



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319099-24

#### Development

Construction of a 6 bay cubicle shed with underground storage tank; removal of above ground soiled water storage tank and replace with new tank in same location and all ancillary site services. A Natura Impact Statement (NIS) was submitted with this application.

#### Location

Abbeyland, Multyfarnham, Co. Westmeath

#### Planning Authority

Westmeath County Council

#### Planning Authority Reg. Ref.

2360158

#### Applicant(s)

Midland Premier Farms Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Wild Ireland Defence CLG North

#### Observer(s)

None

**Date of Site Inspection**

15/1/25

**Inspector**

Ronan Murphy

## **1.0 Site Location and Description**

- 1.1. The site has a stated area of 1.102ha and is located in the rural town land of Abbeyland, which is c. 0.7km to the north-east of Multyfarnham and c. 1.83km to the south-west of Lough Derravaragh. The subject land is a part of an overall landholding of 129.5ha in the Multyfarnham area which includes 220 dairy cows (120 1–2-year-olds and 65 0–1-year-olds).
- 1.2. The site is accessed via a local road (L-1826). There is a land drain on the eastern side of the L-1826 and a further drain 56m to the west of the site.
- 1.3. The site is currently in agricultural use and comprises of a milking parlour and sheds with a total floor area of 2,737m<sup>2</sup>. There is a circular slurry tank and silage pits to the south of the existing milking parlour. The site slopes gently upward from the road level towards the site of the proposed shed. There are large undeveloped fields to the south and west of the shed which are bound by mature trees and hedging.
- 1.4. The River Gaine is located c. 189m to the north-east of the site.

## **2.0 Proposed Development**

- 2.1 Permission is sought for the construction of a 6 bay cubicle shed. The structure will have a floor area of c. 416m<sup>2</sup> and a ridge height of c.8.019m. The shed would include an underground storage tank.
- 2.2 Permission is also sought for the removal of an existing above ground circular soiled water storage tank and replacement with a new above ground storage tank in the same location. The existing above ground soiled water storage tank is circular and has an area of 240m<sup>2</sup> and a height of c. 3.9m. The proposed storage tank would have an area of 240m<sup>2</sup> and a height of c.6.3m.
- 2.3 The works are required to allow for the increase in manure storage. The application material states that the development is required to ensure that all slurry produced on the farm is stored within the farmyard and that any need to rent additional storage off site is no longer required.

- 2.4 The proposed development would not involve the increase in the number of cows on the farm and there be no increase in the volume of manure produced.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Westmeath County Council decided to grant planning permission by order dated 31<sup>st</sup> January 2024 subject to 14 conditions including conditions relating to sightlines, landscaping, collection of surface water and grey water, collection of slurry and soiled water, storage of oils / hydrocarbons, disposal of waste oils, construction noise and compliance with mitigation measures set out in the Natura Impact Statement.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

There are two planning reports on file. The initial area planner report dated 31<sup>st</sup> July 2023 assessed the application in terms of the principle of development, siting and design, residential amenity, road and traffic safety, public health, appropriate assessment, EIA, and flooding. The area planners report did not outline any concerns relating to the siting and design, off site amenity impacts or flooding.

In the planning officers report, AA screening was considered, and it was determined that due to the site's proximity and direct hydrological link to an SPA (Derravaragh SPA) further information was required for the applicant to engage in the services of a suitably qualified person (e.g. ecologist) to prepare an Appropriate Assessment Screening Report of the proposed development in accordance with the requirements of Article 6 of the EU Habitats Directive and Section 177U of the Planning and Development Act, 2000, as amended. The report was required to clearly list the potential impacts arising from the proposed development and the likely potential impacts, if any, on European Sites within the zone of influence of the proposed project, in view of its conservation objectives and qualifying interests. The screening report was also required to consider all emissions, including atmospheric ammonia emissions, (odour emissions).

