



Ballyfaskin Enterprises Ltd

Appropriate Assessment for the proposed
expansion of a piggery operation at
Ballyfauskin, Ballylandeers, Co. Limerick

Sept 2019

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**Ballyfaskin Enterprises Ltd, Ballyfauskin, Ballylanders,
Co. Limerick
Appropriate Assessment Screening**

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**Ballyfaskin Enterprises Ltd, Ballyfauskin, Ballylanders, Co.
Limerick**

Appropriate Assessment Screening

September 2019

Limerick City & County Council
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Planning and Environmental Services

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1 Introduction

This is an Appropriate Assessment Screening - in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) - of the existing and proposed expansion of piggery operation at Ballyfauskin, Ballylanders, Co. Limerick

This report was prepared in compliance with the European Communities (2002) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC - the Screening matrix and the finding of no significant effects report matrix has been taken from Section 4 and 5 (Figures 1 to 5).

1.1 Background

The site is an existing piggery operation and the proposed development will increase the capacity to 1000 sows at Ballyfauskin, Ballylanders, Co. Limerick.

1.2 Survey Methods

The site was surveyed on the 14th August 2019. The survey on each day lasted approximately 3 hours. Weather conditions were warm and dry throughout.

The aim of the survey was to evaluate the ecological status of the site. This involved studying the types of habitats, flora and fauna present so as to determine the ecological diversity of this area. The entire site and surrounding area was walked with species and habitats recorded.

The survey method involved the following.

1. The site was walked with observations recorded.
2. The species of flora, fauna including avian species encountered were recorded.
3. Habitats were checked for evidence of mammals.

4. The diversity of habitats present was recorded.
5. Habitats were classified in accordance to the standard recommended by The Heritage Council (Fossitt 2000).

1.3 Survey Limitations

Every effort has been made to provide an accurate assessment of the situation pertaining to the site at Ballyfauskin, Ballylanders, Co Limerick at the time of the study.

1.4 Purpose and Structure of the Written Submission

The purpose of this Written Submission is to summarise the Appropriate Assessment Screening Report to be submitted to the EPA. The submission addresses the impact of the existing site and associated infrastructure at Ballyfauskin, Ballylanders, Co. Limerick. The site is not within any protected sites.

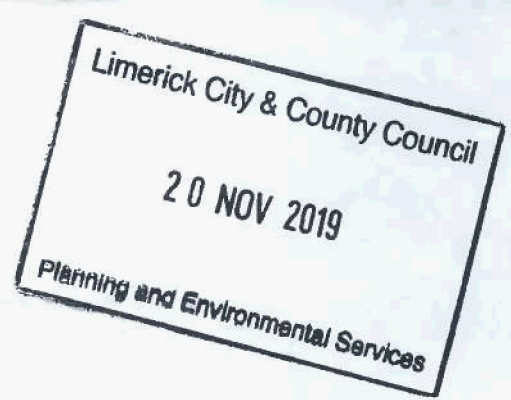
1.5 Qualifying Species and Conservation Objectives – Scope of AA

The subject site itself is not designated under any Regional, National or European Environmental Designation. It does not therefore require assessment under the Wildlife (Amendment) Act 2000 (S.I. No. 38 of 2000) or the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997).

However the following designated areas are located in the Limerick region;

Site Code	Type of Designation	Distance from Site
Galtee Mountains (000646)	SAC	4.1 km
Glenacurrane River Valley (002035)	pNHA	6.2 km
Ballyacourty Wood (002087)	pNHA	9.5 km
Ballyroehill & Mootlestown Hill (002089)	pNHA	10.4 km
Carrigeenanronety Hill (002037)	pNHA	11.4 km
Castleoliver Woods (002090)	pNHA	12.1 km
Ballyhoura Mountains (002036)	pNHA	14.8 km

SAC Special Area of Conservation



SPA Special Protection Area
NHA Nature Heritage Area

1.6 The Purpose of Appropriate Assessment

The *Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna* – the ‘Habitats Directive’ provides legal protection for habitats and species of European importance. Article 2 of the Habitats Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. The Directive was transposed into Irish law by the European Communities (Natural Habitats) Regulations, SI 94/1997.

