



An
Bord
Pleanála

Inspector's Report ABP- 315949-23

Development	Milking parlour, cubicle house extension and new agricultural entrance.
Location	Grangegoddan Glebe, Kells, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	22/1450.
Applicant	Jason Reilly.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Refusal of Permission.
Appellant	Peter Sweetman and Wild Ireland Defence CLG.
Observer(s)	None.
Date of Site Inspection	22 nd September 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Grangegoddan Glebe, Kells, Co. Meath. The appeal site is located within the rural area of County Meath, on the south-western side of the L-2813-6, c. 1km to the south of the Self-Sustaining Growth Town of Kells. The M3 is also located c. 300m to the north-east of the appeal site. The site has a rectangular shape with a stated area of c. 0.9ha and is accessed from an existing centrally located agricultural entrance. The appeal site has a site frontage of c. 80m and the majority of the roadside boundary comprises a mature hedgerow. A concrete wall is located on either side of the existing entrance. The site currently comprises a number of agricultural buildings which are centrally located within the site and accessed from the existing internal hard surfaced driveway.
- 1.2.** In terms of the site surrounds, there are of a number of rural dwellings located along the surrounding road network. The remainder of the lands within the surrounds are predominantly in agricultural use.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the construction of a milking parlour building incorporating a crush/drafting area, collecting yard, meal bins, slatted underground effluent tanks and a hardcore area. The proposal also includes the construction of a cubicle house extension with underground effluent tanks. The milking parlour building and cubicle shed has a stated floor area of c. 625sq.m. and the building has a maximum height of 7.4m.
- 2.2.** The proposal seeks to close up the existing agricultural and to provide a new recessed agricultural entrance at the south-eastern end of the site's roadside boundary. A new access roadway will run along the south-eastern (side) site boundary leading to the proposed milking parlour building. A new c. 1.3m high wall and piers are proposed to be located on either side of the relocated entrance. The proposed development includes all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted planning permission for the proposed development subject to compliance with 8 no. standard conditions.

Condition No. 3 relates to the requirement for the Applicant to complete a BRE 365 result for the proposed soakaway on site.

Condition No. 4 requires the development to be maintained and so operated that no pollution of any watercourse take place.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Report forms the basis for the decision. The first report on file provides a description of the site and surrounds, the policy that is relevant to the development proposal and a summary of the 1 no. observation on the planning file.

In terms of their assessment, the Planning Authority was satisfied that the design, scale and siting of the proposed building was acceptable and would integrate with the existing character of the site and surrounding area. The relocation of the existing entrance was also deemed to be acceptable and was considered to represent an improvement on the existing access arrangement. However, additional information was recommended from the Planning Authority's Environment Department which required the Applicant to submit details with respect to

- Number and capacity of all slurry, effluent, parlour washings and soiled water tanks;
- Number and type of animals on landholding by age;
- Number of proposed animals to be housed on the farm; and,
- Soil sampling data taken to date if available.

Following the submission of additional information, the Planning Authority deemed the

response to be acceptable and a grant of planning permission was recommended subject to compliance with conditions.

3.2.2. Other Technical Reports

Transportation Department: Report received stating no objection subject to compliance with conditions.

Water Services: Report received recommending conditions in the event of a grant of permission.

Environment Section: Initial report on file recommending additional information as outlined in Section 3.2.1 above. A second report on file stating no objection.

Environment Department: Report received recommending conditions in the event of a grant of permission.

3.2.3. Prescribed Bodies

Irish Water: Report received stating no objection subject to compliance with conditions.

3.2.4. Third Party Observations

1 no. observation was received by Mr Peter Sweetman, on behalf of the Wild Ireland Defence CLG. The observation notes that the Planning Authority has four distinct sets of legal tasks when it deals with an application such as this. Firstly, it must assess the planning merits of the application in accordance with the Planning and Development Act, 2000 (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area. The Planning Authority is then also required to form and record a view as to the environmental impacts of the development, considering the EIA report if furnished by the applicant, the views of the public concerned and applying its own expertise and to screen the development for Environmental Impact Assessment. Thirdly, the Planning Authority is the competent authority having regard to responsibilities under the Habitats Directive. Finally, the development must be assessed for compliance with the Water Framework

Directive. It is stated that the site is within the zone of influence of the River Boyne and River Blackwater SAC and the Girley Bog SAC.

4.0 Relevant Planning History

4.1. Appeal Site

None.

5.0 Policy and Context

5.1. Meath County Development Plan (CDP), 2021-2027.

- 5.1.1. The appeal site is located within a rural area of Co. Meath and would appear to fall within the 'South West Kells Lowlands' landscape character area, which is of Moderate Value and a Moderate Sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP.
- 5.1.2. The following policies of the CDP are relevant to the consideration of the appeal:
- **ED POL 19:** To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County.
 - **ED POL 24:** To consider, on their individual merits, the reuse of redundant agricultural buildings and the development of new buildings to accommodate farm diversification / enterprise within an overall farmyard complex.
- 5.1.3. In terms of the Rural Development Strategy (Chapter 9), policies of note include:
- **RUR DEV SO 6:** To protect and enhance the visual qualities of rural areas through sensitive design.
 - **RUR DEV SO 7:** To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources.
 - **RUR DEV SO 8:** To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of

agriculture, forestry and tourism related industries in rural areas.

