The Applicant shall submit a revised Site Layout Plan to indicating all car parking dimensions and distance between them – FI

#### Surface Water Disposal System:

1. The Applicant shall submit a Surface Water Disposal Plan to the Planning Authority showing the following: – FI
  - existing and proposed manholes clearly numbered with cover/invert levels;
  - road gullies;
  - Based on the size of the overall development an Attenuation Tank will be required, which should provide the designated storage volume and should be a sealed system;
  - The Attenuation Tank system must have BBA Agreement Certification;
  - Based on the size of the overall development Hydrobrake will be required. The Hydrobrake should meet designated flow requirements at the specified design head;
  - Based on the size of the overall development a Class 1 By-Pass Interceptors will be required and should be sized appropriately (based on flow and drainage area) and fitted with a ventilation pipe and an oil alarm. All installation, handling, excavation and maintenance procedures should be carried out in accordance with manufacturer's guidelines;
  - Discharge location shall be clearly indicated;
  - Layout Plan shall have a with a clear legend;
  - The Applicant shall submit to the Planning Authority surface water calculations to support this planning application in line with the Greater Dublin Strategic Drainage Study GSDSDS, clearly indicating discharge rates. – FI

2. Longitudinal sections shall be submitted for approval to Planning Authority for any new storm pipe line, which should include all manholes, pipelines, pipe gradients. – FI
3. A maintenance plan and maintenance schedule should be submitted for approval to the Planning Authority;

#### Public Lighting:

The Applicant should supply a Lighting Design in line with the following, this shall be **designed and signed by a Lighting Design Engineer: – FI**

- Cover the staff car parking area to the building areas;
- Lantern (luminaire) types are commonly used brands Certified to BS EN 60598-1:2008;
- LED installations comply with the IET Code of Practice for the Application of LED Lighting Systems 2014;
- A legible plot of the lux levels and contour levels must be superimposed on the Site Layout Plan to a scale of 1/500 is submitted (along with supporting calculations);
- The lantern type is a SEAI triple E Registered product;

Regards

Tony Carmody

Senior Executive Technician

Operations and Maintenance Services | Central Services |

Limerick City & County Council, County Hall, Dooradoyle, Limerick, V94 WV78

T: 061 556573 | Mob: 087 7985938

E: [tony.carmody@limerick.ie](mailto:tony.carmody@limerick.ie) | W: [www.limerick.ie](http://www.limerick.ie)



Comhairle Cathrach  
& Contae **Luimnigh**

**Limerick City**  
& County Council



Limerick City & County Council  
Viewing Purposes Only

For inspection purposes only.  
Consent of copyright owner required for any other use.

D. Mollom  
 WAM  
 EPA  
 CAS NETWORKS  
 OBJ x b

**Planning Report**  
**Limerick City & County Council**

**File No:** 19/1135  
**Applicant:** Ballyfaskin Enterprises Ltd.  
**Location:** Ballyfaskin, Ballylanders, Co. Limerick.  
**Dev. Description:** PERMISSION for increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application

**Site notice & date of site inspection:** notice in place 11 December 2019, photo on computer file

**Description of existing and proposed development and site analysis:**

The site forms part of an existing piggery business located 2.5km south east of Ballylanders, on the R662 approximately 100m north of the junction with the L8526. The site is 2.6ha and the existing buildings on site provide internal area of 571sqm for the business. The highest building on site has roof height of 15m and the remaining livestock buildings are approximately 5m high. There is dwelling possibly belonging to the applicant located at the roadside immediately west of the pig farm. The closest third party dwelling house is approximately 50m from the farm. The site is flat and the existing development is partially screened by mature trees.

The proposed development is to construct substation on the western boundary with an internal floor area of 21.6sqm and the roof height is approximately 4.5m. The hardstanding area is proposed to be extended with some re-alignment of the internal road. The proposed development would accommodate up to 1000 sows and pogeny at any one time.

**Photographs:** on computer file

**Planning history:**

*Current:*

1. Ref: 063801 permission granted to P.Ryan for the construction of new loose dry sow house to comply with new regulations.
2. Ref:07/2101 permission granted to P.Ryan for the construction for new store, cover over existing open pig manure storage tank with a house for hospital pens, replacing 4 no. pig houses with modern new design buildings and construction of a cover geo-membrane lined pig manure storage basin.
3. Ref:09/586 permission granted to P.Ryan for an extension to the farrowing house D and replace existing farrowing house E.
4. Ref: 12/306 permission granted to Ballyfaskin Enterprises for the expansion of existing integrated sow unit to 600 sows, construction of a new dry sow house, 3 no fattening houses, a new farrowing house, a feed mill, new site entrance and associated works. The development required an Integrated Pollution Control Licence and an Environmental Impact Statement.
5. Ref:14/276 permission granted to Ballyfaskin Enterprises Ltd for the construction of staff facilities and underground rainwater harvesting tank and associated pump house.



Adjacent:

Ref:08/998 permission granted to C.Ryan for the construction of extension to cow house.

Ref: 11/373 permission granted to P.Ryan for extension to milking parlour

Ref: 05/2342 permission granted to Fitzgerald-Ryan and Ryan for the construction of a dwelling, septic tank, garage, percolation area.

Pre-planning: Ref 10637 on system

**Habitats directive project screening assessment:**

Construction Phase: Substation	Ex-situ effects:
Are effects significant? Yes/No/NA	Are effects significant? Yes/No/NA
Are substantial works required: Yes/No/NA	Run-off:
Are effects significant? Yes/No/NA	Are effects significant? Yes/No/NA
Operating phase effects:	Abstraction:
Are effects significant? Yes/No/NA	Are effects significant? Yes/No/NA
	Displacement:
	Are effects significant? Yes/No/NA

**Identification of Natura 2000 sites which may be impacted by the proposed development:**

1	<b>Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species e.g. bogs or otters -see abstraction/run off etc above.</b>	<i>Is the development in the relevant catchment of or immediately up/downstream of a watercourse that has been designated as a Natura 2000 site?</i> Name of site:	No
2	<b>Impacts on terrestrial habitats and species.-see area and disturbance/displacement effects above.</b>	<i>Is the development within 1km of a SAC site with terrestrial based habitats or species?</i> Name of site:	No
3	<b>Impacts on designated marine habitats and species.</b>	<i>Is the development located within marine or intertidal areas or within 5 km of a SAC site whose qualifying habitats or species include the following habitats: Salmonid, Lamprey Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs</i> Name of site:	No
4	<b>Impacts on birds in SPAs</b>	<i>Is the development within 1km of a Special Protection Area</i> Name of site:	No
5	<b>Cumulative effects</b>	Would consideration of a	Yes/No

		number of significant projects nearby such as forested areas, quarries, wind energy together with the proposed development significantly increase the impacts listed above:	
--	--	---	--

**Conclusion:**

Within 15km for the proposal the following are located:

- Moanour Mountain SAC 002257
- Lower River Suir SAC 002137 and
- Galtee Mountain SAC 00648.

As per Appropriate Assessment of Plans and Projects – Guidance for Local Authorities, Department of Environment, Heritage, and Local Government and precautionary principles Natura Impact Assessment /Appropriate Assessment is required for impact on SAC within 15km of the project. The Applicant has submitted an environmental impact assessment report and an Appropriate Assessment Report with the application. The site is located circa. 1.3km east of River Aherlow.

