



An
Bord
Pleanála

Inspector's Report ABP-319040-24

Development	Roofless slatted holding area, extension to cubicle house plus all ancillary site works.
Location	Kilenny, Kilkee, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	23304
Applicant(s)	Christy Keane
Type of Application	Retention
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Mark Lynch
Observer(s)	None
Date of Site Inspection	31 st January 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located in a rural area in the townland of Kilinny, c.9.5km to the southwest of Kilkee. The site is part of an existing farm complex and is accessed via an existing farm entrance way. Other structures associated with the farm include a cubicle house, milking parlour, calf shed and machine shed. The applicant's family home is located within the site facing the public road. The surrounding area is predominantly agricultural land with a sporadic one-off housing. The site, as outlined in red, has a stated area of 1.024 hectares.

2.0 Proposed Development

- 2.1. Permission is sought to retain the roofless slatted holding area. The area is an extension to the existing cubicle house. The area of the holding is stated as 649.44sqm. An additional 4 no. underground tanks are also provided; Tank 7 (451.18m³), Tank 8 (393m³), Tank 9 (451.18m³) and Tank 10 (185.05m³). The development is intended for the better management of existing cattle stock on site. The holding area includes concrete walls c.2.37m high along its eastern, southern and western elevations.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 23rd January 2024, subject to 5 no. of conditions. Conditions were of a standard nature.

Condition No.2 requires that all effluent and slurry generated shall be conveyed through properly constructed channels to the underground storage facilities and no effluent of slurry shall discharge to any stream, river or watercourse, or to the public road.

Condition No. 3 requires that clean surface water and run-off from roofs and clean paved area shall be collected and directed to a soakpit located within the boundaries of the site and shall not be allowed flow onto any roadway or discharge to soiled water/slurry/effluent areas.

Condition No. 4 requires that the Planning Authority is notified in the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil etc, and a copy of the clean-up plan submitted.

Condition No. 5 requires the proposed native hedgerow to be planted not later than the first planting season post the date of this permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 14/07/2023) notes the development is of a scale that is ancillary to the existing onsite farm operation and buildings and therefore the principle is considered acceptable. The structure is seen in the context of the existing farm buildings and adjacent commercial forestry. The inclusion of soft landscaping measures would assist in the visual integration of the development. The proposal is at a significant remove from the nearest dwellings, is within a rural area and is to the rear of the applicants existing farm buildings. No adverse impacts on adjacent amenities are envisaged. Comments from the Environment Section are noted (Summarised below in Section 3.2.2)

Further Information was requested in relation to the following;

1. Submit details of the full extent of the farm (including maps), and the extent of these lands which the Department of Agriculture deems eligible for the land spreading of slurry.
2. Where the spread lands are located within an SAC or have a hydrological connection to same, the applicant is requested to submit a Screening Report for Appropriate Assessment.
3. Submit a revised Site Layout Plan which includes native screen planting to the south and east of the proposed development.

A response was received on 22nd December 2023. Additional Information was also received on the 18th January 2024.

The response received adequately addressed the issues raised in the further information request. Spread lands were identified and do not include the commonage area which is close to the SAC. It is recommended that the retention permission be granted.

3.2.2. Other Technical Reports

West Clare MDO – No observations with regards to the proposed development.

Environment Section – The initial Environment Section Report stated that the Environment Section is unable to conduct an accurate assessment of whether the proposed development and associated activities, namely slurry spreading, will be in compliance with the GAP regulations. The stated farm area is commonage and therefore has a lower stocking rate than farmland that is solely owned (50kg/ha/year vs 170kg/Ha/year). The applicant is requested to provide a breakdown of lands owned and considered eligible for land spreading in order for an accurate assessment to be carried out.

The subsequent Environment Section Report (dated 18/01/25) considers that it has been demonstrated that the total storage capacity of the proposed new tank, in combination with existing storage provides adequate slurry storage in accordance with the GAP regulations.

Based on the stated herd size and landholding available including lands farmed under a 10 year leases, the applicant has demonstrated compliance with Sections 17 and 20 of the GAP Regs, concerning limits on the amount of livestock manure to be applied to lands and the required setbacks from waterbodies and other sensitive receptors. A condition is recommended in the interest of environmental legislation compliance and environmental protection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

A third-party observation was received from the appellant, Mark Lynch. The issues raised generally reflect the grounds of appeal and relate to the impacts on residential amenity (odour and visual), climate and water quality.