The applicant was also requested to submit a manure spreading plan and details for the existing and proposed manure spreadlands to enable an assessment of any impacts associated with these manure spreadlands, including atmospheric ammonia emissions, (odour arisings).

#### Other Technical Reports

- Area Engineers report dated 12 July 2023 outlining no objection, subject to conditions.

A further information response was received on 28/11/23. The planning authority deemed the further information response to be significant and the application was readvertised. The further information response included the following:

- A cover letter
- A Natura Impact Statement prepared by Noreen McLoughlin of Whitehall Environmental
- An agricultural report prepared by Peader Moynihan Agricultural Consultant.

In a report dated 29/1/24 the Environment Section of Westmeath County Council state that they have reviewed the mitigation measures and provided these are implemented in full there are no objection to the proposed development.

The further information planning report dated 30/1/24 notes that the planning department assessed Natura Impact Assessment and that, subject to compliance with the mitigations outlined within, there is no objection.

With regard to the manure plan the Environment Section do not have any objection, subject to compliance with the mitigation measures outlined. The area planner recommended that planning permission be granted.

## 4.0 Planning History

**Reg. Ref.** 97570. Planning permission granted for the extension to a shed, new walled silage slab and new slurry channel.

## 5.0 Policy Context

### 5.1 National Policy

- Climate Action Plan 2024.
- 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 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).

### 5.4 Development Plan

The *Westmeath County Development Plan 2021-2027* is the operational plan for the area. The subject land is within a rural area and is unzoned. The following policies are pertinent to the proposed development:

**CPO 9.28** which seeks to support agricultural development to maintain population and sustain the rural economy, while maintaining the standing of the rural environment through the application of the EU Water Directive and EU Habitats Directive.

**CPO9.29** which seeks to protect the viability of farms and best quality land for agricultural purposes.

**CPO9.30** which seeks to encourage the development of environmentally sustainable agriculture which does not impinge on the visual amenity of the countryside and to

protect watercourses, wildlife habitats and areas of ecological importance from pollution.

**CPO9.31** which seeks to facilitate agricultural development whilst protecting natural waters, wildlife habitats and conservation areas from pollution.

**CPO9.32** which seeks to ensure that all agricultural activities comply with legislation on water quality such as the Phosphorus Regulations, Water Framework Directive and Nitrates Directive.

**CPO 9.39** which seeks to assess agricultural associated agricultural waste matters within the County in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017.

**CPO 16.53** which outlines that the design, scale and siting and layout of agricultural buildings should respect and enhance the rural environment. Building should be located 100m from the nearest dwelling and agricultural buildings should be clustered together. Finally external materials should be harmonious and minimise obtrusion on the landscape. Dark colours are the most suitable for farm buildings.

## **5.5 Natural Heritage Designations**

The appeal site is not located on or within any designated Natura 2000 site(s) or Natural Heritage Area(s). Lough Derravaragh SPA (004043) is the nearest European site is approximately c. 1.04km to the northwest of the site with the Garriskill Bog SAC (000679) c. 2.7km to the northeast of the subject site. The subject land has a direct hydrological link with the Lough Derravaragh SPA. This will be discussed in Section 7.4 below, relating to Appropriate Assessment.

## **5.6 EIA Screening**

See completed Appendix 1 - Form 1 on file. Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A third-party submission was received from Mr. Peter Sweetman on behalf of Wild Ireland Defence CLG North who raised issue with regard to EIA Screening responsibilities and Habitats Directive responsibilities with reference to CJEU Case 258/11.

### **6.2. Planning Authority Response**

- None on file.

## **7.0 Assessment**

7.1 Having inspected the site and reviewed the documents on the file, I consider that the appeal can be addressed under the following headings:

- Principle of development
- Design and siting.
- Planning Authority Appropriate Assessment Screening
- Water Framework Directive Assessment.
- Other matters
- Appropriate Assessment.