**Summary of relevant planning matters:**

Limerick County Development Plan 2010-2016

- Objective ED 018: Agricultural developments
- Policy 10.8.1 Intensive pig and poultry units

Section 10.8 of the County Development Plan refers to **Agricultural Development** and states that: *Agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) while accepting the need to be functional, are required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and should avoid breaking the skyline.*

*Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green. The grouping of agricultural buildings will be encouraged and use of existing landscaping in order to reduce their overall impact in the interests of visual amenity.*

*Some agricultural developments are exempt from planning control. However, no new building or structure on a farm is exempt from planning permission unless it has adequate effluent storage facilities. The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. Developers are required to adhere to the Department of Agriculture Guideline entitled 'Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes' and the following Slurry Storage and Slurry disposal/recycling requirements:*

- *All effluent storage tanks should be constructed to Department of Agriculture and Food specifications.*
- *The capacities of all slurry, effluent and soiled water tanks and all other tanks for pollutants shall comply with the current Department of Agriculture Guidelines and any subsequent documents/guidelines.*
- *The applicant may be required to demonstrate that sufficient lands of suitable nutrient status are available within a reasonable distance for the disposal/recycling of organic waste from a proposed agricultural development.*



Section 10.8.1 of the County Development Plan refers to **Intensive Pig and Poultry Units** and states that:

*In assessing an application for intensive pig or poultry units, the Planning Authority will consider and require information on the following:*

- *Depending on the size of the unit, an E.I.S. may be required. In addition, an Integrated Pollution Control licence may be required from the Environmental Protection Agency.*
- *Scale and intensity of operations including the cumulative impact of similar type developments.*
- *Waste management including frequency and location of disposal relative to pig and poultry units. In addition, the applicant will be required to demonstrate that there is a stable, secure, sustainable outlet for all slurries and manures from the proposed development. All slurry and effluent shall be stored in concrete tanks constructed in accordance with S123 'Minimum Specification: Slatted livestock units; Reinforced Concrete tanks' (DAFF 1994) or other types of structures approved by the Planning Authority.*
- *Air pollution arising from housing units and effluent storage, transportation and spreading. The control of odour is another important consideration.*
- *Proximity of development to aquifers and watercourses.*
- *Units should be located a minimum of 400 metres from the nearest dwelling other than the applicants dwelling. In the case of villages and towns intensive poultry and particularly pig units will be required to be located a much greater distance away from the settlement because of the impacts on residential amenities.*
- *Animal housing units in terms of design, and associated activities such as cleaning, ventilation and heating.*
- *Landscaping of site - a comprehensive landscaping plan should be submitted as part of the planning application.*

**Services:**

Ballyduff PGWSS indicated on system

Effluent waste disposal – storage and spreading of slurry

IPPC licence deals with licensed contractors deals with animal husbandry waste.

**Submissions/objections:**

*a) Internal Submissions*

Roads requested

13/1/2020 BC – report received requiring further information

Water Services requested

15/1/2020 BC – report no concerns

Environmental services requested

report received requiring further information, report requested seeking further information regarding noise, farmyard management plan, record keeping, land banks, capacity, maps, wells and tests

Natural Heritage/Ecologist requested

inadequate screening document

*b) External Submissions*

EPA requested – Admin, none received to date, correspondence received advising that case is EIA Portal ID 2019156

HSE requested - report recommendation as follows;

1. Insufficient scoping and the non-technical summary of EIAR does not summarise the likely significant effects adequately, proposed mitigation measures, and residual

- impacts. There is unsubstantiated text and generic references which are not specific to the application.
2. The application does not include assessment of noise referred to in third party submissions (4am and 5am referred to by submission). The noise assessment is not adequate, as it does not predict the likely significant effects from all noise sources during construction and operation, identify an evaluation criteria to assess the significant of any impacts and does not specify any mitigation or final residential impacts. The reliance on the licencing regime is not adequate for a planning application. The applicant is required to carry out an adequate noise assessment to accompany the planning application.
  3. The odour management plan should include a robust complaints procedure whereby complaints from the public are recorded and investigated. (Planner observation - Section 2.1.3 Complaints procedure of the Odour Management Plan should be requested to be expanded to reflect the HSE observation).
  4. The HSE does not consider the likely effects on the ground and surface water have been adequately assessed with regard to the spreading of waste water from the proposed development. The EHS recommends the Planning Authority request that an adequate assessment of any likely significant effects on ground and surface water is carried out.

Gas Network Ireland – no report to date  
Development Applications unit – no report to date

c) *Objections*

- 1 Con Bourke objects on the following issues:
  1. Malodour and prevailing winds, observed to be particularly pertinent 1am – 5am daily
  2. Noise generated by traffic movement, and livestock, observed pertinent 1am – 5am
  3. Location of proposal in environmentally sensitive location close to Glen of Aherlow, Galtee Mountains, River Aherlow and its tributaries. Reference is made to existing intensive development in the area including quarries, pig farms, bovine enterprise. Mr. Bourke comments on his personal observations of declining oxygen level in rivers and consequent declining fish quantities.
  4. Comments on his observations regarding public site notice on front boundary

Note the site notice was in place on 11/12/2019 as observed by B. Collins, Limerick City and County Council within the statutory timeframe as established by planning legislation. Photo of site notice taken on site visit.

Mr. Bourke supplied eircode reference for his residence. It is taken that Con Bourke and other objectors in the Bourke name reside approximately 280m – 400m north of the proposal on the R662. Refer to ref:05/2837 and 06/501 on the planning application system.

Applicant will be advised to comment on concern in the event of request for further information requested.

- 2 Tim Bourke objects on the following grounds:
  1. Inadequate information in the environmental screening report submitted with the application. Report from Environmental Consultant support same as outlined below.
  2. Negative impact on water quality
  3. Obnoxious odour and air quality, health issues in relation to air pollution (respiratory, bronchial and nasal issues) for future generation
  4. Devaluation of property



5. Queries where additional slurry will be disposed
6. Loss of Mr. Bourke's right to fresh air and the residential amenity of his house and garden
7. Traffic safety, road design and alignment.
8. Noise generation from heavy machinery, trucks, tractors slurry tanks, observed to be morning to night. Comments on loading of livestock at 5am, 3-4 times a week
9. States monitoring of Ballyfaskin Enterprises is non-existent.

Environmental report submitted by the Mr. Bourke, prepared by Gerry Tobin as follows:

Environmental screening is deficient as it fails to consider the potential negative environmental impact of the Lower Suir SAC site Code 002137, located 8km from proposal. The screening is not carried out in accordance with Article 6 (3) of the EU Habitats Directive (Directive 92/43/EEC) and Appropriate Assessment of Plans and Projects – Guidance for Planning Authorities, Department of Environment, Heritage and Local Government, 2009. The report concludes that the proposal is likely to have significant effects on Natura 2000 sites within the threshold distance of the project.

3 Christine Bourke objects on the following grounds;

1. Visual amenity and depreciating local landscape
2. Loss of light and overshadowing
3. Traffic generation due to intensification, depletion of local road infrastructure and road safety, nuisance due to soiling of road,
4. Noise and disturbance observed from 4 am daily
5. Odour, spreading of slurry and consequent risk of air and water pollution, effect on residential amenity
6. Use of hazardous materials considered harmful to the environment
7. Loss of tree coverage
8. Design, appearance and material not in keeping with local landscape.

Planner observation: The site is located within an existing farmstead. Loss of light and overshadowing of adjoining properties do not apply in this instance as the substation is within existing complex, has a ridge height of 4.5m. Mature trees screen the proposal from the public road. The roof height of the proposal is lower than the highest structure on the site (mill).

4 Patrick Bourke objects on the following grounds:

1. Visual amenity and depreciating local landscape
2. Loss of light and overshadowing
3. Traffic generation due to intensification, depletion of local road infrastructure and road safety, nuisance due to soiling of road,
4. Noise and disturbance observed from 4 am daily
5. Odour, spreading of slurry and consequent risk of air and water pollution, effect on residential amenity
6. Use of hazardous materials considered harmful to the environment
7. Loss of tree coverage
8. Design, appearance and material not in keeping with local landscape.