Articles 6(3) and 6(4) of the Habitats Directive require an Appropriate Assessment of plans to prevent significant adverse effects on European sites, also known as SAC or Natura 2000 sites. In this particular case the purpose of Appropriate Assessment is to assess the potential impacts of a land-use plan on the conservation objectives of European sites. The assessment must determine whether the plan would have significant adverse effects upon the integrity of each site in terms of its nature conservation objectives. The integrity of the site has been defined as “*the coherence of the site’s ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified*”. Where negative effects are identified other options should be thoroughly examined to avoid any potential damaging effects prior to implementing the plan.

The Natura 2000 network is a European network of ecologically important sites (SPAs and SACs) that have been designated for protection under either the Habitats Directive (Council Directive 92/43/EEC) or the Birds Directive (Council Directive 79/409/EEC). The statutory agency responsible for these designated areas is the National Parks & Wildlife Service of the Department of Environment, Heritage and Local Government.

Plans can only be permitted after having ascertained that there will be no significant adverse effect on the integrity of the sites in question. Components within a plan,

such as objectives or proposals, can be adjusted or removed to avoid significant adverse impacts prior to implementation. The plan may also proceed if sufficient mitigation or compensation measures are in place to ensure the overall integrity of the site.

1.7 Overview of Appropriate Assessment Process

In the preparation of this assessment reference has been made to the following documents:

European Commissions: *Managing Natura 2000 Sites. The provisions of Article 6, of the 'Habitats' Directive 92/43/EEC*

This screening should be based on any ecological information available to the authority and an adequate description of the plan and its likely environmental impacts. This should take into account any policies that will set the terms for future development. The results of the screening should be recorded and made available to the public.

In any case where, following screening, it is found that the project may have an impact on the conservation objectives of a Natura 2000 site or that such an impact cannot be ruled out, adopting a precautionary approach an appropriate assessment of the project must be carried out.

The European Commission's Methodological Guidance recommends a 4 stage approach:

Stage 1 Screening:

Determining whether the plan 'either alone or in combination with other projects' is likely to have a significant effect on a European site.

Stage 2 Appropriate Assessment:

Determining whether, in view of the site's conservation objectives, the plan 'either alone or in combination with other projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.

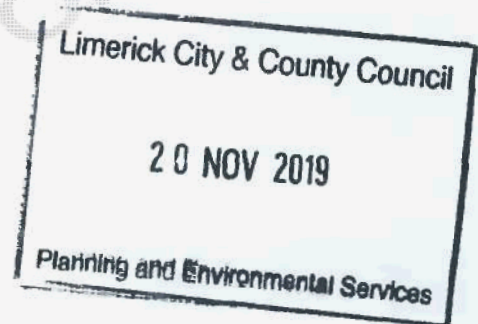
Stage 3: Assessment of Alternative Solutions:

Where it has not been proven that measures considered will not avoid or mitigate the adverse effect on the Natura 2000 site, then an assessment of the alternatives will be required; and if none are acceptable then stage 4 is required to be considered.

Stage 4 Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain

This will involve assessment where the Plan is considered to result in adverse impacts on the Natura 2000 site and no alternative solutions remain – the imperative reasons of overriding public interest (IROPI) test must be met before authorisation, permission or adoption of the Plan is agreed. This includes the agreement of compensatory measures.

This report covers Stage 1 of Appropriate Assessment - Screening.



1.8 The Purpose of this Report

This Screening Report will be used to identify whether proposed construction of additional piggery buildings at Ballyfauskin, Ballylanders, Co. Limerick either alone or in combination with other plans or projects -is likely to have a no significant effect on a European site. This report will include recommendations, if necessary, to avoid any significant adverse effects at the earliest possible stage in decision making.

