



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320690-24

<b>Development</b>	Retention of farm buildings, creep area, effluent tanks, silage base and all associated works.
<b>Location</b>	Ballysooghan North, Rathangan, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	23/60441
<b>Applicant(s)</b>	Paul Fitzsimons
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Lindsay McCrindle & Mary Wright
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 February 2025
<b>Inspector</b>	Paula Hanlon

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## **1.0 Site Location and Description**

- 1.1. The site (0.44ha) the subject of this appeal, hereafter referred to as “the site”, relates to an established site comprising a complex of agricultural buildings, located along the northern side of the R401 (Clonbullogue – Rathangan Road) in the rural townland of Ballysooghan North, approx. 1.2km northwest of Rathangan, Co. Kildare.
- 1.2. The site is an irregular shape which extends in a northerly direction.
- 1.3. An established gated vehicular access which is setback off the R401 and poorly surfaced area between the road and the site’s gateway provides access to the site.
- 1.4. A vernacular dwelling house bounds the site to the east and a dwelling and forestry bound the site’s western boundary.

## **2.0 Proposed Development**

- 2.1. The applicant proposes the following:

Retention permission for a number of existing farm buildings comprising of a workshop/fuel store (182m<sup>2</sup>), straw bedded loose housing (212m<sup>2</sup>), calf creep area (53m<sup>2</sup>), feed passage (46m<sup>2</sup>) and slatted underground effluent tanks (82m<sup>2</sup>);

Retention permission for silage base (568m<sup>2</sup>) and unroofed slatted effluent tank (105m<sup>2</sup>) with all ancillary works as constructed.

- 2.2. The application is accompanied by the following documentation of note:

- Planting Plan
- Sound Monitoring & Noise Report
- Farm Full – Fertiliser Plan (2024).

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

The Planning Authority requested further information on 01 February 2024. This included a request for the applicant to clarify all structures sited within the subject site and to provide a number of additional details including a Landscaping Plan (eastern

boundary), Farm Management Plan, Noise Report, drainage details and sightlines & surfacing details at farmyard entrance.

### **3.2. Decision**

By Order, Kildare County Council issued a Notification of decision to grant planning permission on 20 August 2024 subject to 10(no) conditions.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

Two planning reports are attached to the file. The first report dated 29/01/2024 sought that further information be provided, which is reflected in the PA's request for further information which issued to the applicant (Refer Section 3.1 above).

A second planning report completed on 20/08/2024 forms the basis for the PA's decision to grant permission. The content of this report concluded that all items raised at further information stage were addressed to the PA's satisfaction, that mitigation measures have been included to provide screening from the adjacent dwelling to the east, that surface water could be dealt with by condition and that the proposal therefore complied with the provisions of the CDP. An Appropriate Assessment Screening Report with Conclusion Statement and EIA pre-screening report are attached to the Planner's Reports.

#### **3.3.2. Other Technical Reports**

- MD Engineer (08/01/24) [incorrect date – (2023) noted]: No objection subject to standard conditions
- Environment (19/08/24): No objection subject to conditions.
- Roads (20/08/24): No objection subject to conditions.
- Water Services (19/08/24): No objection subject to conditions.

#### **3.3.3. Conditions**

I am generally satisfied that all conditions attached by the PA in its decision to grant permission are standard conditions insofar as they relate to the proposed development. Condition No. 4 as outlined below is of note;

Within 180 days of the date of the final grant of permission, the Developer shall carry out the works at the vehicular entrance on the R401 Regional Road as indicated in the details and drawings submitted 30/07/2024 (Condition 4).

Consideration will be given to the attachment of this condition within my assessment below [Refer Section 7].

### **3.4. Prescribed Bodies**

None received.

### **3.5. Third Party Observations**

The PA received 1(no) third-party submission during the course of its determination. The matters raised are similar to those raised within the appeal submission.

## **4.0 Planning History**

Subject Site:

Pl. Ref. 22/315: Withdrawn Application for the extension to cattle shed and slatted underground effluent tank with all ancillary works as a response was not received to the PA's further information.