5 Michael and Celine O'Donnell object on the following grounds

1. Offensive odour from existing business, consequent loss to residential amenity due to loss of natural ventilation to home, and use of amenity of garden
2. Concerns regarding air and water pollution due to the intensification of the business
3. Noise generation of the substation
4. Additional traffic on the road and traffic safety at the entrance

d) Submissions from Elected Representatives

none to date

**Part V: Not applicable**

**Summary of key planning issues and assessment:**

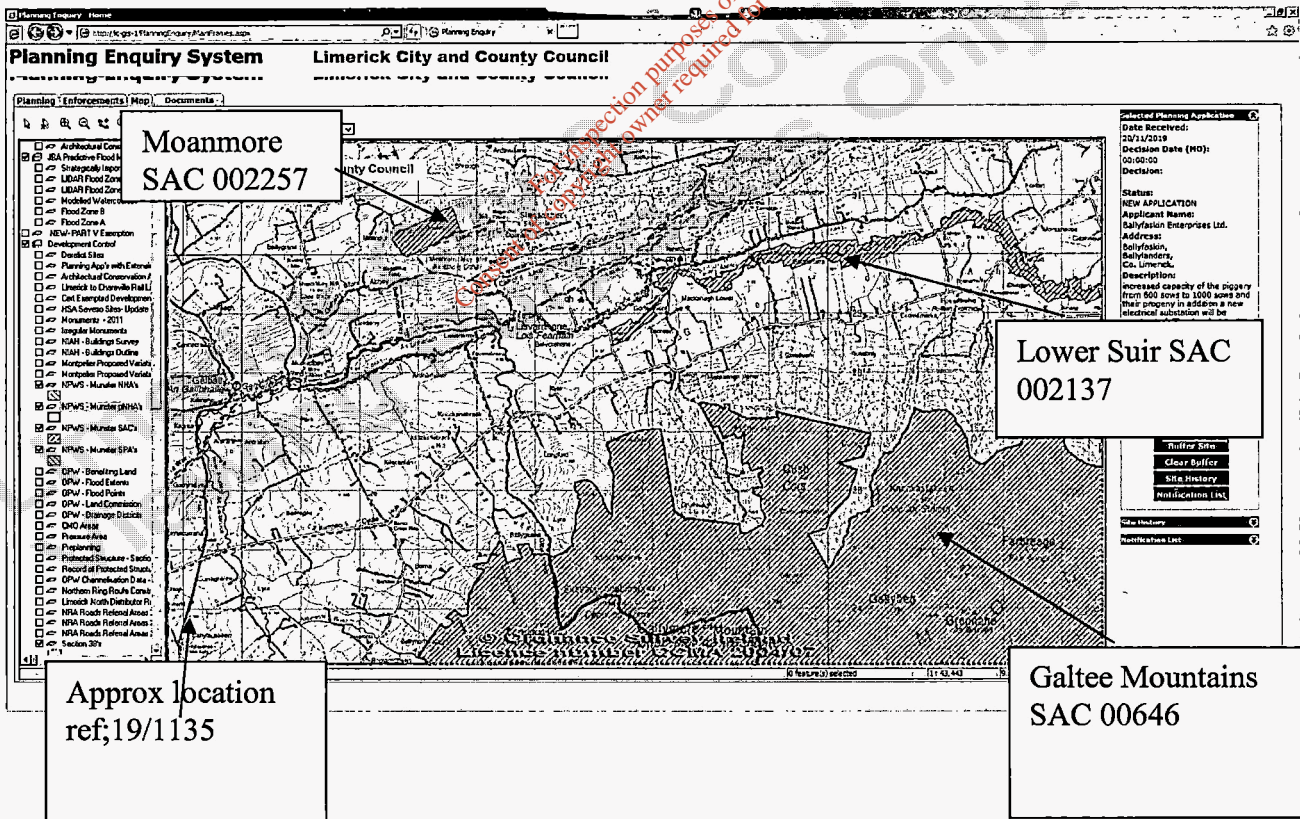
The principle of agricultural development in existing agriculture business is generally acceptable in a rural setting subject policy as set out by the relevant development plan as outlined above, other planning considerations.

**Appropriate Assessment Screening**

Within 15km for the proposal the following are located:

- Moanour Mountain SAC 002257
- Lower River Suir SAC 002137 and
- Galtee Mountain SAC 00646.

As per Appropriate Assessment of Plans and Projects – Guidance for Local Authorities, Department of Environment, Heritage, and Local Government, 2009 and precautionary principles Natura Impact Assessment /Appropriate Assessment is required for impact on SAC within 15km of the project. The Applicant has submitted an environmental impact assessment report and an Appropriate Assessment Report with the application. The AA submitted refers only to Galtee Mountains SAC 00646 and does not include Moanour Mountain and Lower Suir SACs. The AA refers to a 'sphere of influence of 10km but 2009 guidance recommends 15km.<sup>1</sup> Refer to screen shot below. Thus, the AA submitted is deemed inadequate. Further information is required.



<sup>1</sup> Section 2.2 European Sites that may be effected – Appropriate Assessment submitted with the application



### Non-technical Summary/EIAR

The EIAR as submitted has been assessed under the most recent guidelines - Guidelines for Planning Authorities and An Bord Pleanála in carrying out Environmental Impact Assessment August 2018.

The purpose the Non-technical Summary is to communicate clearly and succinctly to the wider public the environmental and technical aspects of the proposed development to the general public and to demonstrate that alternatives have been considered by the applicant. Having considered alternatives the applicant is putting forward the most suitable proposal in terms of proper planning, sustainable development, public health, road safety and environmental protection. The document submitted lacks this clarity. There is no clear description of what the application proposes and justification for need for the substation. Section 4.6 of the Guidelines (page 23) states:

*'The developer must include a Non-Technical Summary in the ELA report. This should broadly include a description of the project, the baseline conditions, reasonable alternatives, and the likely significant effects, mitigation measures, monitoring measures, as well as the methods used for the assessment including explanations of any hurdles encountered during the analysis. The summary should be concise and comprehensive and should be written in language easily understood by a lay member of the public not having a background in environmental matters or an in-depth knowledge of the proposed project.'*

The document as submitted does not satisfy the above in the interest of transparency and clear communication to the public audience. It contains unsubstantiated generic text that is not specific to the proposed development. Further information is required to address the above.

The document fails to list the names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency. The Council as the competent authority is not facilitated in assessing the competency of the experts informing the report. Section 4.9 of the guidelines state:

*'The 2001 Regulations require that an EIAR includes a list of names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency<sup>63</sup>. This is to facilitate the competent authority and the public in coming to a conclusion in relation to the competency of experts.'*

There is lack of clarity regarding consideration of 'reasonable alternatives' as advised by section 4.12 and 4.13 of the Guidelines. Given the inadequacy of the report the Council as the competent authority is not in a position to undertake its requirements of Section 6 of the 2018 Guidelines to reach a clear reasoned conclusion to inform the decision to permit the proposal or otherwise.

Further information is requested to address the inadequacies of the EIAR and the applicant should be advised to be guided by the 2018 Guidelines.

**Contributions:** To apply in the event of permission being granted

**Recommendation:**

**I recommend Further Information be sought for the following:**

## **1 Third Party Objections**

There are a number of third party objections to the proposal. The Applicant is advised to respond to same through a comprehensive written statement.

## **2 Traffic safety, traffic movement, surface water disposal and lighting**

(a) The submitted layout plan indicating the sightlines on Drawing No. T-001, has indicated sightlines of 160m in both directions from the existing vehicular access. Sightlines indicated in a southerly direction are incorrect as sightlines in this direction are hampered by mature trees/vegetation in a neighbouring site; the Road Section measured this at 110m onsite on 14.01.2020. The posted speed limit on this road is 80km/h; however, the operational speed is closer to 100km/h.

