



An
Bord
Pleanála

Inspector's Report

ABP-318168-23

Development	Construct a slatted cubicle house, associated underground slurry tanks, cattle crush and ancillary concrete yard
Location	Tullig, Kilflynn, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23537
Applicant(s)	Shanahan's Clondouglas Ltd.
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Peter Sweetman and of behalf of Wild Ireland Defence CLG
Observer(s)	None
Date of Site Inspection	20 th June 2024
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The appeal relates to a site located in the townland of Tullig, a rural area roughly mid-way between Listowel (c.11km) and Tralee (c.13km). The site is approximately 3.5km east of the village of Kilflynn. The surrounding area is predominantly agricultural land with a significant amount of one-off housing. The site and surrounding area consist of agricultural grassland. There are no farm buildings currently located within the landholding. Access to the site is via an existing access track located between 2 no. existing dwellings along the local road to the northwest. The site is elevated with the levels rising from the local road. The site has a stated area of 0.37ha.

2.0 Proposed Development

- 2.1. Permission is sought to construct a slatted cubicle house, associated underground slurry tanks, cattle crush and ancillary concrete yard. The floor area of the structure is stated as 553sqm, with an overall ridge height of 6.85m. Clean surface water from the roof is proposed to be piped to the watercourse to the east. All effluent from the slatted house will be discharged into the underground slurry tank.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 20th September 2023, subject to 6 no. of conditions. Conditions generally were of a standard nature. Notable conditions are summarised below;

- Condition 3 requires all proposed cladding to the livestock house to be finished in dark grey or dark green colour.
- Condition 4 requires all roof water from the proposed building to be piped uncontaminated by slurry, feedstuffs or other polluting matter into a suitable soakpit or free-flowing watercourse.

- Condition 5 requires the proposed slurry tank or be constructed in accordance with the relevant Department of Agriculture, Food and the Marine specification.
- Condition 6 requires all organic fertilisers associated with the development to be managed in accordance with the relevant national guidelines.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report dated 04/07/2023 considered that the proposed development would not generate additional traffic. The proposal is also unlikely to impact negatively on residential amenities of the area. Further Information was sought in relation to the following items.

1. Confirm the design of the proposed development is in accordance with specification from the Department of Agriculture, Food and the Marine and confirm that in relation to the management of organic fertiliser from the proposed development, account has been taken of the available spreadland.
2. Consider amending the application to include works to extend the roadway linking the existing farm road to the development.
3. Proposals should be outlined to ensure no surface water run-off from the access road serving the development enters the public roadway. Use of soakways should be considered.
4. A Landscaping plan should be submitted which should consider the access road serving the proposal and dwellings.

The Planners Report dated (28/08/2023) notes that the response was mostly acceptable, however it was considered that not all aspects from Item 1 had been addressed. In this regard, confirmation should be provided from a suitably qualified person that in relation to the management of organic fertilizer from the proposed development, account has been taken of the available spreadland.

Confirmation was submitted from a suitably qualified person and details are available on file. The Planners Report dated 19/09/2023 notes the clarification of further information is acceptable. A grant of permission is recommended.

3.2.2. Other Technical Reports

Environment – Further Information sought to confirm that the design of the proposed development is in accordance with specification from the Department of Agriculture, Food and the Marine, and that in relation to the management of organic fertiliser from the proposed development, account has been taken of the available spreadland.

Environmental Assessment Unit - It is concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European site (Natura 2000 site). It is therefore considered that a Stage 2 Appropriate Assessment/Natura Impact Statement is not required.

County Archaeologist – Recommended conditions in the event of a grant of permission.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A third-party submission was received from Mr. Peter Sweetman and of behalf of Wild Ireland Defence CLG. The submission notes the Planning Authority's responsibilities under the Planning and Development Act 2000 (as amended), Environmental Impact Assessment Directive, Habitats Directive and the Water Framework Directive. Reference is made to CJEU rulings in cases 232/17, 258/11, 293/17 and 294/17. The submission states that as the development is within 4km of the Lower River Shannon SAC (002165) Appropriate Assessment is required.

4.0 Planning History

None.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

Objective KCDP 9-39 Support and facilitate the thematic objectives outlined in “Our Rural Futures”, rural development policy 2021-2025, to strengthen economic activity and employment in rural areas.