The Planner's Report makes reference to an enforcement file on this site as follows:

UD7550: Warning letter (24/03/21) - Erection of extension (c.132m<sup>2</sup>) to existing agricultural sheds and of a roofless cubicle, open loose yard, by the placement of slatted concrete panels over an underground tank.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Kildare County Development Plan 2023-2029 (CDP) which came into effect 28 January 2023 is the operative Development Plan for the county.
- 5.1.2. The site is not zoned or located within a defined settlement and is, therefore, considered to be within the rural area of Co. Kildare.
- 5.1.3 The Landscape Character Assessment Map for Kildare designates the site and surrounding area as a Class 1 'Low Sensitivity' area, with the potential to absorb a wide range of new developments without significant adverse effects on the appearance or character of the area.
- 5.1.4 Relevant policies, objectives and standards within the CDP are set out under Chapter 9 - Our Rural Economy and Chapter 15 - Development Management Standards.
- 5.1.5 Policy, Objectives and Development Management Standards of particular relevance include:

Policy RD P1: Support and promote rural enterprises and encourage appropriate expansion and diversification in areas such as sustainable agriculture... at suitable locations in the county, particularly where they contribute to a low carbon and resilient economy.

Objective RD O2: Facilitate agriculture...and rural resource-based enterprise within the rural settlements and in appropriate rural locations subject to relevant development management standards.

Objective RD O5: Require new buildings and structures:

- To be sited as unobtrusively as possible.
- To be clustered to form a distinct and unified feature in the landscape.
- To utilise suitable materials and colours.
- To utilise native species in screen planting to integrate development into the landscape,

DM Standard 15.9.8: Agricultural Development Standard [In terms of siting, scale, materials & finishes and planning considerations (including ecology)]

## **5.2. Regional Policy**

Eastern & Midland Regional Spatial & Economic Strategy 2019-2031.

## **5.3. National Policy**

Project Ireland 2040 – National Planning Framework First Revision (April 2025) (NPF). The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland up to the year 2040. The Framework was recently revised and updated in April 2025 to take account of changes that have occurred since it was published in 2018 and to build on the framework that is in place.

Chapter 5 is entitled 'Planning for Diverse Rural Places'.

National Policy Objective 30 seeks to facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector.

## **5.4. The Climate Action Plan 2025**

The Climate Action Plan 2025 (CAP25) which was recently approved by Government sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government. CAP25 builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and should be read in conjunction with Climate Action Plan 2024.

## **5.5. Climate Action & Low Carbon 2015 (as amended) (The Climate Act)**

The Climate Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing its greenhouse gas emissions by 51% by 2030, relative to 2018 levels and achieving climate neutrality by signing into the Climate Action & Low Carbon development (Amendment) Act 2021.



Section 15 of the Climate Act sets out that;

(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- (a) the most recent approved climate action plan,
- (b) the most recent approved national long term climate action strategy,
- (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
- (d) the furtherance of the national climate objective, and
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is consistent with the Climate Act.

#### **5.6. Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 site(s) or Natural Heritage Area(s). The Grand Canal pNHA being the nearest pNHA/NHA is approximately 2kilometres (at its nearest point) SE of the site. There are no Natura 2000 sites within the zone of influence. The nearest Natura 2000 site is the River Barrow and River Nore SAC (002162), located approx. 9.2km as the crow flies southwest (at its nearest point to this site). The next nearest sites are Pollardstown Fen SAC (000396) and Mouds Bog SAC (002331), both of which are located in excess of 11 kilometres SE/east of the site.

#### **5.7. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **5.8. Water Framework Directive**

The European Union Water Framework Directive (WFD) aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.

The proposed development comprises the retention farm buildings, silage base, underground effluent tanks, creep area and all associated works. Water quality concerns within an adjoining waterbody were raised in the planning appeal. The subject site adjoins an existing stream which connects into the River Shean. The surface water waterbody (SLATE\_070) which is relevant to this case is at Moderate Status (2016-2021) and is At Risk of not achieving its Good Status Objective by 2027. The significant pressures identified in this waterbody are Hydromorphology (Channelisation and Land Drainage), Urban Wastewater Discharges and Organic Pollution from a peat extraction industry. The most recent review of pressures in this waterbody suggest that Agriculture is not considered a 'significant' pressure on water quality.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD 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 there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively (refer appendix 3 below).