- The Applicant must address this sightline and stopping sight distance issue.
- It is not clear that this is a topographical survey, therefore, the Applicant is to undertake a topographical survey of site front boundary and along the nearside road edge over a distance of 160m north and south direction from the centre of the proposed entrance and is to identify the following; –
  - i. Road edge;
  - ii. Vegetation line including mature vegetation clusters;
- The Applicant is to provide a drawing showing sightlines from a point 3.0m back from the road edge at the proposed entrance and extending 160m north and south to a point where it meets the nearside road edge. Any boundary within the clear sight triangle that is interfering with the sightlines must be shown that it will be set back.
- The Applicant is to highlight on his drawing any boundaries belonging to adjacent landowners to the north and south of their site that will require setback in order to achieve the 160m sightlines as required above. This may require boundary setback and or vegetation removal and either are to be highlighted and labelled on the revised drawing. Written permission to adjust and maintain any boundaries outside of the ownership of the Applicant shall be submitted.

(b) The Applicant shall submit a Traffic Assessment, which shall outline the following:

- Number of existing vehicles entering and exiting the development on a daily/weekly basis;
- Number of extra vehicles entering and exiting the development on a daily/weekly basis as a result of this proposal;
- Number of staff current and proposed staff;
- Type of vehicles entering and exiting the development;
- Laden weight of truck/per axel load;

(c) The Applicant shall submit a revised Site Layout Plan with clear auto tracking in and out of the existing vehicular access to the R662.

(d) The Applicant shall confirm that the car parking is in line with the County Development Plan and submit a revised Site Layout Plan indicating the car parking layout.

1. A revised Site Layout Plan shall be submitted to the Planning Authority indicating appropriate 'STOP' road markings and 'STOP' sign at the existing vehicular to the R662 in the interest of safety “.
2. The Applicant shall submit a revised Site Layout Plan to indicating all car parking dimensions and distance between them.

(e) The Applicant shall submit a Surface Water Disposal Plan to the Planning Authority showing the following:

- existing and proposed manholes clearly numbered with cover/invert levels;
- road gullies;



- Based on the size of the overall development an Attenuation Tank will be required, which should provide the designated storage volume and should be a sealed system;
- The Attenuation Tank system must have BBA Agreement Certification;
- Based on the size of the overall development Hydrobrake will be required. The Hydrobrake should meet designated flow requirements at the specified design head;
- Based on the size of the overall development a Class 1 By-Pass Interceptors will be required and should be sized appropriately (based on flow and drainage area) and fitted with a ventilation pipe and an oil alarm. All installation, handling, excavation and maintenance procedures should be carried out in accordance with manufacturer's guidelines;
- Discharge location shall be clearly indicated;
- Layout Plan shall have a with a clear legend;
- The Applicant shall submit to the Planning Authority surface water calculations to support this planning application in line with the Greater Dublin Strategic Drainage Study GDSDS, clearly indicating discharge rates.

(f) The Applicant shall submit

- Longitudinal sections shall be submitted for approval to Planning Authority for any new storm pipe line, which should include all manholes, pipelines, pipe gradients.
- A maintenance plan and maintenance schedule should be submitted for approval to the Planning Authority;

(g) The Applicant should supply a Lighting Design in line with the following, this shall be **designed and signed by a Lighting Design Engineer: – FI**

- Cover the staff car parking area to the building areas;
- Lantern (luminaire) types are commonly used brands Certified to BS EN 60598-1:2008;
- LED installations comply with the IET Code of Practice for the Application of LED Lighting Systems 2014;
- A legible plot of the lux levels and contour levels must be superimposed on the Site Layout Plan to a scale of 1/500 is submitted (along with supporting calculations);
- The lantern type is a SEAI triple E Registered product;

### 3 Noise

It is the Council's experience that electrical substations can have sound associated with them. A noise assessment should be carried out in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound to establish the potential impact on the nearest noise sensitive properties from the electrical substation, as well as the potential impact due to increased noise levels from the development related to increased numbers of animals in the existing buildings, traffic movements and associated machinery. The assessment should be carried out by a suitably qualified acoustic engineer. The baseline noise assessment should be carried out not taking into account the existing development.

A site layout drawing should be submitted with the noise assessment outlining the location of the nearest noise sensitive properties, monitoring locations and noise sources. Calibration certificates should be submitted for all the sound monitoring equipment (sound level meters and calibration equipment).

### 4 Environmental impact/Screening and Appropriate Assessment

(a) Within 15km for the proposal the following are located:

- Moanour Mountain SAC 002257
- Lower River Suir SAC 002137 and

- Galtee Mountain SAC 00646.

As per Appropriate Assessment of Plans and Projects – Guidance for Local Authorities, Department of Environment, Heritage, and Local Government, 2009 and precautionary principles Natura Impact Assessment /Appropriate Assessment is required for impact on SAC within 15km of the project. The AA submitted refers only to Galtee Mountains SAC 00646 and does not include Moanour Mountain and Lower Suir SACs located within 15km of the proposed development. The AA refers to a ‘sphere of influence of 10km but 2009 guidance recommends 15km.<sup>2</sup> Thus, the AA submitted is deemed inadequate. Submit a revised comprehensive AA Screening Report addressing the above.

(b)

The EIAR as submitted has been assessed under the most recent guidelines - Guidelines for Planning Authorities and An Bord Pleanála in carrying out Environmental Impact Assessment August 2018.

The purpose the Non-technical Summary is to communicate clearly and succinctly to the wider public the environmental and technical aspects of the proposed development to the general public and to demonstrate that alternatives have been considered by the applicant. Having considered alternatives the applicant is putting forward the most suitable proposal in terms of proper planning, sustainable development, public health, road safety and environmental protection. The document submitted lacks this clarity. There is no clear description of what the application proposes and justification as need for the substation. Section 4.6 of the Guidelines (page 23) states:

*‘The developer must include a Non-Technical Summary in the EIA report. This should broadly include a description of the project, the baseline conditions, reasonable alternatives, and the likely significant effects, mitigation measures, monitoring measures, as well as the methods used for the assessment including explanations of any hurdles encountered during the analysis. The summary should be concise and comprehensive and should be written in language easily understood by a lay member of the public not having a background in environmental matters or an in-depth knowledge of the proposed project.’*

The document as submitted does not satisfy the above in the interest of transparency and clear communication to the public audience. Further information is required to address the above.

The document fails to list the names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency. The Council as the competent authority is not facilitated in assessing the competency of the experts informing the report. Section 4.9 of the guidelines state:

*‘The 2001 Regulations require that an EIAR includes a list of names of all the experts contributing to the various sections of the report, together with details of their competency including, as appropriate, qualifications, experience and any additional information that demonstrates the required competency<sup>63</sup>. This is to facilitate the competent authority and the public in coming to a conclusion in relation to the competency of experts.’*

There is lack of clarity regarding consideration of ‘reasonable alternatives’ as advised by section 4.12 and 4.13 of the Guidelines. Given the inadequacy of the report the Council as the competent authority is not in a position to undertake its requirements of Section 6 to reach a clear reasoned conclusion to inform the decision to permit the proposal or otherwise.

<sup>2</sup> Section 2.2 European Sites that may be effected – Appropriate Assessment submitted with the application



Submit a revised EIAR and you are advised to be guided by the 2018 Guidelines. Avoid unsubstantiated generic text that is not specific to the proposed development. The revised EIAR should be written bearing in mind the audience including the general public.

**5 Odour**

The odour management plan should include a robust complaints procedure whereby complaints from the public are recorded and investigated. Section 2.1.3 Complaints procedure of the Odour Management Plan should be requested to be expanded to address the above. Note submissions/objections received referring to odour pungency. You are invited to respond with written statement to the concerns.