This report follows European Commission (2001) guidance which recommends that screening should:

- Determine whether the proposed development is directly connected with or necessary to the management of the site – if it is not, then no further assessment is necessary
- Describe the proposed and other plans and projects that, ‘in combination’, have the potential to have significant effects on a European site
- Identify the potential effects on the European site and
- Assess the significance of any effects on the European site

2.0 Brief Description of the Project

The Appropriate assessment is being submitted by Ballyfaskin Enterprises Ltd as part of a request for further information by the EPA for assessment of the IPPC License application for a piggery operation.

The site is not within a SPA, SAC or NHA and the nearest protected site is a SAC, Galtee Mountains

2.1 Consultation

Consultation with the National Parks and Wildlife Service (hereafter NPWS) regarding the designated sites listed above.

2.2 European sites that may be affected

There no European sites of importance present or identified within or close to the subject site which may potentially be affected by the proposed development.

A 'sphere of influence' of 10 kilometres was assessed, this being deemed as an area which the proposed Development Plan may affect, either alone or in combination with other plans.

The location of the European sites is illustrated in Table 1 which outlines each European site, and their qualifying features, that could potentially be affected by the proposed development of additional piggery buildings at Ballyfauskin, Ballylanders, Co. Limerick.

Table 1: European & National Sites that could possibly be adversely affected by Proposed Development at Ballyfauskin, Ballylanders, Co. Limerick.

Name	Site Code	Key Features of the Site
Galtee Mountains SAC 000646	00646	Situated in east Limerick and South Tipperary, the Galtee Mountains are Ireland's highest range of inland mountains. Heath is the main habitat type with both dry heath and alpine heath found within the site. Upland Mat-grass (<i>Nardus stricta</i>) grassland occurs on steep slopes, particularly in the west. Blanket bog is more localised and occurs mainly at high altitudes. The north-facing cliffs are of primary importance as they support arctic/alpine communities with some rare plant species. The Rare Small-white orchid (<i>Pseudorchis albida</i>), Mountain Rock-cress (<i>Cardaminopsis petraea</i>) and Alpine Saw-wort (<i>Saussurea alpina</i>) have been recorded from the site. These species are included in the Red Data Book and the former are legally protected under the Flora Protection Order (1987). Other typical mountain plants are also found on the site. The site also supports breeding Peregrine, a species listed on Annex I of the EU Birds Directive. Overgrazing by sheep, Afforestation and frequent burning are considered significant threats to some areas of heath and grassland.

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2.3 Existing legislation, plans and proposals

2.3.1 Convention on Biological Diversity (CBD)

The protection of biodiversity is enshrined in the CBD to which Ireland is a signatory. As part of its commitment to this international treaty Ireland, as part of a wider European Union initiative, is committed to the halt in loss of biodiversity by the year 2010. The National Biodiversity Plan (Dúchas, 2002), published in 2002, states that “each local authority is to prepare a local biodiversity action plan”. All Local Authorities are or have completed the process of drawing up its first Biodiversity action plan. Limerick County Council has not published a Bio-diversity plan. In addition, the Department of the Environment, Heritage and Local Government is currently preparing the second National Biodiversity Plan.

2.3.2 Limerick County Council County Development Plan 2011 – 2016 (LCC, 2005)

The Limerick County Development plan seeks to

- Promote the conservation and enhancement of natural heritage, cultural heritage, archaeological heritage, landscape, biodiversity and the built environment as important elements of the long-term economic growth and regeneration of the County.
- Due recognition shall be given to protected species under the Wildlife Act 2000 and where possible all efforts will be made to ensure that development will have minimal impact on the natural environment.

Environment

The Local Agenda 21 Partnership Fund provides for projects on the theme of Biodiversity, as it is a fundamental part of sustainable development. Control of permits and licencing for waste disposal by this section, as well as enforcement, helps protect sensitive habitats. Provision of better information for the section on the location of locally important habitats would avoid habitat damage and loss and so avoid costly clean-up bills.

- To protect natural heritage sites designated in National and European legislation.