5.1.4. In terms of 'Employment in Agriculture' (Section 9.7.1), the 'goal' is 'To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities.' Policies of note include:

- **RD POL 10:** To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.
- **RD POL 12:** To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.
- **RD POL 13:** To protect agricultural or agri-business uses from unplanned and/or incompatible urban development.

5.1.5. Section 11.6.8 (Agricultural Buildings & Structures) of the CDP notes that the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

5.1.6. Objective DM OBJ 62 seeks to ensure that 'All applications for agricultural buildings and structures shall address the following criteria as part of a planning application;

- To require that buildings are sited appropriately in order to minimise obtrusion on the landscape, having regard to the Landscape Character Assessment contained in Appendix 5.
- The use of dark coloured cladding, for example dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.
- Developments shall comply with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2014, (GAP Regs 2014).
- All planning applications for agricultural development shall be accompanied by

comprehensive details of all land holdings and herd number(s), if applicable.

- All new and existing agricultural developments will be required to contain sufficient detail which demonstrates that all effluent, including yard run-off, is collected and stored within the confines of the development.
- In the case of new farm enterprises, a clear evidence base must be provided which demonstrates the need for the proposal and details of how any buildings proposed form part of a comprehensive business plan for the farm holding supported by Teagasc.

5.1.7. In terms of landscape capacity, the current CDP contains the following policies and objectives which are relevant to the consideration of the proposed development:

- **HER POL 52:** To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design.
- **HER OBJ 49:** To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.
- **HER OBJ 50:** To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity.

5.1.8. In terms of site access, Policy RD POL 38 seeks 'To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard'.

5.2. Project Ireland 2040 National Planning Framework (NPF)

5.2.1. Section 5.4 (Planning and Investment to Support Rural Job Creation) of the NPF

highlights that ‘creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline’. In terms of agriculture, the agri-food sector continues to play an integral part in Ireland’s economy and is Ireland’s largest indigenous industry, contributing 173,400 direct jobs and generating 10.4% of merchandise exports in 2016. The NPF notes that much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. National Policy Objective (NPO) 23 is relevant to the consideration of the appeal which seeks to ‘facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.’

5.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

- 5.3.1. Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES recognises the major contribution that rural places make towards regional and national development in economic, social and environmental terms. Rural areas in the Region, including the Gaeltacht area, contribute to Ireland’s unique culture and identity, and provide significant natural resources, biodiversity, environmental qualities and landscape features.
- 5.3.2. Regional Policy Objectives (RPO) that are relevant to the development proposal include:
- 5.3.3. RPO 4.79: Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the

diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.

- 5.3.4. Agriculture RPO 6.24: Support the Departments of Agriculture, Food and the Marine, and Communications, Climate Action and Environment to enhance the competitiveness of the agriculture sector with an urgent need for mitigation as well as real and effective and adaptation mechanisms for the long-term sustainability of the agri-sector.

5.4. European Union, Good Agricultural Practice for the Protection of Waters Regulations 2022.

5.5. Climate Action Plan (CAP) 2023

5.6. Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).

5.7. Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.8. Natural Heritage Designations

- 5.8.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 2.2km to the north of the appeal site.

5.9. EIA Screening

- 5.9.1. My assessment is that the form of development proposed, and which is the subject of this application, is such that it would not be of a class for the purposes of EIA as per

the classes of development set out in the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a sub threshold assessment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party planning appeal has been by Peter Sweetman and Wild Ireland Defence CLG. The content of the appeal submission and the grounds of appeal can be summarised as follows:

- It is stated that the Board is now the competent authority having responsibilities under the Habitats Directive and this requires the Board to screen the development under Article 6 (3) and to make a decision as required under 6(3). The appeal submission refers to the legal case for screening in AG Sharpston in the opinion to 259/11 Sweetman & Others v An Bord Pleanála. It is stated that this is implemented into Irish Law by Finlay Geoghegan J. in Keely v An Bord Pleanála [2014] IEHC 400 (25 July 2014).
 - o *'47. It follows that the possibility of there being a significant effect on the site which generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.*
- The appeal submission contends that it is not possible for the Board to make a decision to grant permission on the basis of the total lack of certainty in the information submitted, i.e. must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.
- The grounds of appeal note that the Planning Authority failed to have regard to the appellant's observation during the course of their assessment and failed to have regard to the Courts of Justice of the European Union Judgement in Joined Cases C-29317 and C-29417.

- It is contended that the Planning Authority failed to carry out an assessment under The Water Framework Directive. In addition, it is submitted that the Conservation Objectives for the River Boyne SAC are not of a sufficient standard considering the AG opinion in Case C-444-21 Commission v Ireland. The Board is requested to make an order for the appellant's costs in this submission and appeal as Meath County Council failed to perform their statutory duties in this case.