**6 Farmyard Management, landbank and nutrient management**

An Effluent Management Plan (with a Narrative Report attached) prepared by a suitably qualified Pig Specialist shall be submitted and shall deal with the following:

- a) Provide calculations showing slurry generated annually from the current production system and demonstrate that the minimum 26 weeks storage requirement under the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended) is satisfied.
- b) Provide the above information for operations post-development.
- c) Calculations for all soiled water generated shall be included in the Plan.
- d) A Yard Layout Plan shall indicate flowpaths for all effluents arising.
- e) Provide details of the record-keeping system operated at the facility for disposal of all effluents arising.
- f) Provide details on landbanks for all Importing Farmers and confirm that Nutrient Management Plans are in place for these Farmers
- g) Clearly demonstrate that landbank capacity is sufficient to cater for the volume of effluents arising on the facility (post development).
- h) Provide an explanation as to how the current facility for 600 no. sows can – without building extension – accommodate 1000 no. sows post-development. Show relevant calculations and furnish an explanation regarding proposed internal modifications which will be required to facilitate the additional pig numbers post development.
- i) Submit a location map which shows the discharge point(s) for all uncontaminated roof and surface water run-off arising on the site

**7 Water Services**

- a) Provide details of the water supply for the proposed development. Show location of any wells boreholes associated with the development and attach latest test results for same.

<b>Executive Planner (Print Name)</b>		<b>Date:</b>
<b>Signature:</b>		
<b>Senior Executive Planner</b>		

**In response to the further information request on the 22<sup>nd</sup> of January 2020 the following has been received:**

1. Time extension request granted.
2. Letter from applicant's agent with enclosures.

**Final assessment where Further Information submitted:**

Application was re-advertised as Significant FI.

Point 1: Farmyard mgt. plan, nutrient mgt. plan, associated landbank for slurry, capacity on site for 50 weeks of manure (if weather conditions are unfavourable to landspread), sow production system. Points were clarified by unsolicited FI.

Environment report received: I had a look at this application and in particular the very comprehensive EIAR (prepared by Curtin Agricultural Consultants – received 19<sup>th</sup> October 2020). Attachment provides answers to questions I had in relation to the proposal – prepared by Mr. Ml. Mc Keon, Pig Specialist, Teagasc. Other than the proposed electrical sub-station the footprint of the existing facility will not change. However, the method of rearing the pigs will change with the number of Sows increasing from 600no. currently to 1000 no. post development. Post development the number of Finisher pigs will be less than currently produced - It is planned to send approx. 7000 no. pigs out of County to be reared post weaning. The slurry produced by these 7,000 pigs will remain outside the County (see point no. 7 on Attachment).

The volume of slurry post-development will be very similar to that produced currently – for spreading within County Limerick. I spoke with Mr. Ryan (operator of the facility) on numerous occasions and it would appear that a robust system for recording and tracking pig slurry movements to 3<sup>rd</sup> party Farmers is in place. At the end of each calendar year this information is submitted to the Department of Agriculture Food & Marine (by means of Record 3 Forms - "Record of Movement of Organic Fertilizers" signed by both Exporting and Importing Farmers and detailing all movements of slurry from the piggery to recipient farms). I did not walk any of the lands of recipient Farmers (i.e. those importing slurry) but it would appear from maps (attaching to EIAR) that the "no-spread" zones have been comprehensively marked out – these are based on watercourses, public water supply sources, dwelling houses, rock outcrops etc. It is proposed to reduce the crude protein in the diet by 2% and this should significantly reduce odour emissions (as has been demonstrated in numerous scientific studies). As the facility is licensed by the EPA it is my understanding that the Council cannot attach conditions should it be decided to grant permission. I cannot find reasons to refuse the application on environmental grounds– given that EPA has granted a licence for the current facility which post-development will not result in any significant increase in slurry volumes produced (and in consequence should not pose any increased threat to waters). It is likely that proposed changes in the Pigs' diet will result in reduced – rather than increased – odorous emissions arising.

I spoke with Department of Agriculture's Veterinary Section and was informed that Department Vets. Routinely visit for export certification for slaughtered pigs.  
Acceptable.

Point 2: 1 no. well supply on site boundary to the west, in close proximity to the R662 sis noted on figure 1.4. Water analysis results submitted, acceptable.

Point 3: The applicant notes that a reduction in protein in the pig diet will allow for a reduction in odour emissions, the change in the pig diet, providing on site meal is a reason for this application. The applicant also notes less finisher pigs will be kept on site, which will reduce odour levels. Odour mgt. plan submitted as part of EIAR. The plan has robust procedures for addressing complaints designed as per EPA guidance. The plan includes a complaints procedure, odour complaint log, report form, post odour survey. There are 12 steps to ensure the odour complaint is addressed in full.



Environment report received: I have read the submission received in mid-October. I note that the development requires an Industrial Emissions Licence from the EPA.

Point 4: In respect of noise, the applicant notes that while pig numbers will increase, noise emissions from the pig farm will not increase as pig building structures will not change. Loading of pigs is regarded as an area requiring improvement, condition applicable to improve insulation values of walls to reduce noise levels during this activity.

Noise assessment carried out in respect of impacts of the electrical substation on nearest sensitive receptors. Conclusion that the proposed development sound source would have a low impact.

Environment report received: The Environmental Noise Impact Assessment states that the only construction and new equipment that is proposed at the site is an electrical substation. The assessment indicates that noise from the proposed electrical substation will not likely to cause an adverse impact at the nearest noise sensitive location.

Recommendation: If planning is granted then the following condition should be included:

The rating level of the sound from the electrical substation shall not exceed the background noise level by greater than 5 dB outdoors at the nearest noise sensitive when measured in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

Point 5: Revised AA screening report submitted, written by different author to the AA screening report as submitted with planning application.

Summary of some points: Buildings and artificial surfaces make up the majority of the study area for development is of no ecological importance.

Sites identified:

000646 Galtee Mountains SAC/ pNHA 3.9km E, SE

002137 Lower River Suir SAC 8.9km NE

002257 Moanour Mountain SAC 7.6km NE

002037 Carrigeenamronety Hill SAC 10.8km SW

002036 Ballyhoura Mountains SAC/ P9.3km NHA 12.7km SW (SAC) and 14km SW (pNHA)

002035 Glenacurrane River Valley pNHA 5.7km SE

002087 Ballyncourty Wood pNHA 9.3km SW

002089 Ballyroe Hill & Mortlestown Hill pNHA 10.3km SW, W

002037 Carrigeenamronety Hill pNHA 10.8km SW

002090 Castleoliver Woods pNHA 11.7km SW

000899 Ballindangan Marsh pNHA 14.2km S

000651 Mitchelstown Caves pNHA 14.9km SE

Site is not within a designated site. A tenuous connection to the Lower River Suir SAC via site drainage to the Lyre stream a tributary of the Aherlow River, which becomes part of the SAC 8.9km NE of site.

No hydrological links to the other 4 Natura 2000 sites and 9 pNHA sites, and impacts to these sites have been screened out.

No SPA sites within a 15km radius of the site.

Regarding potential impacts 'changes to water quality' in respect of silt in surface water and 'introduction/ spread of invasive species' is screened in. A Natura Impact Statement (NIS) is therefore required and was submitted to enable to undertake an appropriate assessment. Likely significant impacts set out. Combination effects of plans and projects – spread of slurry to 48 townlands and impact to surface and groundwater was assessed. Impacts to surface water quality have been considered and no cumulative impacts on water quality have been identified. The farmers receiving the manure are governed by regulation in relation to landspread. The amount of slurry landspread over 8,000ha is considered sufficient. EPA data suggests river quality of landspread

catchments is moderate-good overall. Nitrates and phosphorus concentrations in rivers in the catchment is regarded as stable overall.