### **7.2 Principle of development**

7.2.1 The *Westmeath County Development Plan 2021-2027* is generally supportive of sustainable agriculture. The site is located within a rural area where the predominant land use is agriculture. I am satisfied that this agricultural proposal is consistent with nature of the site and the use is acceptable in principle.



### **7.3 Design and Siting**

- 7.3.1 I make the Board aware that there is a discrepancy between the statutory notices and the plans submitted with this application. This discrepancy relates to the above ground circular tank to the south of the existing shed on site. The statutory notices state that the proposal seeks to remove and replace an existing above ground soiled water tank. The plans submitted with the application show that this tank as a slurry holding tank. I have been on site and can confirm that the tank is a slurry holding tank.
- 7.3.2 As noted above, that the proposed development is within an existing established agricultural farmyard. The proposed shed is 416m<sup>2</sup> m in area, with a maximum ridge height of 8.013m which slopes down to 4.0m at the eaves. It has a depth of 29m and a width of 15m. A storage tank is proposed below the ground floor of the shed. The storage tank has similar dimensions to the ground floor.
- 7.3.3 The proposed cattle shed would be of modern specification with respect to its design and layout. It would be of conventional form, and it would be finished in standard materials. This building would be sited to the southwest of the existing farmyard and in a position that would align with the existing cluster of modern farm buildings. The building would thus entail the extension south westwards of the existing farmyard in a manner that would be visually coherent. Fleeting views of this building would be available to north bound and south bound users of the local road, which bounds the existing farmyard to the east.
- 7.3.4 In addition to the proposed shed and underground storage tank, it is proposed to remove an existing above ground slurry stank and to replace it with a new above ground slurry tank in the same location. The existing above ground tank has an area of 240m<sup>2</sup> and has a height of c.3.9m. The proposed tank would have an area of c. 240m<sup>2</sup> and would have a height of 6.3m. While the proposed slurry tank would have the same footprint as that existing, it is noted that the height would increase by c.2.4m. The tank would be more visible to north bound users of the road. However, given the nature of the farm complex, this is considered to be acceptable.
- 7.3.5 Having regard to the established nature of the existing farmyard, and to the scale and height of the proposed shed and above ground tank, I am satisfied that the development will not result in an adverse impact on the visual or scenic amenity of the area. The immediate receiving landscape is an existing farm holding and there are no

dwellings in the immediate vicinity of the proposed development. The proposed shed and replacement tank would integrate adequately within the landscape and would not detract from the value of same. Given that there are no houses in the immediate vicinity there would be no undue impacts on residential amenity by way of odour or noise, in my view. Overall, I consider the development is in accordance with Objective CPO 16.53 of the *Westmeath County Development Plan 2021-2027*.

#### **7.4 Planning Authority Appropriate Assessment Screening**

- 7.4.1 The Appellant questions the appropriate assessment screening carried out by the Planning Authority in terms of the test applied, noting that the threshold for Appropriate Assessment must pass is explained in paragraph 44 of CJEU Case 258/11. Paragraph 44 of CJEU Case 258/11 states that *"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."*
- 7.4.2 The initial planning officers report notes the proximity of the subject land to the Lough Derravaragh SPA. It is further noted that there is a direct hydrological connection between the site and the SPA by way of the drains to the east and west of the subject land which flow towards the river Gaine. Therefore, further information was requested for the applicant to provide an Appropriate Assessment Screening Report of the proposed development in line with the requirements of Article 6 of the EU Habitats Directive and Section 177U of the Planning and Development Act 2000 (as amended).
- 7.4.3 By way of response to the Further Information request a Natura Impact Statement (NIS) was lodged with the Planning Authority. It is noted that the environment section of Westmeath County Council reviewed the submitted NIS and subject to compliance with the outlined mitigation measures had no objection to the proposal.
- 7.4.4 The submitted NIS was prepared by Whitehill Environmental. I am satisfied that the applicant's NIS was prepared by a suitably qualified and experienced ecologist in line with current best practice guidance and referred to land spreading. I am satisfied that the planning authority decision on the Appropriate Assessment did not contain any gaps in its screening assessment and assessment of items.

