



An  
Bord  
Pleanála

## Inspector's Report ABP-319553-24

<b>Development</b>	Construction of a slatted shed with underground slurry storage tank
<b>Location</b>	Gurrane, Ennistymon, Co. Clare.
<b>Planning Authority</b>	Clare County Council
<b>Planning Authority Reg. Ref.</b>	2460066
<b>Applicant(s)</b>	James Malone
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter Sweetman & on behalf of Wild Ireland Defence
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> January 2025
<b>Inspector</b>	Ciara McGuinness

## 1.0 Site Location and Description

- 1.1. The site is located in a rural area in the townland of Gurrane, c.1.7km to the southeast of Ennistymon. 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 loose cubical shed, haybarn, toolshed and a turf shed. A dwelling associated with the farm is located to the east of the proposed development site. The surrounding area is predominantly agricultural land with a sporadic one-off housing. The site, as outlined in red, has a stated area of 0.1 hectares while the overall farm holding has a stated area of 23 hectares. I note from my site visit that the proposed works had commenced on site with a steel frame of the shed already in place.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of a slatted shed with an underground slurry storage tank. The proposed floor area is stated as 260sqm with a ridge height of 5.15m. An under-slat tank of 140sqm is proposed. The proposed development is intended for the better management of existing cattle stock on site, with the existing cubicle shed deemed structurally unsafe.
- 2.2. Although not referenced in the development description, I note that new planting is indicated on the site layout plan to the south of to the proposed new shed.
- 2.3. The application is accompanied by a land holding map and a land spreading map showing the land spreading areas in hatched red.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 12th April 2024, subject to 3 no. of conditions. Conditions were of a standard nature.

**Condition No.2** requires external finishes of the permitted development to be in accordance with those indicated on the plans and particulars.

**Condition No. 3** requires the development shall be constructed in accordance with Department of Agriculture, Food and the Marine specifications and requires the management of all farmyard effluent, manures and soiled water to be in full compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.

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

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

The Planners Report (Dated 11/04/2024) notes that having regard to the onsite structures, the scale and design of the proposed development and the nature of the receiving landscape, it is considered the site has the capacity to visually integrate the proposed development. The comments of the Environment Section were noted (See Section 3.2.2 below for summary). An Appropriate Assessment Screening Report and Determination is attached to the report. It is not considered that there is a requirement for Appropriate Assessment. There is no objection to the proposed development. A grant of permission is recommended.

#### **3.2.2. Other Technical Reports**

West Clare MDO – No observations

Environment Section - It has been demonstrated that the total storage capacity of the proposed new tank provides adequate 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 applicant has also demonstrated that the land-spreading of slurry will be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year ( $1780/23=77.5$ ). Conditions are recommended in the interest of environmental legislative compliance and environmental protection.

### **3.3. Prescribed Bodies**

None.

### 3.4. Third Party Observations

A third party observation was received from the appellant, Peter Sweetman. The issues raised generally reflect the grounds of appeal and relate to the requirement to screen the development for EIA and the PA's requirements under the Habitats Directive and Water Framework Directive.

### 4.0 Planning History

None.

### 5.0 Policy Context

#### 5.1. Clare County Development Plan 2023-2029

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

**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** 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.

5.1.2. 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**

Inagh River Estuary SAC – c1.7km to the northwest of the site

Inagh River Estuary pNHA – c1.7km to the northwest 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**

6.1.1. The grounds of appeal can be summarised as follows;

- The Planning Authority has failed to carry out any assessment of the effects on the Inagh River Estuary SAC which is within 0.5km of the site.
- The Board is now the competent authority to screen the development and make a decision under Article 6(3) of the Habitats Directive. The legal requirement for screening is not to establish such an effect, it is merely necessary to determine that there may be such an effect. The possibility of there being a significant effect will generate the need for an AA.
- It is not possible for the Board to make a decision to grant permission due to a lack of certainty in the information submitted. An assessment under Article 6(3) 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.