This includes sites proposed to be designated or designated as Special Areas of Conservation (SAC), Natural Heritage Areas (NHA), Nature Reserves and Wildfowl Sanctuaries. This protection will extend to any additions or alterations to sites that may arise during the lifetime of this plan.

- To assess all proposed developments (individually or in combination with other proposals, as appropriate) which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- To consult with the prescribed bodies and relevant government agencies when assessing developments which are likely to impact on designated natural heritage sites or those sites proposed to be designated.
- To ensure that any development in or near a designated natural heritage site will avoid any significant adverse impact on the features for which the site has been designated.
- To require an appropriate environmental assessment in respect of any proposed development likely to have an impact on a designated natural heritage site, or those sites proposed to be designated.

2.3.3 National Sustainable Development Strategy

The 2002 document: 'Making Ireland's Development Sustainable' (DOEHLG, 2002) highlights "respect for ecological integrity and biodiversity" as a core theme, while the associated principle is that: "the diversity of wildlife, habitats and species should be maintained and improved". An update to this document is to be published.

2.3.4 Long-term Strategy of the Environmental Protection Agency (EPA)

In 2007 the EPA published '2020 Vision: Protecting and Improving Ireland's Environment' (EPA, 2007) and identified the protection of soil and biodiversity as one of six environmental goals.

2.4 Scoping of the study/Literature Review

There is little site specific information regarding the area as the area is primarily an area of improved agricultural grassland.

3.0 Baseline Data

3.1 Methodology

A site visit was carried out in August 2019. The site was surveyed in accordance with the Heritage Council's draft Habitat Survey guidelines (Heritage Council, 2002) and the 'Guidelines for Baseline Ecological Assessment' from the Institute of Environmental Assessment (IEA, 1995). Habitats were identified in accordance with Fossitt's 'Guide to Habitats in Ireland' (Fossitt, 2000). A species list for each habitat was compiled and target notes were made.

3.2 Constraints

The time of year for the assessment of flora is late in the plant cycle. It was therefore reasonable to expect that some floral species will not be apparent or will be difficult to identify.

3.3 Flora

3.3.1 Improved Agricultural Grassland – GA1

The proposed site is comprised of grassland that has been applied with industrial fertilisers it is species poor and is therefore of low ecological value. Typical species include those grasses that have been sowed for grazing e.g. Perennial Rye Grass *Lolium perenne*, Cock's foot *Dactylis glomerata* and a small number of tolerant plants such as Thistles *Cirsium sp.*, Doc *Rumex sp.*, Common nettle *Urtica dioica* and in wet ground Rushes *Juncus sp.*

3.4 Fauna

3.4.1 Mammals

Since a dedicated fauna survey was not carried out, the presence of various species is deduced from the existence of suitable habitat and this is shown in Table 2.

The old buildings in the surrounding area are likely to provide suitable habitat for bats, although it is not possible to determine which species without further study. All bat species are protected by law.

Areas of hedgerow with earthen banks and drainage ditches could provide a suitable habitat for Rabbits *Oryctolagus cuniculus*, Badger *Meles meles*, and Hedgehog *Erinaceus europaeus*. No droppings were recorded during the site visit. The Badger is protected under the Wildlife (Amendment) Act, 2000.

Table 2 Mammals known for which there is suitable habitat (Harris & Yalden, 2008)