- 7.4.5 The Board should note that land spreading does not form part of this application, and such process is 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 Westmeath). 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.
- 7.4.6 Notwithstanding this, land spreading of manure that does not comply with the above-mentioned legislation has the potential to give rise to likely significant effects on European sites within the zone of influence, having regard to the relevant sites' conservation objectives and the likelihood for these effects have been included and assessed in the applicant's submitted NIS.

## **7.5 Water Framework Directive**

- 7.5.1 The appeal site is located c.189m to the south of the River Gaine. As previously noted, a drain to the west and to the east (on the opposite side of the L-1826) of the appeal site flow towards the River Gaine. The Gaine River runs between Lough Derravaragh and Lough Owel flowing through Multyfarnham to join the River Inny.
- 7.5.2 The existing waterbodies in the vicinity of the site are located within the Inny\_070 river water body catchment. In proximity to the appeal site, this waterbody is classified as moderate Ecological Status, however it is noted that this status degrades to poor at the Friary lands to the south-east of the appeal site (Status 2016-2021). It is noted that Lough Derravaragh (c1.8km to the northeast of the appeal site) has a good ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/Water>). Such designated waterbodies must be improved to at least a Good Ecological Status in accordance with the requirements of the Water Framework Directive.
- 7.5.3 The NIS has identified that there is a potential to impact water quality both during the construction phase and the operation phase of the development. The NIS outlines mitigation measures to ensure that the proposed development would not impact on

water quality either within the River Gaine / Inny or any of the identified Natura 2000 sites (Lough Derravaragh SPA, Garriskil Bog SAC / SPA and Lough Iron SPA).

- 7.5.4 The NIS also identified that there is a potential to impact ground water quality both during the construction and operation phase of the development. The NIS outlines mitigation measures to ensure that the proposed development would not impact ground water quality. These measures include the control and management of hydrocarbons on the site ( including no fuel or chemicals to be stored on site), that manure, slurry and soiled water storage facilities must be constructed to Department of Agriculture, Food and The Marine specifications with leak detection facilities underneath. These storage facilities are required to be certified by an engineer before use and inspected regularly. It is also required that manure is not be spread in areas of extreme groundwater vulnerability.
- 7.5.5 I note that the specific measures to prevent run off/pollution from the site and to protect groundwater at the construction and operational phase of the development are detailed within the NIS (Section 5 Mitigation Measures). I consider that the measures set out within the application documentation are comprehensive, have been designed on the basis of the site characteristics, and would negate against the threat of water pollution from the site in terms of surface water and ground water. I consider that adherence to the measures outlined will ensure pollutants will not be discharged from the site and no further deterioration in the surface or ground water quality will arise as a result of the proposal.
- 7.5.6 Subject to adherence of the identified mitigation measures (as set out in paragraphs 7.7 to 7.7.4 of the report) I am satisfied that the proposal would not result in the water pollution of either within the River Gaine / Inny or any of the identified Natura 2000 sites (Lough Derravaragh SPA, Garriskil Bog SAC / SPA and Lough Iron SPA). In this regard, I consider that the development will not jeopardise the attainment of a good water quality status in accordance with the Water Framework Directive.

## **7.6 Other matters**

### Flood risk

- 7.6.1 I note that the applicants initial cover letter states that there is a small spotting of pluvial flooding recorded in the *Westmeath Strategic Flood Risk Assessment 2021-2027* at the location of the proposed new shed. The cover letter further states that the application material included a Flood Risk Assessment Report. I can confirm that no such report is included on file. I can also confirm that I have consulted that OPW Flood Maps, and the subject site is not within any fluvial, pluvial or coastal flood risk areas.

