



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317068-23

<b>Development</b>	Construction of an agricultural slatted shed with dry bed pen and associated site development works.
<b>Location</b>	Altnapaste, Ballybofey, Co. Donegal.
<b>Planning Authority</b>	Donegal County Council
<b>Planning Authority Reg. Ref.</b>	2350315
<b>Applicant(s)</b>	Carrickmahon Agri Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter Sweetman and Wild Ireland Defence CLG
<b>Observer(s)</b>	An Taisce
<b>Date of Site Inspection</b>	3 <sup>rd</sup> May 2024
<b>Inspector</b>	Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The application site comprises a 0.23 ha plot of land in the rural area of Altnapaste, Ballybofey, located north of a local road and within an existing farm yard complex. The site is bounded by agricultural lands to the east, north and west with the local road bounding the site to the south.

## 2.0 Proposed Development

- 2.1. Construction of an agricultural slatted shed with dry bed pen and associated site development works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 27<sup>th</sup> April 2023 the Council decided to Grant Permission subject to conditions. Conditions of note include:

- Condition No. 4: Relating to effluence storage facility, slurry disposal, foul effluent and slurry storage, and uncontaminated roof water and clean yard water disposal.
- Condition No. 6: Hedgerow to be planted along the north and east site boundaries

### 3.2. Planning Authority Reports

- 3.2.1. Planning Report [dated 24<sup>th</sup> April 2023]

- Notes that the site is located within a Structurally Weak Rural Area
- Notes the site falls within an area of ‘Especially High Scenic Amenity’

- Principle of development is considered acceptable/on the basis of the agricultural landholding shown on the submitted location map and blue line showing overall land ownership
- Principle of an agricultural shed in a rural location is generally acceptable
- Consideration must be given to the 'out of settlement' rural nature of the land use zoning/presumption in favour of rural agricultural development in a rural area
- Considered the nature, location, scale and design of the proposed shed will integrate with the site proposed
- Visual impact of the structure will not have any significant adverse impacts on the scenic amenity value of the area
- No significant impact on residential amenity are anticipated
- No concerns in relation to access
- In relation to water the proposal will be required to be in accordance with the relevant Dept of Agriculture Standards
- Condition will be imposed in relation to unsoiled surface water drainage
- Notes proximity to the River Finn SAC (Site Code 002031)
- Note concerns raised by Third Party in relation to same
- Was not considered that AA was required/Screening Report attached
- No development contributions applicable
- EIA not considered necessary
- Recommendation was to grant permission

Other Technical Reports

3.2.2. None

### 3.3. **Prescribed Bodies**

3.3.1. None

### **3.4. Third Party Observations**

- 3.4.1. One no. third party observation was received at application stage. This raises similar issues to those raised at appeal stage and these are summarised in Section 6 below.

## **4.0 Planning History**

- 4.1.1. No recent planning history.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The relevant plan is the County Donegal Development Plan 2018-2024 (as varied).

Polices/Guidance of relevance includes:

- Policy NH-O-7 seeks to 'protect the areas of Especially High Scenic Amenity from intrusive and/or unsympathetic developments'.
- NH-P-6: It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.
- NH-P-7: Within areas of 'High Scenic Amenity' (HSC) and 'Moderate Scenic Amenity' (MSC) as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other objectives and policies of this Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate within and reflect the character and amenity designation of the landscape.
- NH-P-13: It is a policy of the Council to protect, conserve and manage landscapes having regard to the nature of the proposed development and the degree to which it can be accommodated into the receiving landscape. In this regard the proposal must be considered in the context of the landscape classifications, and views and prospects contained within this Plan and as illustrated on Map 7.1.1: 'Scenic Amenity'.

- Appendix 3 Part B ‘Development Guidelines and Technical Standards’.

## 5.2. Natural Heritage Designations

- 5.2.1. None. The nearest designated sites are the Owendoo and Cloghervaddy Bogs pNHA (site code 002046) and the River Finn SAC (site code 002301), both located approximately 1.5km to the south-west of the site at their closest points.