Objective KCDP 9-52 Support and facilitate the implementation of the strategic objectives of Food Vision 2030 – A World Leader in Sustainable Food Systems to sustainably develop the agricultural and food sectors that contribute enormously to the economic development of rural areas.

Objective KCDP 9-53 Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan.

Objective KCDP 9-55 Facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Objective KCDP 9-56 Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

Objective KCDP 9-62 Ensure the economic benefits associated with promoting the County’s agri-food sector are balanced with due consideration for the conservation and protection of the rural environment.

Objective KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives.

Objective KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity,

distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

5.2. National Policy

- Climate Action Plan
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025
- Department of Agriculture, Food and the Marine's Food Vision 2030
- Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3. Regional Policy

5.3.1. Regional Spatial and Economic Strategy for the Southern Region

5.4. Other Guidance

5.4.1. European Commission's 'Farming for Natura 2000, Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)

5.5. Natural Heritage Designations

Lower River Shannon SAC 002165 – located c1.6km to the north of the site.

Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161 - located c0.8km to the southeast of the site.

5.6. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I

have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA Determination, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 21st June 2023 opposing the Planning Authority's (PA) decision. The grounds of appeal contend that the Planning Authority did not have regard to the appellant's submission on the application. An Bord Pleanála are requested to carry out a review of this decision.

A summary of the appellant's submission is provided in Section 3.4 of this report.

6.2. Applicant Response

The applicant has submitted a letter outlining his commitment to sustainable farming. The applicant was nominated for "Milk Quality and Sustainability Award 2023" and works in partnership with "The Kerry Agribusiness Evolve Programme". The development is not for the purpose of keeping more cattle but to give the applicant's existing cattle better welfare through more living space during the winter months and to increase slurry storage capacity, which is necessary due to the Department of Agriculture increasing the number of weeks that farmers are not allowed spread slurry over the winter. The development will eliminate the transport of cattle, grass, and slurry to and from this land.

6.3. Planning Authority Response

The Planning Authority have responded to the appeal confirming that AA screening exercise was undertaken by the Environmental Assessment Unit. It is noted that the threshold for a significant effect on European Sites should be treated in an AA Screening exercise as being above a *de minimis* level. CJEU case C-258/11 is referenced in this regard. The AA Screening conclusions is set out as follows;

It is concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European site (Natura 2000 site). It is therefore considered that a Stage 2 Appropriate Assessment/Natura Impact Statement is not required.

The reasons for the conclusion are also listed as follows;

- The proposal is not a complex one in nature, scale or design.
- Only a weak hydrological connection exists between the proposed site and the Lower River Shannon SAC, which is over 1.5km away and over 4.5km away via surface water flow. No
- Proposal is not likely to reduce water quality downstream. Operational impacts would be similar to existing and not likely to be significant.
- There would be no loss or degradation of European sites or functionally linked habitat by way of water degradation or otherwise.
- There would be no significant direct or indirect impact on qualifying species associated with European sites as a result of the proposal.

6.4. Observations

None.

7.0 Assessment

- 7.1. I note the narrow grounds of appeal submitted by the appellant, but which includes reference to the original observation on file. Therefore, I have proceeded to carry out an assessment of the development proposed. I have examined the application details and all other documentation on file, inspected the site, and had regard to relevant local, regional and national policies and guidance. Having regard to objectives KCDP 9-39, KCDP 9-52, KCDP 9-53 and KCDP 9-55, I consider the proposed development to be in accordance with the provisions of the Kerry County Development Plan 2022-2028 and, therefore, acceptable in principle.

- 7.2. The scope of this application relates to works within the Red Line Boundary and in this regard the Board should note that the carrying out of land spreading does not form part of this application.
- 7.3. The proposed development is within an existing agricultural farmland. I do not consider that the proposed development would generate any additional traffic. I note that no third-party observations have been received from nearby residents. I do not consider that any residential amenity issues arise from the proposed development. I would note that sheds are common agricultural structures and that the proposed shed is of a standard agricultural design. In terms of visual impact, the site is set back c.250m from the road and views will be largely restricted due to the existing screening. Additional planting is also proposed by the applicant. Surface water proposals have been adequately demonstrated. Clean surface water from the roof is proposed to be piped to the watercourse to the east. All effluent from the slatted house will be discharged into the underground slurry tank. Overall, I am satisfied that the proposed development would not seriously injure the visual or residential amenity of the area and would be acceptable in terms of public health and traffic.
- 7.4. In terms of procedural matters raised by the appellant, I note the observation by the appellant was recorded and summarised within the Planners Report. Notwithstanding, the above assessment represents my de novo consideration of all planning issues material to the proposed development. I have considered the issue of Appropriate Assessment below in Section 8 and Appendix 3.