### Traffic safety

- 7.6.2 During my site visit, I noted a sweeping bend in the road to the south of the site (from the direction of Multyfarnham). This matter was not raised during the appeal, however, given the narrow nature of the road and the nature of the operations of the farm, traffic safety should be considered. The entrance to the site is approximately 78m to the sweeping bend. I am of the opinion that this would achieve an acceptable sightline and therefore I am satisfied that there is no traffic safety concerns in relation to the operation of the appeal site.

## **7.7 Appropriate Assessment**

- 7.7.1 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

### Screening summary

- 7.7.1 Table 2 of the NIS identifies 16 Natura 2000 designated sites within 15km of the application site. Having consulted the EPA mapping I am satisfied that all applicable Natura 2000 sites have been identified and assessed.
- 7.7.2 The proposed development is identified as being within the Zone of Influence of Lough Derravaragh SPA (Site Code 004043), Garriskil Bog SAC (Site Code 000679), Garriskil Bog SPA (Site Code 004012) and Lough Iron SPA (Site Code 004046). Table 1 below provides a summary of each site.

European Site	Distance	Qualifying Interests	Screened in / Out
Lough Derravaragh SPA (Site Code 004043)	1.3km north / 1.4km downstream via the River Gaine	<ul style="list-style-type: none"> <li>Whooper Swan (Cygnus cygnus) Pochard (Aythya ferina)</li> <li>Tufted Duck (Aythya fuligula)</li> <li>Coot (Fulica atra)</li> <li>Wetland and Waterbirds</li> </ul>	<b>Screened in-</b> hydrological connectivity and proximity of the application site and its spreadlands to this SPA, then significant effects upon this SPA and its QIs cannot be ruled out.
Garriskill Bog SAC (Site Code 000679)	3.2km north-west 4.9km downstream	<p>Active raised bogs</p> <p>Degraded raised bogs still capable of natural regeneration.</p> <p>Depressions on peat substrates of the Rhynchosporion</p>	<b>Screened In –</b> there is a source-pathway receptor linkage between the application site and its spreadlands and this SAC, significant effects upon this site and its QIs cannot be ruled out.

Garriskill Bog SPA (Site Code 004012)	3.2km north-west downstream	Greenland White-fronted Goose (Anser albifrons flavirostris)	<b>Screened In</b> –There is a source-pathway receptor linkage between the application site and its spreadlands and this SPA significant effects upon this site and its QIs cannot be ruled out.
Lough Iron SPA (Site Code 004046)	4.6km south-west downstream	Whooper Swan (Cygnus cygnus) Wigeon (Anas penelope) Teal (Anas crecca) Shoveler (Anas clypeata) Coot (Fulica atra) Golden Plover (Pluvialis apricaria) Greenland White-fronted Goose (Anser albifrons flavirostris)	<b>Screened In</b> – there is a source-pathway-receptor linkage between the application site and its spreadlands and this SPA, significant effects upon this site and its QIs cannot be ruled out.

		Wetland and Waterbirds	
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Table 1: Site summaries

- 7.7.3 Site specific conservation objective has been prepared for Lough Derravaragh SPA (Site Code 004043) which is summarised as to restore the favourable conservation condition of Whooper Swan, Pochard, Tufted Duck, Coot and wetlands and waterbirds in Lough Derravaragh. It is also an objective to maintain the Favourable conservation condition of Wetland habitats in Lough Derravaragh SPA as a resource for the regularly occurring migratory waterbirds that utilise these areas.
- 7.7.4 Site specific conservation objectives have been developed for Garriskil Bog SAC (site code 000679) which could be summarised as to restore the favourable conservation condition of Active raised bog.
- 7.7.5 Site specific conservation objective has not yet been developed for Garriskil Bog SPA (Site Code 004012). However, the site is noted as being used as part of an internationally important population of Greenland White fronted Goose (in conjunction with the other midland lakes).
- 7.7.6 Site specific conservation objective have been developed for Lough Iron SPA (Site Code 004046) which is summarised as follows, to restore the Favourable conservation condition of Whooper Swan, Wigeon, Teal, Shoveler, Coot, Golden Plover and Greenland White-fronted Goose in Lough Iron SPA; and to maintain the Favourable conservation condition of Wetland habitats in Lough Iron SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.
- 7.7.7 I am satisfied that no other Natura sites are likely to be affected by the proposed development. I am satisfied that the listed habitats and species are those likely to be affected by the proposed development.
- 7.7.8 Section 4.4 of the NIS identifies the following areas in relation to potential impacts from the proposed development on the Natura 2000 sites identified:

**1. Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction.**

Possible impacts as outlined in the NIS include the pollution of the surface or groundwaters during construction with silt, oil, cement, hydraulic fluid etc. This



would directly affect the habitat of protected species by reducing water quality. These substances would also have a toxic effect on the ecology of the water in general, directly affecting certain species and their food supplies.

**2. Deterioration of water quality in designated areas arising from pollution to surface water or ground water during the operation of the site.**

The concern during the operation is of slurry contaminated surface water run-off from the farmyard. In addition to this, any structural weaknesses in effluent tanks in the yard could lead to impacts on groundwater. Mitigation measures to prevent surface water run-off from contaminating the local watercourses will need to be undertaken and all structures will have to be leak proof.

**3. Deterioration in water quality in designated areas arising from the inappropriate land spreading of the slurry / fertiliser.**

It is noted that Inappropriate land-spreading of manure can lead to serious impacts upon the receiving waters in local catchments and it can result in eutrophication, algal blooms, fish kills and loss of biodiversity. Designated habitats and species can be impacted upon, and it can take years for the ecosystem to recover. The applicant will be land-spreading on lands that are upstream of Lough Derravaragh SPA, Garriskil Bog SAC / SPA and Lough Iron SPA and will comply with the relevant legislation.

**4. Cumulative impacts with other proposed/existing developments.**

A number of other agricultural and domestic developments have been granted planning permission in the general area in the last five years. The proposed development will have no cumulative impacts upon the SAC when considered in combination with other developments that have been screened or where mitigation measures have been included as part of a Natura Impact Assessment.

Mitigation measures

- 7.7.9 The NIS notes that the construction of the new farm structures and associated works will involve the excavation of soil and the pouring of concrete for foundations and other surfaces. These works will take place on a site that is hydrologically connected to

Lough Derravaragh SPA via the drains close to the site which leads to the River Gaine. The site is also upstream of Garriskil Bog SAC/SPA and Lough Iron SPA.

#### Construction Phase

7.7.10 I note that the NIS identifies a number of mitigation measures in relation to the construction phase of the proposed development. In summary, these mitigation measures cover the control of constriction run-off including the installation of a silt fence, the control of the use and storage of hydrocarbons on site, the washout of concrete trucks including chutes, bulk liquid management (including pouring and handling), minimising any stockpile areas for sands and gravel, dust suppression, construction works not being undertaken during very wet weather and all construction waste must be removed from site by a registered contractor to a registered site.

7.7.11 I am satisfied that the implementation of the mitigation measures proposed for the construction phase of the proposed development will ensure that the proposed development will not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

#### Operational Phase- Farm Operation

7.7.12 The NIS identifies a number of mitigation measures in respect of the operational phase of the proposed development. In summary, theses mitigation measures include the control of soiled water run off into any local drain or watercourse, the control of manure spreading in terms of volume and location to be in accordance with the Nutrient Management Plan for the farm and outside of any SAC, SPA or pNHA and outside of specific buffer zones of watercourses (river channels, similar water courses, open drains) and should into be undertaken within certain times of the year (Mid-October and Mid-January).