As a result of mitigation measures, the NIS concludes that the proposed development will not result in impacts on the integrity of the Lower Suir River SAC or any other Natura 2000 sites. Acceptable, conditions in respect of mitigation measures outlined.

Point 6: Revised EIAR submitted, written by a different author to the EIAR as submitted with planning application.

## **Environmental Impact Assessment Report**

### Requirement for an EIAR:

Under the Planning and Development Regulations 2001 (as amended), Schedule 5, Part 1 (17) Installations for the intensive rearing of poultry or pigs with more than -

- (a) 85,000 places for broilers, 60,000 places for hens,
- (b) 3,000 places for production pigs (over 30 kilograms), or
- (c) 900 places for sows.

Under the Planning and Development Regulations 2001, Schedule 5, Part 2 (1)(e)(i)

Installations for the intensive rearing of poultry or pigs with more than-

- (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.

### Non-technical summary

The EIAR includes a non-technical summary, which sets out the context of development, the relevant legislation and the proposed development. This chapter gives an overview of the development and its impacts, with reference to Natura 2000 sites, natural heritage areas, surface water impacts, transport impacts and local service infrastructure. The summary confirms that processes on the site, including the production and disposal of waste, disposal of litter and the provision of water will be in accordance with industry standards, guidance and best practice.

#### *Planning Authority comments*

There is piggery on site with approx. 600 sows. The applicant is seeking permission to increase the sow no. to 1,000 and from finisher to sow (a younger pig). The EIAR is required due to the no. of sows to be retained on site.

#### 1. Introduction

Chapter 1 sets out a general introduction to the proposed development and EIAR, including policy, legislation. This section provides the detailed context for the development, outlining the scale of the development, planning and licensing history of the site, location, topography, the physical implications of the proposed development and the operational elements of the proposed development.

#### *Planning Authority comments*

Contents of chapter 1 noted and are an accurate representation of the development.

#### 2. Description of Reasonable Alternatives

##### *Description*

Chapter 2 Proposed development responds to changing market needs to secure future viability and sustainability of piggery. Changes will reduce ammonia and odour levels.

#### *Planning Authority comments*



The applicant has set out reasonable reasons why alternative sites could not be pursued.

### 3. Human Population and human health

#### *Description*

40 dwellings within 1km radius, 15 public water sources, enclosure 100m from site boundary. Various mitigation measures outlined to mitigate against potential impacts. Noise mtg. plan and odour mgt. plan in place, H&S training for staff and contractors, landspreading regulations to be adhered to. Residual impacts are not regarded as significant. Regarding cumulative, 2 pig farms in close proximity were considered and are not significant.

#### *Planning Authority comments*

The applicant's assessment that there will be no significant impacts of development on the environment is considered to be reasonable. The EIAR outlines a number of measures to reduce the impact on development on the receiving environment, all of which must be adhered to as the EIAR forms part of the documents approved by this planning permission.

### 4. Biodiversity

#### *Description*

Ecology assessment carried out on 28/07/20. Potential impacts were discussed. Mitigation measures during construction were outlined. The NIS concluded that the proposed works will not have an adverse effect on the integrity of Natura 2000 sites. Habitats within site boundary are relatively common, no annex I or rare or uncommon habitats or floral species will be directly affected. No invasive species note don site. Prevention of pollution of drainage ditches will ensure no ill effect on the common frog. Cumulative impact ruled out due to separation distance

#### *Planning Authority comments*

The mitigation measures are considered acceptable and all these measures are required to be implemented by condition 3 of this planning permission.

### 5. Land and soils

#### *Description*

36 bedrock formations and associated aquifers and 8 soil groups of the study area were noted. Nutrient mgt. of pig manure to be landspread in the receiving lands (overall 8,350ha, and net 5,543ha). The receiving lands phosphorus and nitrate take was discussed, the manure is underrepresented for both totals. Mitigation is via existing statutory regulations governing spreading manure, farm keeping a pig manure export register (EPA licence and also submitted to DAFM annually), and onsite storage for 50 weeks effluent. NO negative residual impact. Cumulative impact relates to a second local pig farm also exporting manure to some of the same townlands., which could have a potential cumulative impact on soil nutrients. Once applied according to regulations, impact shall be avoided. The total contribution of pig manure to county Limerick will add approx. 2% to organic manure levels, and is not regarded as significant.

#### *Planning Authority comments*

Chapter 5 noted and considered reasonable and acceptable.

### 6. Water

#### *Description*

21 groundwater bodies throughout study area, overlaid with the EPA mapping system and data for status, with 1% of study area has a groundwater status of poor, 55% of study area has groundwater rated as not at risk, 25% classified as at risk due to deteriorating water quality, and 20% are under review due to increased pressures. This is set against average water analysis results for 22 of 36

public water sources. Ammonium, phosphorus are low, nitrates are increasing, bacterial contamination not noted and specific to one of spikes. Receiving water quality of the Aherlow (from Lyre) is regarded as good quality and not at risk. Overall, the water quality status is regarded as moderate-good in the study area. Standard construction and operational mitigation measures were set out, including measures for protecting water quality during landspreading. The Study area has been the receiving environment for pig manure for over 40 years, and the EPA status of the rivers is noted as good status of groundwater. Water quality of the Aherlow river is good and not at risk. Residual and cumulative impacts were assessed and are concluded as there are no significant cumulative effects.

*Planning Authority comments*

Chapter 6 noted and considered reasonable and acceptable.

7. Air

*Description*

EPA regards study area as having good air quality status. The report outlined the gases that are relevant to the pig farm. A number of construction and operational mitigation measures outlined to reduce gases. The change of operations to produce feed on site and to move away from finisher pig to sow will reduce odour and ammonia levels. Methane and nitrous oxide is expected to increase by 18% post development. Residual impacts will not be significant, and no significant cumulative effects were noted.

*Planning Authority comments:*

Chapter 7 noted and considered reasonable and acceptable. The mitigation measures are considered acceptable

8. Climate

*Description*

GHG methane and nitrous oxide shall increase by 17% and ammonia will decrease by approx. 11%. A variety of operational mitigation measures are set out to improve overall GHG emissions and climate efficiency measures in line with overall EU and Irish climate change commitments. Residual is considered and is not significant. Cumulative are also considered not significant.

*Planning Authority comments:*

Chapter 8 noted and considered reasonable and acceptable.

9. Material Assets

*Description*

Material assets of the study area set out and considered. Potential impacts of road network, impact on water material assets is not significant. Construction and operational mitigation measures are outlined. Residual impacts are not considered significant, cumulative effect is not considered significant.

*Planning Authority comments:*

Chapter 9 noted and considered reasonable and acceptable.

10. Landscape

*Description*

Study area is part of the landscape Area no. 2 Ballyhoura / Slieve Reagh, with the site in the lowland of this area. Landscaping plan proposed as a natural mitigation measure to improve screening of substation and mill building from public road. The significance of impact of the proposed development on the landscape is not significant because the landscape has the ability to absorb the



development due to natural screening and dark green colour of mill, and its location in the lowlands of the Galtee Mountains. Cumulative effects not significant.

*Planning Authority comments:*

Chapter 10 noted and considered reasonable and acceptable.

## 11. Cultural Heritage

*Description*

No RPS or NIAH buildings on site, or within 1km radius. There is no known monuments within site, with a considerable number in vicinity, in particular one 100m east of site. Archaeological monitoring is set out as a mitigation measure during ground disturbance works. Residual and cumulative is via desktop assessment and is regarded as unknown but probably not significant.

*Planning Authority comments:*

Chapter 11 noted and considered reasonable and acceptable.