	Level of Protection	Habitat
Otter <i>Lutra lutra</i>	Annex II & IV Habitats Directive; Wildlife (Amendment) Act, 2000	Rivers and wetlands
Whiskered bat <i>Myotis mystacinus</i>	Annex IV Habitats Directive; Wildlife (Amendment) Act, 2000	Gardens, parks and riparian habitats
Natterer's bat <i>Myotis nattereri</i>		Woodland
Leisler's bat <i>Nyctalus leisleri</i>		Open areas roosting in attics
Brown long-eared bat <i>Plecotus auritus</i>		Woodland
Leisler's bat <i>Nyctalus leisleri</i>		Woodlands and buildings
Common pipistrelle <i>Pipistrellus pipistrellus</i>		Farmland, woodland and urban areas
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>		
Daubenton's bat <i>Myotis daubentonii</i>		
Irish hare <i>Lepus timidus hibernicus</i>	Annex B Habitats Directive; Wildlife (Amendment) Act, 2000	Wide range of habitats
Hedgehog <i>Erinaceus europaeus</i>	Wildlife (Amendment) Act, 2000	Woodlands and hedgerows
Pygmy shrew <i>Sorex minutus</i>		Woodlands, heathland, and wetlands
Red squirrel <i>Sciurus vulgaris</i>		Woodlands
Irish stoat <i>Mustela erminea hibernica</i>		Wide range of habitats
Badger <i>Meles meles</i>		Farmland, woodland and urban areas

3.4.2 Birds

Incidental recordings of birds were made and include many typical countryside species and these are detailed in table 3. No dedicated bird survey was carried out. Nearly all bird species and their nests are protected under the Wildlife (Amendment) Act, 2000.

This species is listed under the Annex I of the Birds Directive.

Table 3 – Incidental records of birds observed during the survey

Latin Name	English Name	Conservation Status
<i>Corvus frugilegus</i>	Rock	Green
<i>Erithacus rubecula</i>	Robin	Green
<i>Sturnus vulgaris</i>	Starling	Red
<i>Motacilla cinerea</i>	Grey wagtail	Green
<i>Pyrrhula pyrrhula</i>	Bullfinch	Amber
<i>Turdus merula</i>	Blackbird	Green

Conservation status is derived from Birds of Ireland's list of Birds of Conservation Concern in Ireland (Lynch et al., 2007) where green = low concern; amber = medium concern; and red = high concern.

3.4.3 Amphibians

The Common frog *Rana temporaria* was not recorded although they could breed in the marginal areas of the drainage ditch on site. The frog is protected under the Wildlife (Amendment) Act, 2000 also the frog is also protected under Annex V of the Habitats Directive.

3.4.5 Invertebrates

A large number of insects are likely to be present in the area and all habitats present are suitable for a wide range of species. It is unlikely that protected species would be present due to agricultural practices. Hedgerows and drainage ditches present would provide suitable habitat for a variety of invertebrates supported by the tree mix present along hedgerows notably native species such as Hawthorn *Crataegus monogyna* and Ash *Fraxinus excelsior*.

4.0 Screening Matrix

4.1 Brief description of the project

The site is an existing piggery operation with plan to expand to 1000 sows at Ballyfauskin, Ballylanders, Co. Limerick.

4.2 Brief description of the Natura 2000 site

There are no protected sites within 4 Kilometres of the site

4.3 Assessment criteria

- Describe the individual elements of the project (either alone or in combination with other projects) likely to give rise to impacts on the Natura 2000 site.
 - The existing piggery and proposed expansion of the piggery at Ballyfauskin, Ballylanders, Co. Limerick as the site is far from protected sites and will have a low to no impact on the protected site.
- Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:
 - size and scale;
 - (a) Direct impacts
None
 - (b) Indirect
None
 - (c) Secondary
None
 - land-take;
 - Existing Piggery is in place and the expansion is in close proximity to the existing buildings.
 - distance from the Natura 2000 site or key features of the site;
 - No protected sites within 4 kilometres
 - Resource requirements (water abstraction etc.);
 - The existing and proposed new buildings will be serviced by off-site wells

- emissions (disposal to land, water or air):
 - The piggery operation is outside of the catchment of the municipal sewerage network. Slurry / manure generated from any permitted piggery operation are directed to slurry storage tanks under the piggery buildings. The stored slurry goes to off-site land spreading.
 - Ballyfaskin Enterprises Ltd's domestic residence will be used for the disposal of domestic wastewater only which and will be treated by the present treatment system in place for domestic dwelling.

- excavation requirements:
 - Yes the proposed expansion will require new slurry storage tanks and excavation is required for foundations, drainage and external paved areas.