## **6.0 The Appeal**

A third-party appeal, made by Lindsay McCrindle & Mary Wright (hereafter 'the appellant'), was received on 29 August 2024. The appellants, as residents of an adjoining dwelling house and who share a common boundary with the appeal site, are strongly opposed to the proposed development. A summary of the grounds of appeal is set out within Section 6.1 below.

## **6.1. Grounds of Appeal**

- The appellant raises a number of procedural issues which include consent requirements for the making of the application, accuracy & sufficiency of submitted details, the need for fair and impartial decision making, and matters relating to the shared boundary which separates the applicant's site and the appellants property.
- There are environmental concerns in respect of the proposal including noise pollution, impact on water quality and inadequate drainage provisions.
- The appellant is concerned that the proposed retention development will result in a hazard and impact on public health.
- It is argued that the proposal would have a significant negative impact on the appellant's residential amenities.
- There are a number of drainage issues raised including the lack of drainage within the site, effluent seepage & runoff into adjoining lands and inadequate roadside drainage.
- The changes made to the shared boundary between the applicant's site and the appellant's property has negatively impact on the appellants and the appellants property.

## **6.2. Applicant Response**

A summary of the applicant's response (26/09/24) to the grounds of appeal is as follows:

- It is argued that misrepresented details are provided by the appellant on the historic ownership and use of the applicant's property.
- Some inferences made within the appeal submission are fictitious, vexatious and defamatory.
- The applicant concurs with the appellant in regard to the location of the shared boundary and makes reference to surveying work carried out by appointed surveyors which provided confirmation on the location of the common boundary and effluent tank locations.
- The submitted site drainage details provide for appropriate drainage as determined by the Council.

- A submitted Noise Assessment Report shows that the use of a generator is within the acceptable limits and it is the applicant's intention to connect to the electricity mains supply.
- The applicant contends that prior engagement and consent was given by the appellants to retention works now sought, with the appellant not opposed to the works now sought for retention in 2019.
- The applicant provides details on the site's history and development, being a working farmyard across 3 generations of the Fitzsimon family.

### **6.3. Planning Authority Response**

A response has been received from the Planning Authority dated 30 August 2024 which confirms its decision to grant permission. The PA requests that the Board refer to reports attached to this case in relation to its assessment of the case.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the appeal submission, the reports of the planning authority, having inspected the site and having regard to relevant local, regional and national policies, objectives and guidance, I consider that the main issues in this appeal to be considered are as follows:

- Principle of Development
- Impact on Residential Amenities
- Impact on Water Quality
- Drainage Issues.
- Procedural & Other Matters.

### **7.1. Principle of Development**

The site is located in a rural area in the townland of Ballysooghan North. Adopted local policy is supportive of and encourages the appropriate expansion of sustainable agriculture (policy RD P1). Furthermore, it is the Council's objective to facilitate

agriculture in appropriate rural locations, subject to compliance with relevant development management standards (Objective RD O2).

The applicant's submitted documentation outlines that the farmyard entrance has been in existence for over 80 years and that the site has remained in operational use over three generations by the Fitzsimon family. In noting the reference made by the appellants that the site was previously used for other purposes, I also note that there is no planning history attached to the subject site on the planning register.

I acknowledge that the applicant's associated lands (and family home) are at a remove, approximately 500m east (at its nearest point) to the subject site and that a dwelling house no longer exists within the subject site. Notwithstanding, whilst I note that the requisite dates in which the subject site was utilised in part as a residence or cattle shed is disputed between the parties, based on available information, including aerial photography and submissions made in this case and following a site visit, I am satisfied that the use of the subject site as a farmyard is long established. I acknowledge that the subject development with appropriate external finishes, provides for the clustering of agricultural buildings which are setback from the roadside.

In light of the above, I am satisfied that the retention works sought within this rural location are acceptable in principle, subject to compliance with all other planning considerations, including residential amenity, water quality and drainage.

## 7.2. Impact on Residential Amenities

In the outset, I note that the footprint of the appellant's dwelling house is located at the SE corner of its long-established (almost 130 years) residential plot (0.32ha). While the footprint of the appellants dwelling house is approximately 43m SE of the proposed works, it is of particular relevance to also note that the retention works sought, including a cattle shed (detailed as being constructed in 2018) and an unroofed slatted effluent tank (detailed as being constructed in 2019) are sited within 2m and 1.45m respectively from the shared boundary, which adjoins the appellant's private (rear) garden. I acknowledge that the close proximity of the proposed agricultural works to the appellants house and private garden is a valid concern in terms of perceived impacts on the appellant's residential amenities.