## 12. Interactions and Cumulative effects

*Description*

This chapter sets out the interactions and potential impacts of the environmental factors as already discussed, with 23 possible interactions considered, with no additional impacts or required mitigation as a result of the potential interactions. Cumulative effects is considered and no additional impacts or required mitigation as a result of potential cumulative or in-combination impacts from the two other farms. It is noted that no transboundary effects will arise, A Summary of residual impacts and environmental commitments is outlined in Table 13.2. Monitoring of storm water and ground water shall be done by the EPA under the IPPC Licence.

*Planning Authority comments*

Chapter 12 noted and considered reasonable and acceptable.

## Volume 3 & 4. EIAR Appendices & Figures

*Description*

The appendices include background information, figures relating to each relevant chapter, context maps, screening details, EIAR guidelines etc.

*Planning Authority comments*

The appendices and figures are noted.

## Conclusion

The EIAR provides a clear and detailed account of the context, the scoping of development, the consideration of alternatives and why they have been discounted, the effects of development and mitigation measures proposed. With the proposed mitigation measures in place, any potential negative impacts of the proposed development on the local human environment, either alone, or in combination with other plans and projects, are not expected to have significant effects on the environment.

Relevant significant cumulative impacts were considered throughout the EIAR. No significant impact from the proposed increase from 600 sow to 1,000 and construction of sub-station on site, either individually, or in combination were identified. All mitigation measures to be conditioned.

A non-technical summary was included in the EIAR.

The EIAR was assessed as per Guidelines for Planning Authorities and An Bord Pleanála in carrying out Environmental Impact Assessment, August 2018 and is deemed as acceptable by LCCC, the competent authority.

Point 7: Applicant notes a slight increase in traffic movements to site. Sightlines to south to be improved by remedial works to boundary, as set out on site layout plan. Traffic impact assessment submitted. Auto tracking carried out. 10 no. car parking spaces, 6 for employees and 4 for visitor. Surface water disposal system details submitted. Existing rainwater harvesting from roofs for use in power washing. Lighting design submitted. Acceptable.

Roads report received, on file. A number of conditions are recommended in respect of sightlines, road construction, public lighting, surface water disposal and CMP. Acceptable.

Point 8: The applicant has confirmed that 1 no. structure – a substation, with a GFA of 22m<sup>2</sup> and a height of 3m will be constructed to enable full operation of the feed mill, reducing reliability on commercial feed mills. All other works to increase the progeny will be internal refurbishments of existing buildings. Acceptable.

Point 9: In respect of third part objections the following is noted by the applicant: Summary of main concerns of objectors. Detailed steps to be taken on site regarding odour mgt., conclusion of noise assessment was given, and the low impact of new development; increase in traffic noted; revised site layout plan to address sightlines and traffic safety concerns; increased traffic during construction with limited increase thereafter; export of manure to 48 townlands in Limerick and Tipperary, and if spread according to agricultural regulations it will not have a detrimental effect on the receiving environment. Regarding impact of human health, the applicant notes minimisation of dust as part of feeding process, and control of same on site; ammonia shall be further reduced by change to the pig diets, by the proposed development; slurry is expected to increase by 1% due to increase in sow and decrease in finisher pigs (move to smaller pigs).

Further submission received by Con and Tim Bourke and Karen Noonan, raising concerns in respect of the list of townlands submitted on which pig slurry is to be spread. The submission further notes the impact on streams, surface water and ground water as a result.

The applicant note the farm is operating for more than 40 years, and that the development as proposed will not devalue properties in the area.

It is further noted that the farm has been selected by EU PIG Innovation Group, as the 2020 Grand Prix winner in an EU wide competition and also receives annual board Bia and Red Tractor industry standards.

The applicant has addressed the concerns as raised by the submissions through the FI submission and revised EIAR. Conditions applicable and some elements will be dealt with by the EPA IPPC licence application process.

The proposed development in an existing piggery is regarded as acceptable subject to conditions. The proposed development will required an EPA Industrial Emissions License

**Contributions:**

Limerick City & County Council Development Contribution Scheme 2017-2021.

Not applicable, agricultural development is exempt.

**Recommendation:**

**I recommend that planning permission be granted subject to conditions:**



## First Schedule

Having regard to the nature of the proposed development, it is considered that subject to compliance with the conditions as set out in the Second Schedule, the proposed development would be in accordance with the proper planning and sustainable development of the area.

## Second Schedule

1. Std. insert 1 20/11/19, 19/10/20 and 23/10/20. ✓ 10/12/2020.

2. (a) All farming activities shall be carried out in accordance with requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 as amended.

(b) All construction works shall be carried out in accordance to the relevant Department of Agriculture, Food & Marine building specifications.

Reason – In the interest of environmental protection and in particular the prevention of pollution of surface waters.

3. (a) All liquid effluent and other contaminated run-off generated by the proposed development in the farmyard shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or other contaminated run-off shall discharge or allow to be discharged to any stream, river or watercourse on the public road.

(b) Where pig slurry is delivered to third party farms and where such slurry is to be stored on-farm prior to landspreading, there shall be adequate on-farm storage capacity to ensure that the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (as amended) are met.

(c) Records of all slurry movements shall be kept in accordance Department of Agriculture Food & Marine requirements.

Reason – In the interest of environmental protection and in particular the prevention of pollution of surface waters.

4. The adjacent public road shall be maintained in a clean manner and where off-site spreading of slurry effluent is undertaken, any wheel borne mud/spillages from the tank shall be cleaned by the applicant/operator.

Reason: In the interest of residential amenity.

5. All mitigation measures set out in the EIAR shall be complied with in full.

Reason: In the interest of proper planning and orderly development.

6. (a). The rating level of the sound from the electrical substation shall not exceed the background noise level by greater than 5 dB outdoors at the nearest noise sensitive location when measured in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound.

(b). The pig loading bay enclosure walls and roof shall be fully insulated.

Reason: In the interest of amenity and proper planning and sustainable development.

7. Std. insert 51

8. The applicant is required to undertake road upgrade works on the R662 at the entrance to the piggery in order to cater for HCV turning movements loading at the location over its full width. The works shall include :

- a. Road construction in the form of SD6 of the 'Guidelines for Managing Openings in Public Roads' (The Purple Book) over a length of 15m either side of the centre point of the proposed entrance.
- b. Surface Course: 45mm HRA 30/40 Surf 40/60 des (20mm pre-coated chippings) to cl. 911.
- c. Binder Course: 140mm AC 20 HDM bin 40/60 rec to cl. 906.
- d. 220mm Bond Coat to Clause 920.

All works shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of pedestrian and traffic safety.

~~9.~~ Std. insert 52.

~~10.~~ Std. insert 54.

~~11.~~ Std insert 115

~~12.~~ Std insert 116



~~13.~~ All landscaping shall take place as per landscaping plan submitted on 23/10/20.

Reason: In the interest of biodiversity, visual and residential amenity.

~~14.~~ Std. insert 10.

~~15.~~ Std. insert 11.

~~16.~~ Std. insert 79

<b>Assistant Planner</b>	<b>Lisa Ruttle</b>	<b>Date: 17<sup>th</sup> December 2020</b>
<b>Signature:</b>		
<b>Senior Executive Planner</b>		17/12/2020

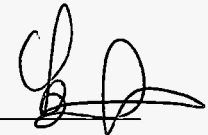
For Office Use Only

MA 19/11/35

Section 47 Y/N

Part V Y/N

Please prepare Managers Order for my signature Y/N



Stephen Duhon  
AISP

19/11/35

17/12/2020



Limerick City & County Council  
Viewing Purposes Only!

For inspection purposes only.  
Consent of copyright owner required for any other use.