6.2. First Party Response to Appeal

- 6.2.1. A response has been prepared on behalf of the Applicant in response to the Third Party planning appeal. The submission provides a brief description of the site and surrounds, a background to and a description of the proposed development. The submission also provides a summary of the planning policy at national, regional and local level that is relevant to the consideration of the appeal and outlines how the proposed development is compliant with same.
- 6.2.2. In response to the concerns of the Third Party appellant, it is contended within the submission that the Planning Authority have fully complied with their obligations under Article 6(3) of the Habitats Directive. Having inspected the site, assessed the planning application and the planner's report, it is considered the application is very clear and specific in contrast to the general statements made in the planning appeal. It is noted that the planner's report contains no uncertainty in their screening of the proposed development in the context of the SAC. The Planning Authority have carried out an AA screening and have confirmed that they were satisfied that, having regard to the nature and scale of the proposed development, it would not have any significant effect on the European sites.
- 6.2.3. For the avoidance of doubt, the Applicant has now engaged the services of a suitably qualified ecologist who has carried out an AA screening of the proposed development. A review of the AA screening will show that it complies fully with the requirements of Article 6(3) of the Habitats Directive. It is stated that the report is complete, precise and definitive in its findings and there is no scientific doubt as to the effects of the

proposed works on the protected site concerned which confirms that there will be no effects on these sites.

6.2.4. In terms of the appellant's claims that the Planning Authority have failed to have regard to the Courts of Justice of the European Union Judgement in Joined Cases C-29317 and C-29417, it is contended that neither of these cases are applicable in this instance as both cases related to developments within designated sites. It is stated that the appeal site is not located within or adjacent to a designated site protected by the Habitats Directive. The applicant's farm upon which the appeal site is located is not classified as nitrogen sensitive natural habitats. The lands are not in or near any Natura 2000 site and the lands are currently being used for grazing with animal manure being applied to these lands. It is stated that this is not an expansion of a farm, this is not a designated site, the applicant's farmlands are not protected by the Habitats Directive, the appeal site is not within the vicinity of a Natura 2000 site and the proposed development will not have a significant effect on these sites due to its location and the scale of the proposed development.

6.2.5. The Applicant's submission notes that it is unclear what the specific grounds of appeal are in respect of the proposed development as the grounds are vague, ambiguous and are not specific to the proposed development or to the site. The suggestion that Meath County Council have failed to perform their statutory functions is incorrect. The Applicant is satisfied that Meath County Council has fully considered all planning matters in respect of the proposed development and concur with their decision in this regard. Having regard to the lack of site specific grounds of appeal, the Board is requested to dismiss this appeal in accordance with Section 138 of the Planning and Development Act 2000 (as amended), as being without substance or foundation.

6.2.6. In terms of the claims that the Planning Authority have failed to carry out an assessment under the Water Framework Directive, it is noted that the appeal submission fails to acknowledge the fact that this is an existing operational farm which is already stocked with cattle. The proposed development does not involve the expansion or intensification of the land use. The lands are currently fertilized in respect

of farm management and there will be no alteration to this practice arising from the proposed development. The only change being provided is an increase in storage capacity which would have a positive environmental impact as it reduces the risk of pollution in the event that the lands cannot be spread during wet weather. It is highlighted that the Applicant must fully comply with all the relevant legislation in respect of farm management, the Nitrates Directive and the protection of groundwaters. It is stated that this is a modest farm, it is not a licensable activity and the volume of animal manure being generated is modest and of a low intensity. In addition, the appeal site is not located in or near any of the water dependent SPAs/ SACs and salmonoid waters, the appeal site is not located within the area of ground water body risk and the appeal site is located in an area where there have been improvements in the ground water body when examining the relevant EPA maps (www.gis.epa.ie/EPAMAPS). The Applicant is satisfied that the proposed milking parlor is a sufficient distance from the Toberultan River that it will not impact on the water quality of same.

6.2.7. In conclusion, it is contended that the proposed development is acceptable having regard to the following:

- The long standing farming operation on the subject lands,
- The established high quality farming operations being carried out for generations on this farm,
- The small scale and low intensity nature of the farming operations and the fact that the proposed development will not increase the number of animals on the farm,
- The proposed development simply seeks to change from beef cattle to dairy cows on the farm and the proposed development is to provide for a milking parlour to accommodate that change,
- The proposed development has been the subject of an AA screening which concludes that the proposed development would not have any impact on any designated protected site, and it is questioned why a small scale development in Meath would be of any concern to a Third Party based in cork.

6.3. Planning Authority Response

- 6.3.1. A response has been received from the Planning Authority dated 28th March 2023 which notes that they are satisfied that all matters outlined in the Third Party appeal were considered during the course of its assessment of the planning application as detailed in the planning officer's report. The Board is requested to uphold its decision to grant planning permission.

6.4. Observations

- 6.4.1. None.

6.5. Third Party Appellant Response

- 6.5.1. A response to the Applicant's submission has been received from the Third Party Appellant. It is highlighted that the concerns raised in the appeal relate to the requirement of the Planning Authority and the Board to comply with Article 6(3) of the Habitats Directive. Primarily, the Appellant is concerned with the potential impact of the proposed development on the River Boyne and River Blackwater SAC.
- 6.5.2. It is stated that the Planning Authority ignored the requirements of Article 6(3) of the Habitats Directive as clarified by the CJEU, including the requirement to consider direct and indirect effects. The Applicant's screening report confirms that the appropriateness of the proposed project will be determined, in the context of the conservation status of the designated sites. It is stated that this statement has no relevance to Appropriate Assessment Screening and the legal requirements have been clearly set out in the Appellant's submission and appeal.
- 6.5.3. The Appellant disputes the Applicant's claim that the submitted Screening Report is complete, precise and definitive in its findings. Whilst the appeal site does not lie within the SAC, there is evidence before the Board that there is a direct hydrological connection between the site and the SAC. In terms of the commentary within the Screening Report with respect to land spreading, there is no definitive evidence of where it is proposed to spread the slurry and there is no evidence of the lands which should have been excluded from land spreading. It is noted that a statement such as

this is not a complete, precise and definitive finding.