4.0 Planning History

PA Reg Ref - 21/192: Permission granted for extension to existing agriculture structure which includes milking parlour plant and dairy, holding area with underslat tank, cubicles plus all ancillary site works

PA Reg Ref - 17/187: Permission granted to retain as constructed underslat tanks and for permission to construct agricultural slatted unit extension to existing unit over existing tanks, plus all ancillary site works

PA Reg Ref - 13/488: Permission granted to construct Slatted unit extension

PA Reg Ref - 06/2978: Permission granted to construct a slatted unit

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

The following objectives which are summarised below are considered relevant to the proposed development;

CDP2.1- Development Plan Objective: Climate Action states that it is an objective of Clare County Council to support the implementation of the National Climate Action Plan 2023 and the National Climate Change Adaptation Framework (and any subsequent versions thereof), and to work with the Regional Climate Action Offices to enable County Clare to transition to a low carbon and climate resilient county.

CDP8.4 - Development Plan Objective: Agriculture seeks to facilitate proposals for sustainable and economically efficient agricultural and horticultural development whilst maintaining and protecting the environment, the natural landscape and built heritage.

CDP 11.26 - Development Plan Objective: Water Framework Directive and River Basin Management seeks to facilitate the implementation of the River Basin Management Plan 2022-2027 and any subsequent plan for ground, surface, estuarine, coastal and transitional waters in the Plan area as part of the implementation of the EU Water Framework Directive; to achieve and maintain at least good water quality status for all water bodies (except where more stringent obligations are required such as Blue Dot/High Status Objective Water Bodies) and to consider development proposals where it can be clearly demonstrated that the development will meet the requirements of the River Basin Management Plan.

CDP 11.27 - Development Plan Objective: Water Resources seeks to ensure that developments that would have an unacceptable impact on water resources, including surface water and groundwater quality and quantity, designated sources protection areas, estuarine, coastal transitional waters, river corridors and associated wetlands will not be permitted.

CDP 11.39 - Development Plan Objective: Agricultural Waste seeks to ensure that the disposal of agricultural waste is carried out in a safe, efficient and sustainable manner having regard to the environment and to the health and safety of individuals, and in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017, the Litter Pollution Act 1997 (as amended) and the European Communities (Water Policy) Regulations 2014 (S.I. No. 350 of 2014).

CDP 15.3 - Development Plan Objective: European Sites affords the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters; and to require all planning applications for development that may have (or cannot rule out) likely significant effects on European Sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended)

CDP 15.4 - Development Plan Objective: Requirement for Appropriate Assessment It is an objective of Clare County Council to implement Article 6(3) and where necessary 6(4) of the Habitats Directive and to ensure that Appropriate

Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s).

CDP 14.2 - Development Plan Objective: Settled Landscapes states that it is an objective of Clare County Council: To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

- I. Conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- II. Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;
- III. Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.

Developments in these areas will be required to demonstrate:-

- a) That the site has been selected to avoid visual prominence.
- b) That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.
- c) That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.

Section A1.8 of the Development Management Guidelines set out in Appendix 1 of the County development Plan relates to Agricultural Developments. It is noted that the Planning Authority will have regard to the Department of Agriculture, Food and the Marine document Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes together with the following;

- Siting and design that is keeping with the surrounding area;
- The use of muted coloured materials;
- Grouping of buildings will be encouraged;

- Adequate effluent storage facilities; and
- The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. The European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. In Clare the holding period required for the purposes of calculating waste storage facilities is 18 weeks. It is permitted to spread soiled water all year round, thus the minimum holding period is 10 days. For silage the short-term storage period is 3 days. All agricultural developments must be designed and constructed in accordance with the Minimum Specifications as set out by the Department of Agriculture, Food and the Marine.

5.2. National Policy

- Climate Action Plan 2025
- Project Ireland 2040 – National Planning Framework First Revision 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

- Regional Spatial and Economic Strategy for the Southern Region

5.4. Other Guidance

- 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)
- 'The Living Farmland', a guide to farming with nature in Clare (2008)

5.5. Natural Heritage Designations

Lower River Shannon SAC – c2.2km to the southeast of the site

Kilkee Reefs SAC – c2.9km to the north of the site

5.6. EIA Screening

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. Refer to Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows;

Odour

- The Planning Authority's assessment does not take into account the strong Southwest (SW) prevailing winds in the location of the homes. The Planning Authority should have carried out an assessment of odour. Windbreaks are a proven method for odour mitigation. It is suggested that a concrete wall should be built on the east of the property. A wall already exists along a portion of this boundary. It is requested that a condition is attached requiring the extension of this wall.