## 5.3. EIA Screening

- 5.3.1. I note that the third party appeal submission raises EIA issues, and it is stated therein that Board must form and record a view of the environmental impacts of the development having regards to *inter alia* the EIAR and if no EIAR is submitted is require to screen the development for EIA. In relation to same I note that no EIAR has been submitted with this application. I would further note that the proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening assessment. I refer the Board to Appendix 1.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. 1 no. appeal has been submitted from Peter Sweetman and Wild Ireland Defence CLG (received 4<sup>th</sup> May 2023). This is summarised below:
- ABP must examine contents of the application to see if they comply with the 2001 Planning Regulations
  - Must assess the merits of the application in accordance with the Planning and Development Act 2000 (as amended)
  - Must examine the EIAR to determine compliance with Article 4(4) of the EIA Directive

- Board must form and record a view of the environmental impacts of the development having regards to *inter alia* the EIAR/if no EIAR is submitted is require to screen the development for EIA
- ABP is the competent authority in relation to the Habitats Directive
- Required to screen the development under Article 6.3/make a decision as required under Article 6.3
- Reference is made to relevant judgements in relation to the above.
- Site is with the Zone of Influence of the River Finn SAC

## 6.2. **Applicant Response**

6.2.1. None.

## 6.3. **Planning Authority Response**

6.3.1. A response was received from Donegal County Council on 23<sup>rd</sup> May 2023. This is summarised below:

- Council wishes to rely on the content of the Planner's Report [dated 24<sup>th</sup> April 2024]
- No further comment to make on the appeal.

## 6.4. **Observations**

6.4.1. 1 no observation was received from An Taisce (received 18<sup>th</sup> July 2023). This is summarised below:

- Evaluation is required on the capacity of Finn River SAC to accommodate impacts of additional slurry load as well as nitrate and phosphate generated by the proposed development.

## 6.5. **Further Responses**

6.5.1. None.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues on this appeal relate to the following:

- Principle of the Development
- Visual Impact/Impact on Landscape
- Appropriate Assessment (considered in Section 8 and Appendix 2 of this report)

### 7.2. Principle of Development

7.2.1. The site is located within a rural area where the predominant land use is agriculture. The application site and landholding includes an existing agricultural complex. I am satisfied that this agricultural proposal is consistent with nature of the site and the proposed use is acceptable in principle.

### 7.3. Visual Impact/Impact on Landscape

7.3.1. I note that the Development Plan sets out three distinct Landscape Character Classifications – ‘Areas of Especially High Scenic Amenity’, ‘Areas of High Scenic Amenity’ and ‘Areas of Moderate Scenic Amenity’. The site falls within an area of ‘Especially High Scenic Amenity’. These are defined within the plan as *‘sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development’*. Accordingly development proposals in such areas must be formulated to ensure adequate integration into the receiving landscape and must otherwise comply with all other objectives and policies of the Plan.

7.3.2. As noted above, that the proposed development is within an existing established agricultural farmyard. The proposed shed is 141.1 sq. m in area, with a maximum height of 6.87m which slopes down to 4m. It has a depth of 14.6m and a width of 4.66m. Having regard to the established nature of the existing farmyard, and to the scale and height of the proposed shed, and its location proximate to the existing farmyard, I am satisfied that the development will not result in an adverse impact on



the visual or scenic amenity of the area. While I note the Development Plan states that, within 'Areas of Especially High Scenic Amenity', there is extremely limited capacity to assimilate new development, new development is allowed where it integrates into the receiving landscape. The immediate receiving landscape is an existing farmholding. The proposed shed would appear as a moderate extension to same, and would integrate adequately within the landscape, and would not detract from the value of same, in my view. I note the Planning Authority has imposed a condition in relation to planting of a hedgerow to the north and east boundaries. I see no reason to omit this condition and I therefore recommend the Board impose a similar condition, which will further reduce any potential visual impact of the shed and would also have positive impacts on biodiversity. Overall, I consider the development is in accordance with Policies NH-O-7, NH-P-6, and NH-P-13 of the CDP.

## **8.0 AA Screening**

- 8.1.1. Please refer to Appendix 2 (AA Screening) of this report which contains an AA Screening Report where I have concluded the following:
- 8.1.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.
- 8.1.3. This conclusion is based on:
- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
  - The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and the requirement of the proposed development to be constructed and operated in accordance with same.
  - Distance from European Sites.

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

## 9.0 Recommendation

- 9.1.1. I recommend that permission is Granted for the following reasons and considerations.

## 10.0 Reasons and Considerations

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

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The use of the proposed building shall be for agricultural purposes only.

**Reason:** In the interest of clarity.

3. (i) The structure herein permitted shall be constructed and finished in a manner that is consistent in appearance with the adjoining agricultural structures within the existing farmyard complex.

(ii) The metal cladding of the shed hereby approved shall be dark green in colour or as otherwise agreed by the Planning Authority in writing.

**Reason:** In the interest of visual amenity.

4. The development shall be designed 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).

**Reason:** In the interest of public health and residential amenity.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard: (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

6. A hedgerow of semi-mature species native to the area shall be planted along all site boundaries to the north and east within the first planting season following commencement of development.

**Reason:** In the interests of visual amenity.

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.