- 6.5.4. The AA Screening Report confirms that a derogation will be applied to this farm given the Organic Nitrogen that has been calculated for a farm of this scale. The Appellant has asked the question as to whether a derogation is required as the farm will not be in compliance with the Nitrates Directive?
- 6.5.5. Notwithstanding the commentary of the Applicant, the Appellant notes that the appeal site has direct conductivity to a Natura 2000 site and there may be a significant effect on this site as a result of the proposed development. Based on the information contained in the application and the response to the appeal, the Appellant notes that it is not capable of removing all reasonable scientific doubt as to the compliance with the Nitrates Directive.
- 6.5.6. The Applicant's claim that the appeal site not located in or near any of the water dependent SPAs/ SACs and salmonoid waters is simply incorrect because the site is hydrologically connected to it an SAC, SPA and designated salmonoid waters.
- 6.5.7. The Appellant provides a review of the Applicant's AA Screening Report for the proposed development. In summary, the Appellant has concerns about significant effects upon the River Boyne and River Blackwater SAC, arising from the construction and operation of the proposed development. It is highlighted that the Toberultan Stream discharges into the SAC and is located within the farm's spread lands. It is therefore concluded that the proposed development requires Appropriate Assessment.

6.6. Planning Authority Response

- 6.6.1. A further response has been received from the Planning Authority dated 20th April 2023 which confirms its recommendation, and the Board is requested to uphold its decision to grant planning permission.

6.7. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the Third Party Appellant's grounds of appeal, the First Party response and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Design, Layout & Access
- Waste
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The proposal seeks planning consent for the construction of a milking parlour building, a cubicle house extension with underground effluent tanks and all associated site works on the appeal site. The Applicant's response to the planning appeal confirms that there is no increase in stock numbers arising from the proposed development and the proposed milking parlour will simply alter the type of farming practice from rearing to dairying. It is confirmed that currently, the land holding has sufficient spread lands on the grazing platform to allow for nutrient uptake from animal manure. The proposed development will provide for storage capacity for animal manure and washings from the milking parlour. It is stated that the provision of additional storage capacity will ensure that the Applicant has sufficient capacity to be available, including freeboard to cater for the farm during the closed winter period when spreading is not permitted.
- 7.1.2. In terms of relevant policy of the current County Development, I note that Objective ED POL 19 seeks 'To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County. In addition, Objective RUR DEV SO 7 seeks 'To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable

development and the management of environmental resources'. There is also support at national level for developments of this nature through NPO 23 which seeks to 'facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.' Having regard to the established agricultural use on appeal site which has been operated by the Applicant and his family, the nature of the proposed development and the policy support at local and national level for developments of this nature, I am satisfied that the principle of the proposed development is acceptable at this location and is in accordance with the pertinent policy of the current CDP.

7.2. Design, Layout & Access

- 7.2.1. As noted, the appeal site would appear to fall within the 'South West Kells Lowlands' landscape character area which is of Moderate Value and a Moderate Sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP. In terms of landscape capacity, Policy HER POL 52 of the current CDP seeks 'To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design. Section 9.8.1 (Agricultural Buildings) of the Plan notes that the provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice shall be supported by the Planning Authority. The buildings which form part of this development proposal are to be set back c. 75m from the existing roadside boundary and to the rear of the complex of existing farm buildings on the appeal site. The milking parlour building and cubicle shed extension have a combined floor area of c. 625sq.m. with a maximum height of 7.4m. In terms of the palette of materials and finishes, a combination of concrete and green corrugated metal sheeting for the walls and roof is proposed which is generally in accordance with Objective DM OBJ 62 of the current

CDP. This objective indicates that the use of dark coloured cladding, for example dark browns, greys, greens and reds are most suitable for farm buildings. Although the structures will be visible from the public road, having regard to the pattern of development on the site and surrounding area, the overall scale, height and form of the proposed structures, the setback of these structures from the existing roadside boundary and their location to the rear and in close proximity to the existing farm buildings, I am satisfied that the proposed development will not form a visually obtrusive feature in the existing landscape and is generally consistent with the pattern of development in this rural area. Therefore, it is my view that the development will not erode or detract from the character and visual amenity of the site and surrounds and the proposal is acceptable having regard to the visual amenities of the area.

- 7.2.2. As part of the proposed development, permission is sought to close up the existing agricultural entrance and to provide a new c. 5.5m wide recessed entrance at the south-eastern end of the site's roadside boundary. A new access roadway will run along the south-eastern (side) site boundary leading to the proposed milking parlour building within the rear portion of the site. The recessed entrance gates are to be set back c. 14.2m from the roadside boundary. 90m sightlines in each direction from the proposed entrance have been identified on the submitted Site Layout Plan. Policy RD POL 38 of the of the current CDP seeks 'To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard'. The Planning Authority's Transportation Department have reviewed the application and noted that the relocated entrance would represent an improvement on the existing access arrangement and a grant of permission was recommended subject to compliance with conditions. Overall, I am satisfied that the revised access arrangement for the proposed development and the modifications to the site's front boundary are acceptable in terms of traffic safety and are in accordance with the pertinent policy of the current CDP. The proposed development is therefore considered to be acceptable.