Stock Limits

- The application notes that the development is for better management of existing stock. It is requested that An Bord Pleanála confirm the current stock limit as 90 cows, 40 yearlings and 30 calves.

Carbon Emissions

- The Planning Authority assessment made no reference Ireland binding legal commitment to lower carbon emissions. The proposed development is premature in absence of a road map for a decrease in agricultural emissions.

Impact on SAC

- The land available for slurry spreading has a direct hydrological connection to Shannon SAC Area via the Moyarta River. The Planning Authority has not addressed the increased waste load on the River and SAC in their submission.

6.2. Applicant Response

The applicant's response is summarised as follows;

- Odour is feature on any working farm.
- Stock numbers were as existing at the time of the previous application. The applicant acquired additional landholding over the intervening years since previous application and acquired extra stock to utilise same.
- Targets mentioned by the appellant cannot be met by one single application.
- Lands available for slurry spreading are not adjacent to any means of transfers to the Shannon SAC. All farms implement a 'buffer zone' to any potential threat via hydrological connection to same.

6.3. Planning Authority Response

The Planning Authority response is summarised as follows;

Odour

The issues were appropriately addressed in the Planner's Report. Having regard to the nature of the proposed development and the considerable distance between the

development and the closest sensitive receptors no significant adverse impacts on adjacent amenities by reason of odour are envisaged.

Industrialisation/Visual Impact

The Planning Authority considers that the inclusion of soft landscaping measures to the east and south would assist in the integration of the development. The development would not have an adverse impact on the visual amenities of the area or character of the Settled Landscape. See condition No. 5 attached to grant of permission.

Sustainable Development

The Planning Authority does not consider that the proposed development would be premature *‘until a roadmap for agricultural emissions decrease is available.’*

Water Quality

The issue was appropriately addressed in the Planner’s Report.

6.4. Observations

None.

6.5. Further Responses

The appeal was referred to the Department of Housing, Local Government and Heritage by An Bord Pleanála. Their response is summarised as follows;

Nature Conservation

- The development application area including spreadlands are up to 1.2km from the Lower River Shannon SAC. Some of the spreadlands contain watercourses and/or drains. Potential impacts on water quality in the European Site must be considered. Screening for appropriate assessment is likely to be required. The Bord is advised to consult the conservation objectives for the site.
- The area of commonage contains peatland habitats, which possibly correspond to Annex habitats. It also contains the Annex Species Marsh

Fritillary butterfly. It is recommended that the Board ensure the development will not impact Annex habitats or species in commonage.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of development
- Residential Amenity

I note the issues of Appropriate Assessment and Water Framework Directive are dealt with separately in Section 8 and 8 below respectively.

7.2. Principle of Development

7.2.1. 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. The proposed development for retention comprises a roofless holding area with underground slurry storage tanks. The appeal site is located within an existing farm within a rural area, and there are a number of other agricultural farms and developments located in the vicinity of the appeal site and in the wider area. I am of the opinion that the proposals would be in accordance with Objective CDP 8.4 which seeks to generally facilitate proposals for sustainable and economically efficient agricultural and Section A1.8 of the Development Management Guidelines which relates to the appropriate siting and design of the proposals. I consider the proposed development to be acceptable in principle.

7.2.2. 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 and that such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. I note however CDP 11.39 - Development Plan Objective: Agricultural Waste seeks to ensure that 'the disposal of agricultural waste is carried out in a safe, efficient and sustainable manner having regard to the environment and to the health