### **6.2. Applicant Response**

- The appellant has failed to comply with the requirements of s.127(b) of the Planning and Development Act which requires the address of the Appellant in order to make a legitimate appeal. The individual has produced a Box Number as an address which is not appropriate.
- The appeal is vexatious and the Board is urged to use its discretion under S.138 of the Planning and Development Act. The appellant is attempting to link the construction of the shed and storage tank with land spreading of nutrients. Land spreading does not require consent *per se* so the appellant is attempting to challenge the lack of consent through the planning process.



- The project has been assessed to ensure the proposed development will not cause pollution or effects on the unconnected European Sites. The appeal is an attack on the land-spreading of slurry, and this is not a matter regulated under the Planning and Development Act.

### 6.3. Planning Authority Response

The Planning Authority assessed the application having regard to CDP 11.26 Water Framework Directive, CDP 11.27 Water Resources, CDP 15.3 European Sites, CDP 15.4 Requirement for Appropriate Assessment, the Report received from the Environment Section and 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities' – Department of Environment, Heritage and Local Government.

Having regard to the Environment Section Report, it was demonstrated that the total storage capacity of the proposed new tank provides adequate slurry and soiled water storage in accordance with the provisions of the EU Good Agricultural Practice For Protection of Waters Regulations 2022 as amended;

- The applicant demonstrated that the land spreading of slurry would be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year ( $1780/23=77.5$ ).
- The northern parcel landspreadlands are 74m from the Inagh/Cullenagh River which flows into the Inagh River Estuary SAC.
- The southern parcel is approximately 50m from the nearest stream, the flow direction of which is northeast towards a public road.
- The setback distances between the spreadlands and the nearest water body far exceeds that required by regulations (5m for a stream and 20m for a lake).
- No part of the spreadlands fall within the SAC.

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a European Site, in particular the separation distance between the spreadlands and the nearest water body, it was concluded that no Appropriate Assessment issues arose and the Planning Authority did not consider

that the proposed development would have been likely to have a significant effect individually or in combination with other plans or projects on a European Site.

The third party has not specified in what respect the Planning Authority has failed to carry out its assessment for potential impact on European Sites or in what respect the assessment is deficient.

#### **6.4. Observations**

None.

### **7.0 Assessment**

- 7.1. At the outset I wish to note the applicant's claim regarding vexatious elements to the appeal. I consider that the appeal raises valid planning issues in relation to Appropriate Assessment. I am satisfied that a name and address for the appellant has been provided, and that the appellant's identity is not in question. I do not consider that there are grounds to dismiss the appeal under section 138 of the Planning and Development Act 2000 (as amended).
- 7.2. 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 is for construction of a slatted shed with underground slurry storage tank. 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 in this regard.
- 7.3. The applicants have confirmed that the proposed development will not lead to an increase in livestock numbers on the holding or an intensification of the farm enterprise. The proposed development is intended for the better management of existing cattle stock on site, with the existing cubicle shed deemed structurally unsafe. 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 proposed new tank 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 the applicant has demonstrated that the land-spreading of slurry is to be conducted over a sufficient area owned by the applicant to ensure that nitrogen application is below the limit of 170kg/ha/year. 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. Ultimately, the management of effluent arising from agricultural activities and the undertaking of land spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. Condition No. 3 of the PA decision include statements to this effect. I recommend a similarly worded condition is attached to any grant of permission.

- 7.4. I do not consider that any residential amenity issues arise from the proposed development. I note that no third-party observations have been received from nearby residents. I do not consider that the proposed development would generate any

additional traffic. 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.65m from the road and views will be largely restricted due to the existing farm buildings which will screen the proposed development. Additional planting is also proposed by the applicant to the rear of the site. The issue of surface water disposal is dealt with by condition by the planning authority and if the Board is disposed to a grant of permission, I recommend that condition relating to same be attached to any such grant. All effluent from the slatted shed 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.

- 7.5. 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**

See 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 Inagh River Estuary SAC (Site Code: 000036) 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 400m to the southwest of the Inagh/Cullenagh River which flows into the Inagh River Estuary.