7.3. Waste

- 7.3.1. Within their assessment of the application, the Planning Authority's Environment

Section noted that as a general guide, a storage facility for silage effluent/slurry/soiled water should be located not less than 50m from any waterbody in the case of new farmyards, and not less than 10m in the case of extensions/modifications to an existing facility. Separation distances to a public/private water supply sources have also been identified and the Planning Authority have indicated that the proposal is compliant with same. The Environment Section of the Planning Authority had therefore no objection to the proposed development subject to compliance with conditions. However, the Planning Authority referred to commentary of the Environment Department which required the Applicant to submit details with respect to:

- The number and capacity of all slurry, effluent, parlour washings and soiled water tanks;
- The number and type of animals on landholding by age;
- The number of proposed animals to be housed on the farm; and,
- Soil sampling data taken to date if available.

7.3.2. In response to the request for additional information, the Applicant submitted a copy of their Derogation Fertiliser Plan for 2022. The Planning Authority's Environment Department considered the Applicant's response document and noted that the existing farm is currently stocked above 170kgN/Ha and has been granted derogation to farm above this stocking rate by Department of Agriculture, Food and the Marine (DAFM). It is stated that the grassland stocking rate for 2022 was calculated as being 196kgN/Ha and the farm is a dairy enterprise. The Environment Department have indicated that the 2022 data suggests that c. 378m³ of slurry storage is already provided on the farm and that the required slurry storage for the number of animals currently present is 365m³. It was also noted that there was no data provided for the soiled water storage, so it is assumed that any soiled water generated is being stored as slurry. This would therefore suggest that additional storage is required on the farm in order to comply with the Derogation rules.

7.3.3. The Environment Department in their second report on file note that an additional 380m³ of slurry storage and 132m³ of soiled water parlour washings storage will be provided as part of the proposed development. It is stated that this additional storage

is needed to ensure that the farm has adequate storage for 18 weeks and that slurry may be spread only in optimal conditions. It is concluded within their report that if properly managed, this additional slurry and soil water storage should lead to the better management of the application of organic fertilizers to the Applicant's lands. When reviewing Drawing No. 03 (Plan and Section) and the Applicant's additional information response, it is unclear how the Environment Department arrived at these specific figures. Notwithstanding this, it was confirmed by the Applicant in their response to the Third Party appeal that there will be no increase in stock numbers arising from the proposed development and the proposed milking parlour will simply alter the type of farming practice carried out on the farm. It is stated that the provision of additional storage capacity for the modified farming practice will ensure that the Applicant has sufficient capacity available including freeboard for the farm during the period when land spreading is not permitted. Given the Applicant is seeking to provide additional storage as part of the proposed development which the Planning Authority deem to be acceptable and by virtue that there is not an intention to increase the overall herd number, I am satisfied that the proposed development is generally acceptable. In addition, I note that there is an obligation on the Applicant to comply with the various Terms and Conditions that are applicable to the current Nitrates Derogation that is applicable to their farm.

7.4. Appropriate Assessment

- 7.4.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), the Girley (Drewstown) Bog SAC (Site Code: 002203) and the Killyconny Bog (Cloghbally) SAC (Site Code: 000006). As part of the development management process, it is necessary to determine whether the proposed development would be likely to have significant effects on those Natura 2000 sites, and therefore, whether an appropriate assessment is required.

7.4.2. The Project and its Characteristics

- 7.4.2.1. The detailed description of the proposed development can be found in Section 2 of this report.

7.4.3. Stage 1 Screening - The European Sites Likely to be Affected

- 7.4.3.1. The development site is not within or directly adjacent to any Natura 2000 site. The appeal site is located in a rural area of County Meath, outside the settlement boundary of Kells. The site comprises an existing complex of farm buildings and associated yard areas, with the southern portion of the site currently under grass. I have had regard to the submitted Appropriate Assessment (AA) Screening Report which identifies that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate which require consideration of potential effects.
- 7.4.3.2. The qualifying interests and conservation objectives of the relevant sites are included as follows:

Table 7.1

European Site	Qualifying Interest	Conservation Objectives	Distance from Site
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	[7230] To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC. [91E0] To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>)* in River Boyne and River Blackwater SAC. [1099] To restore the favourable conservation condition of River Lamprey (<i>Lampetra fluviatilis</i>) in River Boyne and River Blackwater SAC. [1106] To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River	2.1km

		Blackwater SAC. [1355] To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne and River Blackwater SAC.	
River Boyne and River Blackwater SPA (004232)	A229 Kingfisher Alcedo at this	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	2.2km
Girley (Drewstown) Bog SAC (002203)	7120 Degraded raised bogs still capable of natural regeneration	To restore the favourable conservation condition of Degraded raised bogs still capable of natural regeneration in Girley (Drewstown) Bog SAC.	6km
Killyconny Bog (Cloghbally) SAC (000006)	7110 Active raised bogs 7120 Degraded raised bogs still capable of natural regeneration	To restore the favourable conservation condition of Active raised bogs in Killyconny Bog (Cloghbally) SAC. The long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Killyconny Bog SAC.	10.6km

7.4.3.3. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the appeal site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file. I have also visited the appeal site. In terms of the Girley (Drewstown) Bog SAC (002203) and the Killyconny Bog (Cloghbally) SAC, the Applicant's AA Screening Report indicates there is no hydrological connectivity between the application site and

the SACs and significant effects upon these designated sites can therefore be ruled out. It is also stated that there will be no significant effects upon the Qualifying Interests of the SAC sites arising from atmospheric emissions. I consider this to be an acceptable conclusion when considering the distance to these sites and the lack of a hydrological connection.