- transportation requirements:
 - All materials and resources required for the building and operating the piggery will be transported to the site via road.

- duration of construction, operation, decommissioning, etc.;;
 - The duration of construction of the expansion will be approximately 2 to 6 months and maybe conducted over 2 to 3 years.
 - A time line for operation and decommission is not known.

- other
 - None

4.4 Describe any likely changes to the site arising as a result of:

- reduction of habitat area:
 - Yes area for the additional piggery buildings is on grassland but the habitat is of poor species diversity. A reduction in the area of grassland

habitat will occur to the order of 0.8 hectares. The habitat is of poor species diversity.

- disturbance to key species:
 - None
- habitat or species fragmentation;
 - None as the area of habitat is improved grassland which is utilised for silage production twice per year.
- reduction in species density;
 - None
- Changes in key indicators of conservation value (water quality etc.);
 - no key indicators
- Climate change.
 - None

4.5 Describe any likely impacts on the Natura 2000 site as a whole in terms of:

- interference with the key relationships that define the structure of the site;
 - The site a significant distance for any protected site and the impact will be low to none.
- Interference with key relationships that define the function of the site.
 - None



5.0 Finding of no significant effects report matrix

5.1 Name of project or plan

Ballyfaskin Enterprises Ltd, Ballyfauskin, Ballylanders, Co. Limerick continued operation and proposed expansion of the piggery operation.

5.2 Name and Location of Natura 2000 sites

None within 4 kilometres

See Figures 1 to 5.

5.3 Description of the project or plan

The proposed development consists of the continued operation of the poultry operation and the construction of additional building to increase the capacity to 1000 sows at, Ballyfauskin, Ballylanders, Co. Limerick.

5.4 Is this project directly connected with or necessary to the management of the sites (provide details)?

No the proposed development is not connected with any protected site and no management is required.

5.5 Are there other project that together with the project or plan being assessed could affect the sites (provide details)?

It is unlikely that the existing piggery and proposed expansion project alone or in combination with the existing or other developments would impact on protected sites.

5.6 The assessment of significance of effects

The proposed development will lead to the expansion of an existing piggery operation to 1000 sows.

The proposed development does not comprise of a new development to the site but rather an expansion of an authorised development. The development will have a low impact on the area.

5.7 Explain why these effects are not considered significant.

The proposed site is comprised of agricultural grassland of low ecological value. This habitat type is representative of all agricultural land used for grazing and silage cutting in the region. The land take for the development is approximately 0.1 hectares.

The proposed development is not expected to adversely affect the integrity of any protected sites. Furthermore, the proposed development if permitted shall be required to conform to the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly and adversely affect the integrity of any protected site.

5.8 List of agencies consulted.

NPWS

5.9 Response to consultation.

Consultation was held with NPWS.

5.10 Data collected to carry out the assessment

- Who carried out this assessment?
 - Trevor Montgomery & Miriam Montgomery
- Sources of data
 - Documents supplied by Ballyfaskin Enterprises Ltd Ballyfaskin Enterprises Ltd, Ballyfauskin, Ballylanders, Co. Limerick
 - Limerick County Council Website
 - NPWS website

5.11 Level of assessment completed

Site Visits and a desktop study

5.11.1 Where can the full results of the assessment can be accessed and viewed?

This screening report is to be submitted to EPA as part of request for additional information for determination of the proposed IPPC License.



6.0 Assessment of Likely Significant Effects

The proposed development of the existing piggery operation and the proposed expansion of an existing piggery operation at Ballyfauskin, Ballylanders, Co. Limerick are not directly connected to any protected site.

It is unlikely to impact on any development site due its location with the nearest protected site being situated over 4 km away.

7.0 Conclusion

The outcome of the screening process is that there is no need therefore to proceed to stage 2 of the appropriate assessment and ascertain the effect on site integrity or investigate mitigation measures or alternative solutions. Therefore, no need for a formal appropriate assessment to be made under the EU Habitats Directive before the EPA considers the application in full.

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