**Planning Report**  
**Limerick City & County Council**

**File No:** 19/1135  
**Applicant:** Ballyfaskin Enterprises Ltd.  
**Location:** Ballyfaskin, Ballylanders, Co. Limerick.  
**Dev. Description:** PERMISSION for increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application

---

**Report:** Report necessitated under the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environment Impact Assessment, March 2013 – Appendix to the Planner’s Report for File Ref. No. P19/1135.*

**Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environment Impact Assessment, March 2013.**

***Chapter 4 Procedural Issues***

- 4.1 The EIA Directive requires that EIA be carried out in an open and transparent manner with the public and bodies with specific environmental responsibility being given an opportunity to comment and participate in the process of assessment (Article 6 of the Directive). The public concerned and persons with sufficient interest must also be given an opportunity to challenge the substantive and procedural legality of the final decision. (Article 11 of the Directive).

**Planning Officer Comment:**

*Section 4.1 was complied with throughout the planning process relating to File Ref. No. P19/1135 Public consultation was carried out and is set out in Section 3.1 Public Consultation, EIS.*

- 4.2 In order to comply with the requirements of section 171A and section 172 and the requirements of Articles 6 and 11 of the EIA Directive, it is essential that an assessment of the environmental effects of relevant projects is carried out by the competent authority and that the assessment is clearly documented with a “paper trail” being available for public scrutiny and to facilitate and defend any legal challenge. To facilitate ease of communication etc., the “paper trail” should also be in electronic format.

**Planning Officer Comment:**

*Section 4.2 was complied with throughout the planning process relating to File Ref. No. 19/1135. The necessary ‘paper trail’ exists on the public planning file and Planners Report.*

- 4.3 In the case of applications being considered by a planning authority, internal planning authority reports (water services, environment, roads, etc.) on the proposed development should contain comments on the relevant information and assessment contained in the EIAR e.g. reports from the water services/environment section should comment on relevant issues relating to water quality. The main report on the planning application, which would generally be prepared by the planner in the planning section/department (the planner’s report) should co-ordinate the reports from various sections within the planning authority and should contain a section clearly identified as

an "Environmental Impact Assessment Report" – this section of the planner's report will hereafter be referred to as "the EIAR". That is, "the EIAR" is a section or chapter of the planner's report, which section or chapter should be headed "Environmental Impact Assessment Report". (Chapter 6 of the Development Management Guidelines for planning authorities (June 2007) contains detailed advice in relation to planners' reports). In the case of an application being dealt with by the Board, an EIAR should similarly be contained in the Inspector's Report unless a separate report is prepared on the EIA.


**Planning Officer Comment:**

*Section 4.3 was complied with throughout the planning process relating to File Ref. No. P19/1135. The EIA Report is set out in the Planner's Report (FI submitted) and is headed "The following is a summary of the EIAR which was submitted and considered as part of the planning application."*

4.4 The EIA Directive and the Planning Act require that an assessment be carried out by the competent authority, i.e. the planning authority or the Board. It is, accordingly, necessary that the decision-maker in the planning authority (i.e. the manager or person to whom the decision-making power has been delegated) or in the Board, as appropriate, carries out an assessment. Therefore the decision-maker must indicate in a written statement that he or she has read the EIA Report referred to above and/or any other report, which the decision-maker relies on in carrying out the assessment and either has accepted the conclusions of the planner/Board's Inspector, in whole or in part or has not accepted such conclusions. Where the decision-maker does not accept some or all of the conclusions drawn by the planner/Inspector in the EIA Report, he or she must in the written statement give reasons as to why he or she does not accept the conclusions in question. This written statement should be independent of the decision of the decision-maker as to whether to grant or refuse permission for the development.

**Planning Officer Comment:**

*Please see attached EIA Report.*



**Lisa Ruttle**  
**Assistant Planner**



**Stephane Duclot**  
**A/ Senior Planner**

19/1135

11/12/20



**Donogh O'Donoghue**  
**A/ Senior Executive Planner**

19/1135



**Planning Report**  
**Limerick City & County Council**

**File No:** 19/1135  
**Applicant:** Ballyfaskin Enterprises Ltd.  
**Location:** Ballyfaskin, Ballylanders, Co. Limerick.  
**Dev. Description:** PERMISSION for increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application

---

It is noted that the environmental impact assessment carried out by the Planners and reported on in the reports dated 20/01/2020 & 17/12/2020 have been carried out giving full consideration to the environmental impact assessment report (EIAR) submitted with the application, all submissions and observations validly made in relation to the environmental effects of the development (and the views provided by the Planning Service of Northern Ireland – under section 174 of the Planning and Development Act 2000, as amended).

It is considered that the reports dated 20/01/2020 & 17/12/2020 contain fair and reasonable assessment of the likely significant effects of the development on the environment. Having regard to the character of the landscape in the area, the previous use on site it is considered that subject to conditions the proposal is acceptable.

In accordance with the EIS Guidelines for Planning Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment dated December 2013, Stephane Duclot, A/Senior Planner, Limerick City & County Council has read the section of the Planners' Report titled "Environmental Impact Assessment Report" on the above application and has accepted the conclusions of the Planners.

**Signed:** \_\_\_\_\_

  
**Stephane Duclot**  
**A/ Senior Planner**  
**Limerick City and County Council**

**Dated** 17 **day of December 2020**

Limerick City & County Council:  
Viewing Purposes Only!

For inspection purposes only.  
Consent of copyright owner required for any other use.

04/12/2019

**Planning Application Ref:** 19/1135  
**Applicant:** Ballyfaskin Enterprises Ltd.

**PERMISSION** for increased capacity of the piggery from 600 sows to 1000 sows and their progeny in addition a new electrical substation will be constructed. The development requires an EPA Industrial Emissions License (formerly Integrated Pollution Prevention and Control License). An Environmental Impact Assessment Report (EIAR) has been submitted as part of the planning application at Ballyfaskin, Ballylanders, Co. Limerick.

**Submissions Deadline:** 02/01/2020

**PLANNER AREAS:**

1. Limerick City North – JMcN \_\_\_\_\_ DR \_\_\_\_\_
2. Limerick City East
3. Limerick City West
4. Adare/Rathkeale
5. Newcastle West
6. Cappamore/Kilmallock

**DED:** Cullane

**WATER TYPE:**  Mains / Group Public / Group Private / Private Well  
**SEWERAGE TYPE:** Existing Septic Tank /  New Septic Tank / Public Sewer / Treatment System

<b>HARD COPY</b>	<b>EMAIL</b>	
Plassey – EHO – HSE (East)	Physical Directorate	Water Safety Dev Officer
Dock Road – EHO – HSE (West)	Housing Strategy Officer (Part V)	Eir
The Heritage Council	Chief Fire Officer	Iarnrod Eireann (Divisional Engineer)
An Taisce	Limerick Smarter Travel	Irish Aviation Authority
Asst. Nat. Director of Environmental Health & Planning HSE (E.I.S. only)	Commission for the Energy Regulation	Council Archaeologist
City & County Vet	Environmental Protection Agency	Gas Network Ireland
Transport Infrastructure Ireland	Irish Water   Uisce Eireann	Heritage Officer
Office of Public Works	Inland Fisheries Ireland	Conservation Officer
	Water Services	Michael Conroy LNDP
<b><u>E-REFFERAL</u></b>	S.E.E.Main Roads	J. Correy, Clare County Council LNDP
Development Applications Unit	City & County Roads	Lewis Feely (Limerick Northern Distributor Road LNDP)
	Mid West RDO	
<b>Date Plotted</b>	<b>Plotted By</b>	<b>EXEMPTION CERTIFICATE</b>
5/12/2019	Dodds	

Other Referrals: \_\_\_\_\_

Aidan Leonard,  
 Agricultural Scientist,  
 Limerick City & County Council,  
 Physical Development Directorate,  
 Civic Offices, Merchants Quay,  
 Limerick.