and safety of individuals, and in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017, the Litter Pollution Act 1997 (as amended) and the European Communities (Water Policy) Regulations 2014 (S.I. No. 350 of 2014)'. Section A1.8 of the Development Management Guidelines also sets out requirements in relation to adequate provision for the collection, storage and disposal of waste. In this regard, the report on file from the Environment Section of Clare County Council considers that it has been demonstrated that the total storage capacity of the new tanks in combination with the existing storage, is adequate to provide slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended. The report also notes that based on the stated herd size and landholding available including lands farmed under a 10 year lease, the applicant has demonstrated compliance with limits on the amount of livestock manure to be applied to lands and the required setbacks from waterbodies and other sensitive receptors. I am satisfied that the applicant has submitted adequate information as part of this planning documentation, in terms of how waste will be managed and disposed of, and that it has been demonstrated that adequate waste storage will be available on site to manage the waste generated on site. I consider that the proposed development is in accordance with 'CDP 11.39 - Development Plan Objective: Agricultural Waste and A1.8 Section A1.8 of the Development Management Guidelines in this regard.

Stock Numbers

- 7.2.3. The appellant has specifically requested that An Bord Pleanála confirm the current stock limit as 90 cows, 40 yearlings and 30 calves. I note that these are the figures associated with the previous planning application (PA Reg Ref 21/192). I note that the planning stock as indicated on the planning application form submitted with the subject application is 170 cows, 55 yearlings and 70 calves. The applicant in their response to appeal has indicated that additional landholding has been acquired over the intervening years since the previous application and extra stock has been acquired to utilise/maximise same. As outlined above, I am satisfied that the current stock numbers can be accommodated within the farm and the adequate waste storage and management has been demonstrated.

7.3. Carbon emissions

- 7.3.1. The appellant considers that the Planning Authority assessment made no reference to Ireland's binding legal commitment to lower carbon emissions and that the proposed development is premature in absence of a road map for a decrease in agricultural emissions.
- 7.3.2. I note that the Planning Authority had regard to the Clare County Development Plan 2023-2029 in their assessment. The Development Plan has an overarching objective to reduce carbon output from development and activities in the area. Chapter 2 also specifically relates to 'Climate Action'. Furthermore, I do not agree with the appellant that proposed development is premature in absence of a road map for a decrease in agricultural emissions. As noted in Section 5 of this report, a suite of policy documents has been published to set targets for a transition to a low carbon country and include measures which tackle agricultural emissions. In particular, I note that the Climate Action Plan requires a 25% reduction in agricultural emissions by 2030 and sets out a sector specific roadmap of actions that will support the delivery of Ireland's Carbon budgets and sectoral emissions ceilings.
- 7.3.3. Notwithstanding the targeted reduction of agricultural emissions, the economic importance of agriculture is still acknowledged. The development of a roofless slatted holding area is a minor extension of an existing farm complex. There are numerous policies which support agricultural development contained within the operative Development Plan. The principle of development has been assessed above and is considered acceptable.

7.4. Residential Amenity

- 7.4.1. The third party has raised issues with regards to the assessment of odour and considers that the planning authority should have carried out an assessment of odour and taken into account the strong SW prevailing winds. I consider that some odour impacts are to be expected in a rural area where agriculture is the predominant land use. I would also share the view of the Planning Authority that the subject development is located at a significant distance from the nearest dwellings and is to the rear of existing farm buildings. I would note also that the Development Plan does not set out any minimum distance for which such facilities should be set back from adjoining housing but rather is reliant on the criteria as set out in Section A1.8 of the Development Management Guidelines for the siting of the agricultural

developments. I consider that the subject development accords with these development management guidelines. Similarly, there is no specific requirement for particular documentation such as an odour impact assessment for a development of the scale that is proposed here. Given the minor scale of the development proposed within an existing farm and within a rural area, I do not consider an odour impact assessment necessary.

- 7.4.2. In terms of visual impact, the subject development is set back c.130m from the road and views are largely restricted due to the existing farm buildings which screen the development. Additional planting is also proposed by the applicant to the rear of the site.
- 7.4.3. I do not consider that the development would generate any additional traffic.
- 7.4.4. 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.
- 7.4.5. 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 the Water Framework Directive in Section 9.

8.0 AA Screening

Refer to completed screening determination form in Appendix 2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lower River Shannon SAC (Site Code: 002165) or Kilkee Reefs SAC (Site Code: 002264) in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections

- Taking into account the determination by the Planning Authority

9.0 Water Framework Directive

The subject site is located c. 1km to the north of Moyana River.

The proposed development comprises the retention of a roofless slatted holding area with underground slurry storage tanks.