In general terms, for the purposes of providing additional context, I note that the appellants site is broadly triangular in shape and that their private garden extends in a predominantly northern direction along an approximate 90m stretch, narrowing significantly at its northernmost (rear) end to an approximate 10m width.

I consider that due to the site configuration of the appellant's property and the design and siting of the subject structures, located at an angle, to the west of the appellant's dwelling house, that there would be no significant impact on direct views emanating from the rear windows of the appellant's house.

I propose to consider the matter of residential amenity under separate paragraphs below.

#### 7.2.1 Noise Impact

The appellants concern on noise impact primarily relates to operational activity on the subject site. The appellant argues that there is increased noise generated on the applicant's site due to the removal of the shared boundary which consisted of hedging and trees, the applicant's use of a generator and the intensification of use & increase in numbers of livestock within such a small site, immediately adjacent to the appellant's property as a result of the proposed retention development.

I refer the Board to the fact that the matter of noise arising from the site was the subject of a District Court Order under Section 108(3) of the EPA Act, 1992 as amended, in July 2024. The Court order, being satisfied that a nuisance was created by virtue of noise on the subject site, imposed restricted hours on the turning on of generators and tractors and the use of power-washers within the subject yard. For clarity, I note that the appellant's assertion set out within the appeal submission that all noise is required to cease between the hours of 7am and 6pm Monday to Friday is at odds with the restrictions set out within the referenced Court Order, a copy of which accompanies the appellants submission.

Whilst I acknowledge that it is the applicant's intention to connect to the electricity mains supply following a determination on this appeal, I am also cognisant that there is no certainty in this regard.

In my view, the findings of a Noise Assessment Report which accompanies this application should not be given weight in determining noise impact in this case, as the assessment undertaken does not sufficiently addresses the criteria normally applied in such an assessment.

I note that whilst the Environmental Noise Guidance for Local Authority Planning & Enforcement Departments which issued by the Association of Acoustic Consultants of Ireland in 2021 is not a statutory Code of Practice, it is a relevant guidance document in assisting with matters raised on noise impact.

There are no national mandatory noise limits relating to development projects. Most environmental noise guidance documents issued across Europe derive limits from guidance issued by the World Health Organisation (WHO). The time, place, nature of the sound and people affected by noise generated, requires consideration in determining likely impacts as a result of environmental noise. In this case, the local noise environment is rural in character with the predominant noise source being road traffic along the adjacent regional road and natural sounds through birds and wind. The source of noise within the subject site is derived from operations associated with the farmyard including the use of a generator, power washer, tractor, other machinery, repair of machinery (welding) and the housing of livestock.

The A-weighting referred to within the appellants appeal, is a standard approach to noise measurement in all sound level meters and is mandated by the international standard IEC 61672. It is to be fitted to all sound level meters and allows the measurement of noise levels which are representative of the noise frequencies that humans can perceive.

I am cognisant that the proposed works relate to an already established farmyard. I note that no evidence has been provided which shows that any intensification of use including the use of additional tractors, additional agricultural facilities and livestock numbers will result in a significant negative impact on the appellants residential amenities due to noise. While I acknowledge the close proximity of the subject site and associated operational activities, lying immediately adjacent to the appellants private garden and c.24m east of the appellant's dwelling house, I am of the view that the raised concerns in regard to the generation of noise by the applicant's use of a generator lie outside of the planning process.

In regard to noise generated by large vehicles and machinery, owing to the layout of the subject farmyard, and utilisation of a long-established farm entrance and internal access, located in excess of 10m from the common boundary to the east and c.24m west of the appellants house, and that the proposal would not generate significant traffic volume, coupled with the location and footprint of the appellant's dwelling house at the SE corner of the adjoining site, I further consider that the development would not generate large traffic volume and that large vehicles and machinery would not give rise to significant noise impacts such that it would unduly impact on the appellants residential amenities.