- 7.4.3.4. Having regard to the separation distances between the appeal site and River Boyne and River Blackwater SAC and SPA, Section 3.4 of the Applicant's AA Screening Report has further considered the potential significant effects on the Natura 2000 sites and their Qualifying Interests arising from the construction and operation of the proposed development. A summary of the two sites is presented below and full details of these sites are available on the website of the National Parks and Wildlife Service.
- 7.4.3.5. The River Boyne and River Blackwater SAC (002299) comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site, including Slane, Navan, Kells, Trim, Athboy and Ballivor. The Qualifying Interests for the SAC have been identified in Table 7.1 of this report.
- 7.4.3.6. In terms of the River Boyne and River Blackwater SPA (004232), it is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Counties Cavan, Louth and Westmeath. The SPA is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive.
- 7.4.3.7. Section 3.4 (Impact Assessment) of the Applicant's AA Screening Report provides an

analysis of the potential significant effects of the proposed development on the River Boyne and River Blackwater SAC and SPA which is reproduced in Table 7.2 below.

Table 7.2

<p>Describe the individual elements of the project either alone or in combination with other plans or projects likely to give rise to impacts on nearby Natura 2000 sites.</p>	<p>It is stated that the construction and operation of the proposed milking parlour and associated works will have no significant effects upon the designated sites identified and there are no individual elements of the proposed project that are likely to give rise to negative effects on the European Sites. It is noted that the proposed works are of a small scale and there is no hydrological connectivity between the proposed work areas and the SAC or SPA. There are no site specific mitigation measures required as part of the application to prevent significant effects upon the Natura 2000 sites.</p> <p>The report notes that the operation of the farm and the land spreading of the manure produced at the proposed facility has also been considered as part of the process and land spreading occurs on lands that have historically been improved and fertilized. It is indicated that records for the use of all the manure produced will be kept on site and presented to the DAFM, if necessary, and all manure is and will continue to be spread in accordance with S.I. 113 of 2022.</p>
<p>Describe any likely direct, indirect or secondary impacts of the project either alone or in combination with other plans and projects on the nearby Natura 2000 sites by virtue of:</p>	<p><i>Size and Scale</i> - Having regard to the small size and scale of the development within an existing farm site in relation to the overall size of the SAC and SPA, it is considered that the likelihood of any direct, indirect or commutative impacts on these designated sites arising from the construction and operation of the proposed development is low.</p> <p><i>Land-take</i> – It is stated that there will be no land-take from any designated site and there will be no interference with the boundaries of any designated site.</p> <p><i>Distance from Natura 2000 Site or Key Features of the Site</i> - At its closed point the, SAC is located c. 2.2km from the appeal site. Having regard to the small size of the development within an existing farmyard, it is considered that this distance is sufficient to ensure that no significant effects will arise as there is no direct pollution pathways between the area of the proposed works and the SAC or SPA. Therefore, it is contended that the potential for pollution and subsequent effects to arise is low.</p> <p><i>Resource Requirements Water Abstraction Etc.</i> – It is stated that no resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.</p> <p><i>Emissions</i> – It is stated that neither the construction nor the operation of the proposed development will result in any direct or indirect emissions to either the SAC or SPA. The report notes that there are no water courses on the site itself and there will be no runoff from the site directly to the SAC or SPA. During operation, all slurry, washings and soiled water will be</p>

	<p>directed into the underground tanks for subsequent land spreading. It is noted that there is sufficient and surplus storage capacity on the farm for the slurry and soiled water and there will be capacity for delaying spreading in the event of inappropriate climate conditions. It is indicated that the potential emissions from the spreading of the organic waste arising from the development has also been considered and there will be no land spreading within the SAC or SPA or within 1km of it. Therefore, it is considered that there will be no risk to groundwater arising from the use of organic waste from the farm as fertilizer.</p> <p><i>Excavation Requirements</i> – It is noted that excavated material from the works will be disposed of in a responsible manner at a licensed facility away from the designated sites.</p> <p><i>Transportation Requirements</i> – It is indicated that there will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.</p> <p><i>In-combination / Cumulative Impacts</i> – The report notes that the proposed application was considered in combination with other developments or proposed developments in the surrounding area and potential commutative effects were considered. It is stated that a number of other agricultural and domestic developments have been granted planning permission in the general area in the last five years. There are other agricultural activities ongoing close to the current application site and the commutative impacts arising from the operations of these farms together were therefore considered. The report notes at all farms, regardless of whether licensed by the EPA or not, are required to operate within the legislation as defined in S.I. 113 of 2022.</p> <p>Regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, it is considered that the cumulative impacts arising from the combined operation of these activities with the proposed operation of the farm will be negligible. It is stated that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA or where, AA has taken place. Any future individual application that has the potential to impact a Natura 2000 site will be subject to AA as required under Article 6(3) of the Habitats Directive.</p> <p><i>Duration of construction, operation, decommissioning etc.</i> – It is stated that once construction begins, it should be completed within one year.</p>
Describe any likely changes to the nearby Natura 2000 sites arising as a result of:	<p><i>Reduction of Habitat Area</i> – It is stated that the proposed development lies outside the boundaries of the Natura 2000 sites and there will be no reduction of designated habitat area within the SAC or SPA. There would be no significant effects upon the habitat qualifying interests of the SAC i.e. alkaline fens or alluvial forest as both of these features are outside the zone of influence of the development and there are no source-pathway-receptor</p>