I have assessed the proposed slatted holding area and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and lack of hydrological connections
- Taking into account the Environment Section Report from the Local Authority which carries out an assessment in relation WFD.

Refer to Appendix 3 below for WFD Impact Assessment Stage 1: Screening.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

I recommend that permission is granted for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established agricultural farmyard, and the developments compliance with the Clare County Development Plan 2023-2029, specifically Objectives CDP8.4, CDP 11.27, CDP 11.39 and Section A1.8 of the Development Management Guidelines, 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.

12.0 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 received by the planning authority on the 22nd day of December 2023 and the additional information received on 18th January 2024, 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.

Reason: In the interest of clarity.

2. 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 to ground in appropriately sized soakaways

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

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

3. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The landspreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations.

Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority.

Reason: In order to avoid pollution and to protect residential amenity.

4. (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (The Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

(b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.

(c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.

5. The proposed native hedgerows as indicated on the drawings and particulars received by the Planning Authority in the further information response on the 22nd December 2023 shall be implemented not later than the first planting season post the date of permission. Any planting that is diseased or fails within 2 years of planting shall be replaced.

Reason: To protect the visual amenities of the area.

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

16th July 2025

Appendix 1 - Form 1 - EIA Pre-Screening

Case Reference	319040-24
Proposed Development Summary	Roofless slatted holding area, extension to cubicle house plus all ancillary site works.
Development Address	Kilenny, Kilkee, Co. Clare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p> <p><i>Regardless of the submission of Schedule 7A information, if the development is not a Class of Development for the purposes of the EIA Directive, no Screening required.</i></p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2- Screening the Need for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Roofless slatted holding area, extension to cubicle house plus all ancillary site works.			
Brief description of development site characteristics and potential impact mechanisms	<p>The propose development is for the retention of a slatted holding area, extension to cubicle house plus all ancillary site works. All effluent from the holding area will be discharged into underground effluent tanks.</p> <p>There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p> <p>I note a watercourse (Moyana River) is located c.1km to the south of the site.</p>			
Screening report	<p>No</p> <p>Clare County Council screened out the need for AA.</p>			
Natura Impact Statement	No			
Relevant submissions	N/A			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lower River Shannon SAC (002165)	Site specific cons obj	2.2km	No direct, Possible Indirect	Y
Kilkee Reefs SAC (Site Code: 002264)	ConservationObjectives.rdl	2.9km	No direct, Possible Indirect	Y
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lower River Shannon SAC (Site Code: 002165) Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	Direct: None. Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The nature, scale and extent of the works, the established farming use on the site, the absence of a direct hydrological link, and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed. Conservation objectives would not be undermined.

<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
<p>Site 2: Kilkee Reefs SAC (Site Code: 002264)</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Submerged or partially submerged sea caves [8330]</p>	As above	As above
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Further Commentary / Discussion		
<p>All effluent from the holding area 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</p>		

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 Clare). 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.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Lower River Shannon SAC (Site Code: 002165) or Kilkee Reefs SAC (Site Code: 002264). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lower River Shannon SAC (Site Code: 002165) or Kilkee Reefs SAC (Site Code: 002264) in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

Appendix 3 – WFD IMPACT ASSESSMENT STAGE 1: SCREENING

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	319040	Townland, address	Kilenny, Kilkee, Co. Clare
Description of project		Roofless slatted holding area	
Brief site description, relevant to WFD Screening,		Site is located within an area of little to no elevation with poorly draining soil, in a rural location. There are no drainage ditches within the site. There is a watercourse c. 1km to the south of the site.	
Proposed surface water details		Soakaway (see condition attached)	
Proposed water supply source & available capacity		Not applicable.	
Proposed wastewater treatment system & available capacity, other issues		Not applicable.	

Others?			Not applicable.				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
River waterbody	c. 1km	Moyana_010 IE_SH_27M0101 50	Poor	At risk	Ind, HYMO, DWTS, Ag	Not hydrologically connected to surface watercourse.	
Groundwater waterbody	Underlying Site	Kilrush IE_SH_G_123	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if

					Mitigation Measure*	Detail	'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Moyana_010 IE_SH_27M0 10150	None	None	None	No	Screened out
2.	Ground	Kilrush IE_SH_G_123	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Moyana_010 IE_SH_27M0 10150	None	None	None	No	Screened out
4.	Ground	Kilrush IE_SH_G_123	Drainage	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A