8.0 AA Screening

See Appendix 3 of this report for Appropriate Assessment 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;

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

8.1.1. 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. 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 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, traffic 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, as amended by the further plans and particulars submitted on 27th July 2023 and 30th August 2023, 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 buildings shall be for agricultural purposes only.

Reason: In the interest of clarity.

3. All proposed cladding shall be finished in a dark grey or dark green colour.

Reason: In the interests of visual interest

4. Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. 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

6. Clean surface water and run-off from roofs and clean paved areas shall be collected and directed to a soakpit or the nearest field drain located within the boundaries of the site and shall not be allowed to flow onto any roadway or discharge to soiled water/slurry/effluent storage areas.

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

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within 3 months of this decision (retained development) and prior to commencement of the development or in such phased payments as the planning authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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.

Ciara McGuinness
Planning Inspector

8th August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construct a slatted cubicle house, associated underground slurry tanks, cattle crush and ancillary concrete yard		
Development Address	Tullig, Kilflynn, Co. Kerry		
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	✓
		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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		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)
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(dd) All private roads which would exceed 2000metres in length.	Proceed to Q.4

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

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318168-23	
Proposed Development Summary	Construct a slatted cubicle house, associated underground slurry tanks, cattle crush and ancillary concrete yard	
Development Address	Tullig, Kilflynn, Co. Kerry	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	 The nature of the development is not exceptional in the context of the existing rural environment. The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative	 The size of the development is not exceptional in the context of the existing rural environment.	No

considerations having regard to other existing and/or permitted projects?	There is no real likelihood of significant cumulative effects having regard to existing or permitted projects	
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The nearest European sites are located 0.8km to the southeast of the site and c1.6km to the north of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site. The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required. ✓	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3

AA Screening Determination Template

Screening for Appropriate Assessment Screening Determination

Step 1: 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 subject site is located c1.6km to the south of the Lower River Shannon SAC 002165 and 0.8km to the northwest of Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA 004161, as the crow flies. I note that a watercourse is located approximately 190m to the east of the subject site. The watercourse is hydrologically connected to the River Brick approximately 4.5km downstream which forms part of the Lower River Shannon SAC.

The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA is of special conservation interest for Hen Harrier. The site is separated from the SPA by the N69 road and is not considered suitable habitat for nesting or foraging for hen harrier. I am satisfied that the development would not likely result in any significant ex-situ effects on the species.

The proposed development comprises a slatted cubicle shed, associated underground slurry tanks, cattle crush and ancillary concrete yard. I note that clean surface water from the roof is proposed to be piped to the watercourse to the east. All effluent from the slatted house will be discharged into the underground slurry tank.

The Appellant considers that Appropriate Assessment is required. I note that the PA and EAU undertook a detailed screening for AA and concluded that there would be no potential for significant effects on any European Site. Appropriate Assessment is therefore not required.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposed development will not result in any direct effects such as a habitat loss of any European Site.

Sources of impact include;

- Surface water pollution from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Surface water pollution from operation resulting in changes to environmental conditions such as water quality / habitat degradation.

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of vegetation composition and for mobile species, unimpeded access.

Step 3: European Sites at risk

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

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality	Pathway from development site via surface flows to watercourse to the east and downstream to SAC	Lower River Shannon SAC	Freshwater species dependent on high water quality: Freshwater pearl mussel, Lamprey species, salmon, otter Habitats: Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation

Lower River Shannon SAC (Site Code 002165)

The site stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. Rivers within the sub-catchment of the Feale include the Galey, Smearlagh, Oolagh, Allaughaun, Owveg, Clydagh, Caher, Breanagh and Glenacorney. Rivers within the sub-catchment of the Mulkear include the Killeenagarraff, Annagh, Newport, the Dead River, the Bilboa, Glashacloonaraveela, Gortnageragh and Cahernahallia. This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the E.U. Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of Bottle-nosed Dolphin in Ireland and all three Irish lamprey species. A good number of Red Data Book species are also present, perhaps most notably the thriving populations of Triangular Club-rush. A number of species listed on Annex I of the E.U. Birds Directive are also present, either wintering or breeding. Indeed, the Shannon and Fergus Estuaries form the largest estuarine complex in Ireland and support more wintering wildfowl and waders than any other site in the country. Most of the estuarine part of the site has been designated a Special Protection Area (SPA), under the E.U. Birds Directive, primarily to protect the large numbers of migratory birds present in winter.