The proposed development comprises the construction of a slatted shed with an underground slurry storage tank.

I have assessed the proposed slatted shed 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 proposed 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, 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. Details of the finishes of the agricultural shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and visual amenity

3. 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.

4. 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.

5. (a) A management schedule for the operation of the slatted shed shall be submitted to the planning authority, prior to the housing of animals in the facility.
- (b). The management schedule shall comply with the requirements of the European Union (Good Agricultural Practices for the Protection of Waters) Regulations 2022, or as otherwise updated.
- (c) The management schedule shall provide for:
- the number, age and types of animals to be housed,
  - arrangements for the disposal of slurry

- arrangements for the storage and disposal of manure and
- the cleansing of buildings and structures, including the public road, where relevant.

**Reason:** In order to prevent pollution and in the interest of amenity.

6. (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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ciara McGuinness  
Planning Inspector

25<sup>th</sup> June 2025



## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>	319553-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of a slatted shed with underground slurry storage tank		
<b>Development Address</b>	Gurrane, Ennistymon, Co. Clare.		
<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> ✓	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<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>			Proceed to Q3.
<b>No</b>	✓		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</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>			Preliminary examination required (Form 2)

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

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

## Appendix 2- Screening the Need for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
<b>Brief description of project</b>	Slatted shed with underground storage tank.			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development comprises a slatted shed, associated underground slurry tanks. All effluent from the slatted shed will be discharged into the underground slurry tank.</p> <p>The site has a stated area of 0.1ha. The site is located within an existing farmyard. The proposed development is intended for the better management of existing cattle stock on site, with the existing cubicle shed deemed structurally unsafe.</p> <p>Inagh River SAC is 1.7km from the site.</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 (Cullenagh River) is located 400m to the north east of the site.</p>			
<b>Screening report</b>	<p>No</p> <p>Clare County Council screened out the need for AA.</p>			
<b>Natura Impact Statement</b>	No			
<b>Relevant submissions</b>	N/A			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Inagh River Estuary SAC	Salicornia and other annuals colonising mud and sand [1310]	1.7km	No direct,  Possible Indirect	Y

(Site code: 000036)	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>			
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**Step 3. Describe the likely effects of the project (if any, alone or 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	
<p><b>Site 1: Inagh River Estuary SAC (000036)</b></p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila</p>	<p>Direct: None.</p> <p>Indirect: localized, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction</p>	<p>The nature, scale and extent of the proposed works, the established farming use on the site, the absence of a direct hydrological link, implementation of standard construction techniques, 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.</p> <p>Conservation objectives would not be undermined.</p>	

arenaria (white dunes) [2120]		
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
	<b>Likelihood of significant effects from proposed development (alone):</b> No	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No	
<b>Further Commentary / Discussion</b>		
<p>All effluent from the cattle shed 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 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.</p>		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Inagh River Estuary SAC (Site Code: 000036). 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.</p> <p>No mitigation measures are required to come to these conclusions.</p>		
<b>Screening Determination</b>		
<b>Finding of no likely significant effects</b>		
<p>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 Inagh River Estuary SAC (Site Code: 000036)</p>		

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.	319553-24	Townland, address	Gurrane, Ennistymon, Co. Clare.
Description of project		Construction of a slatted shed with underground slurry storage tank	
Brief site description, relevant to WFD Screening,		Site is located within an area of little to no elevation with poorly draining surface water gley soil, located in a rural location. There are no drainage ditches within the site. There is a watercourse c. 400m to the northeast 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.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>							
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	400m	Inagh (Ennistymon)_50	Good	Not at risk	No pressures	Not hydrologically connected to surface watercourse.	
Groundwater waterbody	Underlying Site	Milltown Malbay IE_SH_G_167	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters.	
<b>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.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if</b>



							'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Inagh (Ennistymon) _50	None	None	None	No	Screened out
2.	Ground	Milltown Malbay IE_SH_G_167	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Inagh (Ennistymon) _50	None	None	None	No	Screened out
4.	Ground	Milltown Malbay IE_SH_G_167	Drainage	None	None	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A