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Rónán O'Connor  
Senior Planning Inspector

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09<sup>th</sup> May 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	317068-23		
<b>Proposed Development Summary</b>	Construction of an agricultural slatted shed with dry bed pen and associated site development works.		
<b>Development Address</b>	Altnapaste, Ballybofey, Co. Donegal.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>	X		No EIAR or Preliminary Examination required
<b>Yes</b>			

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2 – AA Screening

### Screening for Appropriate Assessment Screening Determination

#### Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the construction of an agricultural slatted shed with dry bed pen and associated site development works.

The subject site is located 1.59km north-east of the River Finn SAC (site code 002301) at its closest point. The next closest Natura 2000 site is the Croaghonagh Bog SAC (000129) which lies approximately 5.4km to the south of the site.

From my observations on site, there are a number of drainage ditches/streams running close to the site, with running water within some of these ditches/stream beds, the closest of which runs along the southern boundary of the site. With reference to EPA mapping<sup>1</sup>, there is no named watercourse running through or directly adjacent to the site. The nearest EPA mapped watercourses are 2 no. unnamed surface water bodies, which lie approximately 39m to the north of the site and 104m to the east of the site respectively, at their closest points.

I note the grounds of the third-party appeal which state that *inter alia* the Board is the competent authority in relation to the Habitats Directive and is required to screen the development under Article 6.3 and is required to make a decision as required under Article 6.3. It is also stated that the site lies within the 'Zone of Influence' of the River Finn SAC. I have taken this appeal submission into account in the AA Screening Assessment below.

I note also the observation on the appeal received from An Taisce, who have stated that an evaluation is required on the capacity of Finn River SAC to accommodate impacts of additional slurry load as well as nitrate and phosphate generated by the

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<sup>1</sup> <https://gis.epa.ie/EPAMaps/AAGeoTool>

proposed development. I have taken this submission into account in the AA Screening Assessment below.

### **Potential impact mechanisms from the project**

The elements of the proposed development that would potentially generate a source of impact are:

- The shed structure and its construction
- The slurry tank construction and its management
- Run-off and surface water and general yard and farm management

While there is no immediately apparent direct surface water hydrological connection to the River Finn SAC, it is likely that the drainage ditches/streams running adjacent to, and in proximity to the site, would eventually drain to other surrounding surface water bodies, which may eventually drain to the River Finn SAC. As such, potential impact mechanisms include those from surface water pollution from construction works (silt/ hydrocarbon/ construction related), resulting in a deterioration of water quality. At operational stage, the spillage of effluent from the shed and/or the associated underground tank could impact on surface water bodies, as could additional contaminated surface water runoff from additional hard standing areas.

With reference to EPA mapping, the site sits above the same groundwater body (Ballybofey GWB) as the River Finn SAC, and the Croaghonagh Bog SAC, and, as such, groundwater pollution as a result of construction activity and operational activity is a potential impact mechanism.

There is no evidence on file that the site supports significant populations of otters, a qualifying species of the River Finn SAC, nor is there evidence that the drainage ditches/streams running along the site boundaries support significant populations of salmon, also a qualifying species of the River Finn SAC. Therefore, any potentially significant *ex-situ* impacts on species associated with the River Finn SAC can be ruled out.

There are no other readily apparent impact mechanisms that could arise as a result of this project.



## European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Indirect surface water pollution	Drainage ditches/streams which may eventually drain to the River Finn SAC via surrounding surface water bodies.	River Finn SAC (site code 002301).	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter)</p>
Indirect groundwater pollution	Groundwater via the Ballybofey GWB.	River Finn SAC (site code 002301).	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p>

			Blanket bogs (* if active bog) [7130]  Transition mires and quaking bogs [7140]
Indirect groundwater pollution	Groundwater via the Ballybofey GWB.	Croaghonagh Bog SAC (000129)	Blanket bogs (* if active bog) [7130]

#### River Finn SAC.

With reference to the relevant Site Synopsis document on the NPWS website, this site comprises almost the entire freshwater element of the River Finn and its tributaries the Corlacky, the Reelan sub-catchment, the Sruhamboy, Elatagh, Cummirk and Glashagh, and also includes Lough Finn, where the river rises. The spawning grounds at the headwaters of the Mourne and Derg Rivers, Loughs Derg and Belshade and the tidal stretch of the Foyle north of Lifford to the border are also part of the site. The Finn and Reelan, rising in the Bluestack Mountains, drain a catchment area of 195 square miles.<sup>2</sup>

#### Croaghonagh Bog SAC

With reference to the relevant Site Synopsis document on the NPWS website, Croaghonagh Bog is a small but quite intact blanket bog which occurs on the southwest shore of Lough Mourne, 17 km north-east of Donegal town. The site is underlain by metamorphosed sandstone and includes a good diversity of habitats including active bog, wet heath, lakeshore, streams and ditches, and some old cutaway bog<sup>3</sup>.