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

Having reviewed the documentation on file, the Conservation Objectives supporting documents for the above referenced sites available through the NPWS website (www.npws.ie), and noting the nature, scale, design, and location of the proposed development, together with the nature of the qualifying interests which will not be in anyway affected, I am satisfied that likely significant impacts on the qualifying interests of the subject European Sites that are not listed in the Tables below can be ruled out and do not require further consideration. As such, the tables below focus only on the qualifying interest features at risk having regard to the specifics of the proposed development.

Table 2: Could the project undermine the conservation objectives 'alone'		
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?
		Deterioration of Water Quality
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	
Fresh	Restore FCS: Maintain distribution at 7km, restore populations to 10,000 adult mussels, Restore to least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length, no more than 5% decline from previous number of live adults counted, Restore suitable habitat in more than 3.3km (see map 15) and any additional stretches necessary for salmonid spawning. Restore water quality-macroinvertebrates: Restore substratum quality-filamentous algae: Restore substratum quality-stable cobble and gravel substrate with very little fine material; Restore to no more than 20% decline from water column to 5cm depth in substrate, restore appropriate hydrological regimes Maintain sufficient juvenile salmonids to host glochidial larvae.	N
Sea Lamprey	Restore FCS: Greater than 75% of main stem length of rivers accessible from estuary, At least three age/size groups present, Juvenile density at least 1/m ² , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive,	N
Brook Lamprey	Maintain FCS: Access to all water courses down to first order streams, At least three age/size groups of brook/river lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive.	N
River Lamprey	Maintain FCS:	N

	Access to all water courses down to first order streams, at least three age/size groups of river/brook lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m ² , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive.	
Salmon	Maintain FSC: 100% of river channels down to second order accessible, Conservation Limit (CL) for each system consistently exceeded, Maintain or exceed 0+ fry mean catchment-wide abundance threshold value, No significant decline in out-migrating smolt abundance, No decline in number and distribution of spawning redds, t Q4 water quality at all sites sampled by EPA	N
Otter	Restore FCS: No significant decline in distribution, extent of terrestrial habitat, extent of marine habitat, extent of freshwater habitat, couching sites and holts and fish biomass available. No significant increase in barriers to connectivity.	N
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation,	Maintain FCS: Habitat area stable or increasing; no decline in habitat distribution. Maintain/restore appropriate hydrological regimes. Maintain/restore substratum composition, water quality. Typical species should be present. Maintain floodplain connectivity and area/condition of riparian habitat	N

I note that the development seeks to dispose of roof water to a watercourse along the roadside boundary and to a watercourse to the northwest of the site. All effluent from the cattle houses will be disposed of via the underground slurry tanks.

With regards to the slurry tanks, I note that these will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. Furthermore, I note that the application of fertilisers are regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. 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 (16th January for County Kerry). 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. Notwithstanding this, the Board should note that the carrying out of landspreading does not form part of this application.

Having regard to this distance, the nature, scale and extent of the proposed works, the established farming use on the site, the absence of a direct hydrological link, and implementation of standard construction techniques, significant effects on the European site are unlikely.

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Lower River Shannon SAC. Further AA screening in-combination with other plans and projects is required. **Proceed to Step 5.**

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having reviewed Kerry County Council and An Bord Pleanála's online mapping systems, I do not consider that there are any projects, which could have the potential to have significant in-combination effects on a European Site when considered alongside the proposed development. Similarly, I am not aware of any plans that could have the potential to have in-combination effects on a European Site when considered alongside the proposed development.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). 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;

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- Distance from European Sites,
- The absence of meaningful pathway to any European site,
- Impacts predicted would not affect the conservation objectives.

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