7.7.12 In addition to this, mitigation measures for the operation phase include all storage facilities being kept leak proof and structurally sound, records of the movement of fertilisers being kept, restrictions on when chemical fertilisers, livestock manure, soiled water of other organic fertilisers can be spread (land is water logged or liable to flood, land is frozen, heavy rain is forecast within 48 hours) and chemical fertilisers must only be spread in areas outside buffer zones (200m from a water source serving 500 people or more, 100m from a water source serving 50 people or more, 25m from any other water supply for human consumption, 25 m from a lake shoreline or a turlough likely

to flow, 15m from exposed cavernous or karstified limestones features, 10m from any surface watercourse where the slope towards the watercourse exceeds 10% or 5m from any other surface water).

7.7.13 I am satisfied that the implementation of the mitigation measures proposed for the operation phase of the proposed development will ensure that the proposed development will not adversely affect the integrity of European sites in view of the sites Conservation Objectives.

#### Cumulative Impacts

7.7.14 I make the Board aware that I have reviewed the submitted NIS, the Department of Housing, Local Government and heritage's National Planning Application database and EIA Portal and the Westmeath County Council's planning register, I note that there are no other plans of projects for potential in-combination effects in the Multyfarnham area. Cumulative activities have also been considered with regard to land spreading. Land spreading is subject to compliance with S.I. No. 113/2022 (as amended) and this is a separate legal code to govern land spreading, oversight of which is not required from the planning system.

7.7.15 Having considered all of the foregoing, I am satisfied that the subject application will have no cumulative impacts on the protected site Derravaragh SPA (Site Code 004043), Garriskill Bog SAC (Site Code 000679), Garriskill Bog SPA (Site Code 004012) and Lough Iron SPA (Site Code 004046) or any Natura 2000 site when considered in combination with properly assessed developments.

#### Appropriate Assessment Conclusion

7.7.16 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

7.7.17 Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 004043, 000679, 004012 and 004046 or any other European site, in view of the sites' Conservation Objectives.

7.7.18 This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. Regard

has been had in particular to the detailed mitigation proposed for the construction and operation of the proposed farm buildings and structures.

## **8.0 Recommendation**

8.1 In accordance with the foregoing I recommend that the proposed development be granted, for the following reasons and considerations, in accordance with the following conditions.

## **9.0 Reasons and Considerations**

9.1 The proposed development is located in a rural area where agriculture is the predominant land use. The proposed development would improve the existing farmyard facilities, would not impact on the amenities of the area, would not adversely affect Natura 2000 sites or be a threat to ground or surface water and would not impact on the natural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

## **10 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 1<sup>st</sup> day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation proposed in the submitted Natura Impact Statement in relation to the construction and operation of the proposed buildings and structures shall be implemented in full.

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

3. All uncontaminated surface water run-off from the proposed development shall be collected separately from soiled water and shall be disposed of to the satisfaction of the planning authority.

**Reason:** To minimise soiled water in the interest of environmental protection and pollution control.

4. All storage facilities for farmyard effluent shall:
  - a) be so constructed, maintained, and managed as to prevent run-off or seepage, directly or indirectly, into groundwater or surface water of any effluent produced, and
  - b) 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 environmental protection, pollution control and in the interest of public health and residential amenity.

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

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

7. The cladding to the roof and walls of the proposed building shall be green/dark green in colour.

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

8. The spreading of slurry or manure from this facility shall comply with the requirements of the European Union (Good Agricultural Practices for the Protection of Waters) Regulations 2022, or as otherwise updated.

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

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.

**Ronan Murphy**

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Ronan Murphy  
Planning Inspector

29 January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>319099-24</b>		
<b>Proposed Development Summary</b>	Construction of a 6 bay cubicle shed with underground storage tank; removal of above ground soiled water storage tank and replace with new tank in same location and all ancillary site services		
<b>Development Address</b>	Abbeyland, Multyfarnham, Co. Westmeath		
<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>	<b>X</b>
		<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)?</b>			
<b>Yes</b>			
<b>No</b>	<b>X</b>		No EIAR or preliminary examination required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

<b>No</b>	<b>X</b>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>			

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

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