#### **Step 4: Likely significant effects on the European site(s) 'alone'**

**Table 2: Could the project undermine the conservation objectives 'alone'**

<sup>2</sup> A full synopsis is available at <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY002301.pdf>

<sup>3</sup> A full synopsis is available at <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000129.pdf>

European Site and qualifying feature	Conservation objective (summary) <sup>4</sup>	Could the conservation objectives be undermined (Y/N)?	
		Indirect surface water pollution	Indirect groundwater pollution
River Finn SAC			
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]	To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) in River Finn SAC	No. see discussion below	No. see discussion below
Northern Atlantic wet heaths with Erica tetralix [4010]	To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix in River Finn SAC	No. See discussion below	No. see discussion below
Blanket bogs (* if active bog) [7130]	To restore the favourable conservation condition of Blanket bogs (*if active bog) in River Finn SAC.	No. See discussion below	No. see discussion below

<sup>4</sup> Full versions are available at [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002301.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002301.pdf) (for the River Finn SAC) and [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000129.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000129.pdf) (for the Croaghonagh Bog SAC)

Transition mires and quaking bogs [7140]	To restore the favourable conservation condition of Transition mires and quaking bogs in River Finn SAC	No. See discussion below	No. see discussion below
Salmo salar (Salmon) [1106]	To maintain the favourable conservation condition of Atlantic Salmon in River Finn SAC	No. See discussion below	No. See discussion below
Lutra lutra (Otter)	To maintain the favourable conservation condition of Otter in River Finn SAC	No. See discussion below	No. See discussion below
<b>Croaghonagh Bog SAC</b>			
Blanket bogs (* if active bog) [7130]	To restore the favourable conservation condition of Blanket bogs (* if active bog) in Croaghonagh Bog SAC.	No. See discussion below	No. See discussion below

In relation to surface water quality, I would note that the proposed development will be in relatively close proximity to the drainage ditch to the south of the site. However, at construction stage, standard best practice construction measures will prevent pollutants entering this ditch and other ditches within close proximity to the

site. Even if these standard construction measures should not be implemented or should they fail to work as intended, the potential indirect hydrological link represents a weak ecological connection, in my view, given the distance to the River Finn SAC (which is greater than 1.5km). As such, any pollutants that should enter the drainage ditch(es) will be subject to dilution and dispersion, rendering any significant impacts on water quality within the River Finn SAC unlikely.

At operational stage, effluent generated within the slatted shed is directed to the underground tank. I note that this will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. In this manner water quality within the River Finn SAC will be protected.

Storm water from hardstanding outside of the shed will be directed to the existing drain. The detailed design of this storm water system will be designed to the satisfaction of the Planning Authority and this drainage system will be designed so as to prevent contaminated storm water entering this drain. As such, any significant impacts on water quality within the River Finn SAC, resulting from contaminated surface water run-off are unlikely. The imposition of this condition is a standard pollution control measure and would be imposed on any development of this nature, notwithstanding any proximity to, or any hydrological connections to, a Natura 2000 site, and is not a mitigation measure that is designed specifically to avoid impacts on any Natura 2000 site.

I note the observation from An Taisce, who have stated that an evaluation is required on the capacity of Finn River SAC to accommodate impacts of additional slurry load as well as nitrate and phosphate generated by the proposed development. In relation to same, the Board should note that the carrying out of landspreading does not form part of this application. Furthermore, I would note that the application of fertilisers is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, *inter alia*, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period. I note that an Appropriate Assessment was completed as part of Ireland's fifth

Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022, and concluded that the programme would not adversely affect the integrity of any European Site.

In relation to potential groundwater impacts, I would note that the proposal would not require significant excavations, save for limited groundworks associated with the construction of the shed. Best practice construction measures will serve to protect groundwater. Even if these measures should fail, this indirect hydrological link via groundwater also represents a weak ecological connection, given the distance to the River Finn SAC (which is 1.5km from the site at the closest point) and given the distance to the Croaghonagh Bog SAC (which is 5.4km from the site at the closest point). As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the River Finn SAC unlikely.

At operational stage, and as per the discussion of surface water impacts, the underground tank is required to be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022 and in this manner groundwater quality will be protected.

I would note that the best practice measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site.

Having regard to the discussion above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the River Finn SAC nor of the Croaghonagh Bog SAC. Further AA screening in-combination with other plans and projects is required.

**Likely significant effects on the European site(s) 'in-combination with other plans and projects'**

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
- The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and the requirement of the proposed development to be constructed and operated in accordance with same.
- Distance from European Sites.

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