	<p>linkages between application site and these designated features. Therefore, there are no potential pollution pathways. There will also be no interference with the boundaries of the SAC or SPA.</p> <p><i>Disturbance to Key Species</i> - There are four species listed as qualifying interests of the River Boyne and River Blackwater SAC and SPA, i.e. the otter, salmon, river lamprey and kingfisher. It is indicated that there are no direct pollution pathways between the application site and the designated sites and potential effects upon these listed species will therefore be avoided. There will also be no loss of riparian habitats used by the Otter.</p> <p><i>Habitat or Species Fragmentation</i> – It is stated there will be no habitat or species fragmentation within the SAC or SPA. In addition, there are no ecological corridors between the proposed site and the Natura 2000 sites identified and will therefore not be damaged or destroyed.</p> <p><i>Reduction in Species Density</i> – It is indicated that there will be no reduction in species density within the SAC or SPA.</p> <p><i>Changes in Key Indicators of Conservation Value.</i> It is stated that there will be no negative impacts upon surface or groundwater quality within the SAC or SPA. There will be no negative impacts upon the water quality in either the SAC or SPA and there will be no changes in groundwater quantity or quality which would lead to impacts upon the protected alkaline fen habitats of the SAC or SPA.</p>
Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:	<i>Interference with the Key Relationships that Define the Structure or Function of the Site</i> – It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.
Provide indicators of significance as a result of the identification of effects set out above in terms of:	<p><i>Loss - Estimated Percentage of Lost Area of Habitat:</i> None.</p> <p><i>Fragmentation, Disruption and Disturbance:</i> None.</p> <p><i>Change The Key Elements of the Site:</i> None.</p>

7.4.4. The Applicant's AA Screening Report concludes that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in their report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

7.4.5. The Appellant has outlined in their initial appeal submission and in their response to the Applicant's submission (i.e. response to Third Party appeal including AA Screening Report) that they have concerns regarding the significant effects upon the River Boyne

and River Blackwater SAC, arising from the construction and operation of the proposed development. The Appellant in this case has indicated that the claims made within the AA Screening Report are not complete, precise or definitive in its findings. Whilst it is accepted by the Appellant that the subject site does not lie within the SAC, it is stated that there is evidence before the Board that there is a direct hydrological connection between the site and the SAC. This is due to the location of the Toberultan Stream within the farm's spread lands and whereby the stream ultimately discharges into the SAC downstream. In terms of commentary within the AA Screening Report with respect to land spreading, the Appellant notes that there is no definitive evidence of where it is proposed to spread the slurry and there is no evidence of the lands which should have been excluded from land spreading. For this reason, it is contended by the Appellant that the proposed development requires Appropriate Assessment as significant effects cannot be ruled out.

7.4.5.1. Figure 3 of the submitted AA Screening Report identifies the extent of lands within the surrounds of the appeal site which are within the ownership of the Applicant. I note that the southern boundary of the Applicant's landholding adjoins the northern side of the Toberultan Stream for a distance of c. 50m. The stream then travels in southerly direction away from this boundary and ultimately discharges into the River Boyne and River Blackwater SAC and SPA c. 4.4km away i.e. the stream is a tributary of the Blackwater River. I note the appeal site is located c. 375m to the north of the boundary of the field which has an abuttal with the Toberultan Stream. The AA Screening Report notes that the EPA have defined the ecological status of the Toberultan Stream and its tributaries at points close to the application site as poor. It is stated that they are at risk of not achieving good ecological status within the timeline of the current cycle of the Directive. It is also stated that the River Blackwater at points upstream and downstream of its confluence with the stream are also noted to be of poor ecological status.

7.4.5.2. In terms the construction phase of the proposed development, permission is sought for a milking parlour building incorporating a crush/drafting area, collecting yard, meal bins, slatted underground effluent tanks, a hardcore area and associated site works.

As noted, the milking parlour building and cubicle shed has a stated floor area of c. 625sq.m. For surface water drainage proposals, I note that the Applicant is proposing stone soakaways which are to be located within the south-western corner of the appeal site and adjacent to the relocated site entrance. Both soakaways will collect surface water run-off from the proposed structures and the new access road. I note the Planning Authority's Water Services section have reviewed the proposal and have raised no objection to the proposed development subject to compliance with standard conditions. From my observations on site, it was evident that there are no drainage ditches or water features on the appeal site. The nearest drainage ditches are located c. 260m to the south-west of the appeal site which are likely to drain in a southerly directly towards the Toberultan Stream, a point which is confirmed within the Applicant's AA Screening Report. Having regard to the overall scale of the proposed development, the separation distances from nearby watercourses or drainage ditches and the absence of any direct or indirect hydrological connection between the appeal site and the River Boyne and River Blackwater SAC and SPA, I am satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or its operation through surface water run-off, could reach the designated site in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

- 7.4.5.3. The Appellant has however, raised concerns with respect to the location of the Applicant's landholding relative to the Toberultan Stream given that the Applicant's lands are subject to landspreading. The AA Screening Report has confirmed that the operation of the farm and the landspreading of manure produced at the proposed facility has been considered as part of the process and it is highlighted that land spreading occurs on lands that have historically been improved and fertilized by the Applicant. During operation, it is stated that all slurry, washings and soiled water will be directed into the underground tanks for subsequent landspreading. It is noted within the AA Screening Report that there is sufficient and surplus storage capacity on the farm for the slurry and soiled water and there will be capacity for delaying spreading in the event of inappropriate climate conditions. It is indicated that the potential emissions from the spreading of the organic waste arising from the development has

also been considered and there will be no landspreading within the SAC or SPA or within 1km of it. In addition, it is stated that all manure is and will continue to be spread in accordance with S.I. 113 of 2022. Therefore, it is concluded that there will be no risk to groundwater arising from the use of organic waste from the farm as a fertilizer. As detailed in Section 7.3 of this report, the Planning Authority's Environment Department in their assessment of the application confirmed that the proposed development, including its increase in storage capacity, should lead to the better management of the application of organic fertilizers to the farmlands.

7.4.5.4. Although I acknowledge that the AA Screening Report has considered the landspreading of manure produced at the farm as part of the screening process, I note the project is seeking planning consent for the construction of a milking parlour, storage and a relocated entrance. Permission is not sought land spreading activities associated with the farm. The Applicant is currently the operator of an established farm, and it is evident from the documentation on file that the lands within his control have historically been subject to landspreading. The Applicant also confirms his obligations insofar as all landspreading activities on his farm being carried out in accordance with S.I. 113 of 2022. It is noted that the proposed milking parlour will simply alter the type of farming practice being carried out from rearing to dairying and it is confirmed that there will be no increase in stock numbers arising from the proposed development. Notwithstanding the concerns of the Appellant, permission is not sought to increase the overall stock number and there are no new or additional activities being carried out on site as part of the proposed development (i.e. landspreading). Therefore, it is beyond the scope of this appeal to examine the existing activities that are established at this location.

7.4.6. In-combination Effects.

7.4.6.1. As noted in Table 7.2, in-combination/cumulative effects are also considered in the Applicant's AA screening report. It is stated that another a number of other agricultural and domestic developments have been granted planning permission in the general area in the last five years. There are other agricultural activities ongoing close to the current application site and the commutative impacts arising from the operations of

these farms together were therefore considered. The report notes that at all farms, regardless of whether licensed by the EPA or not, are required to operate within the legislation defined in S.I. 113 of 2022, regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, it is considered that the cumulative impacts arising from the combined operation of these activities with the proposed operation of the farm will be negligible. It is also stated that the proposed development will have no cumulative impacts upon any designated sites when considered in combination with other developments that have been screened properly for AA or where, AA has taken place. It goes on to note that any future individual application that has the potential to impact a Natura 2000 site will be subject to AA as required under Article 6(3) of the Habitats Directive. These conclusions are accepted.

7.4.7. Conclusion and Screening Determination.

7.4.7.1. Therefore, in conclusion, having regard to the nature and scale of the proposed development within an established farm, the nature of the receiving environment, the distances to the nearest European sites, and the lack of a hydrological pathway between the appeal site and any Natura 2000 site as outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1. Grant of permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to the:

- The established agricultural activities carried out on site,
- The location, nature, scale and design of the proposed development,
- The provisions of the Meath County Development Plan, 2021-2027, and,

- The specific characteristics of the site and surrounds,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, it would not have unacceptable impact on the landscape or ecology, it would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by way of further information received on 13/01/2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The color of the proposed farm structures hereby permitted shall be dark grey, grass or dark green, dark brown, dark red or unfinished concrete. Roof colours shall be darker than wall colours.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development, the Applicant shall complete BRE 365 result for the proposed sock aways on site. If necessary, the applicant shall increase the size of the existing soakaway volume to reflect</p>

	<p>the increase in impermeable area as a result of this application. The applicant shall include 20% increase in rainfall due to climate change and design the attenuation system for the ground conditions.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The proposed development shall be designed, sighted and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).</p> <p>Reason: In the interest of public health and residential amenity.</p>
6.	<p>All uncontaminated surface water, including roof water, shall be separately collected and shall not in any circumstances be allowed to discharge to the foul storage facilities.</p> <p>Reason: In the interest of public health.</p>
7.	<p>a. All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the site boundary.</p> <p>b. The effluent storage tanks must be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks.</p> <p>c. The livestock sheds must be constructed in accordance with the minimum specification document issued by the Department of Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings.</p> <p>d. All new buildings must be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2021.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The Applicant shall enter into water and waste water connection</p>

	<p>agreement(s) with Irish Water, if required. The Applicant shall be required to adhere to the standards and conditions set out in that agreement.</p> <p>Reason: In the interest of public health.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

11/12/2023

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315949-23		
Proposed Development Summary	Milking parlour, cubicle house extension and new agricultural entrance.		
Development Address	Grangegoddan Glebe, Kells, Co. Meath.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			

		Threshold	Comment (if relevant)	Conclusion
No	X			No EIAR or Preliminary Examination required
Yes				

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 11th December 2023