On balance overall, given the nature and scale of the development sought for retention and subject to compliance with the restricted hours as imposed by the District Court Order, I am of the view that the activities likely to give rise to noise and cause nuisance would be regulated and continue to operate such that the proposed development would not have a significant negative impact on the residential amenities of the appellant's property or cause undue nuisance. In light of this and in the event that the Board was minded to grant permission, I recommend that a similar condition be attached, as given by the PA in its decision which makes clear that sound pressure levels shall not exceed the thresholds of 55 dBLAeq, 15min (daytime) and 45 dBLAeq, 15min (night time).

#### 7.2.2 Visual Impact

In a general context, the Landscape Character Assessment Map for Kildare as set out within the CDP, designates the site and surrounding area as a Class 1 'Low Sensitivity' area, with the potential to absorb a wide range of new developments without significant adverse effects on the appearance or character of the area. Whilst there is no doubt that the applicant's removal of the eastern (lateral) boundary which adjoins the appellant's site has resulted in a change to the appellant's site context and issues in relation to preventing the breakout of farm animals into the appellant's garden, I note that agreement could not be reached between both parties in respect of the applicant's proposal to undertake replacement planting. For clarity, I note that a minimum of 1.4m separation distance is shown between structures sought for retention and the site's eastern boundary.



In my view, the planting plan proposed along with a stock proof fence along this boundary would sufficiently mitigate any visual impact and provide a natural and secure screening barrier between both properties which would allow for the development to integrate successfully into the site and its adjoining lands. I am satisfied that the matter can be addressed by condition, should the Board be minded to grant permission.

#### 7.2.3 Overbearance and Loss of Privacy Issues

It is my view, whilst cognisant of the site size and site context, that the proposed works are not outside the scope of what is typical and generally accepted in a rural area. Given the spatial separation distance between the appellant's house and the structures sought for retention, the design and orientation of the cattle shed, with a 6.67m maximum overall height and 2m setback from the common boundary (east) and with no openings on its eastern façade, and subject to the undertaking of appropriate planting along the shared boundary, I am satisfied that the proposed retention works would not significantly overbear the appellant's property or give rise to a loss of privacy by virtue of overlooking.

#### 7.2.4 Potential for Loss of light

I note that no comprehensive sunlight/daylight analysis was provided. That being said, in reviewing the drawings submitted and in noting the large extent and configuration of the appellant's private rear garden with an approximate depth of 26m between the southern end of their rear garden and the proposed shed structure, I am of the view that while there would be a small degree of overshadowing within a portion of the appellant's private garden in the evening, the impact would be slight or imperceptible. The appellant's rear garden would continue to enjoy good levels of sunshine throughout the day without overshadowing effects for the most part, save for a shadow in the evening cast from the shed structure. I therefore do not consider the impact to be so significant as to warrant a refusal.

Furthermore, owing to the siting and in excess of 40m spatial distance between the appellant's house and the proposed shed structures sought in this case, I am satisfied that there would be no decrease in sunlight or daylight entering the appellant's house as a result of the proposed development works.

#### 7.2.5 Lighting Impact

I noted on site visit that no light fitting is affixed onto the eastern elevation of cattle shed which immediately adjoins the site's eastern boundary and the appellant's private (rear) garden. There is a light fitting mounted onto the existing straw bedded loose house which faces east, and is setback approximately 12m from the lateral boundary. Also, an additional light fitting is mounted onto the southern (front elevation) of the farm building which is denoted in orange on the applicant's site layout map, providing lighting to the front area of the farmyard. I note from aerial photography that the later light has been in place since at least 2009.

In my view, it is reasonable to accept that a level of lighting is necessary within the farmyard. I am satisfied that the matter of light overspill onto the appellant's garden can be suitably addressed by way of condition. In this regard, should the Board be minded to grant permission, I suggest that a suitably worded condition be attached which requires that all external lighting be directed (and cowled) onto the farmyard so as to reduce, as far as possible, the light scatter over the appellant's property and the adjoining regional road.

#### 7.3. Impact on Water Quality

There is an existing stream which flows along the northern boundary of the site and extends along the outer (eastern) boundary of the appellants adjoining site. A hard standing permeable area within the applicant's site, adjoins this watercourse. This stream connects with the River Shean. The appellant raises concern on impacts on the water quality of the stream given the proximity of the underground storage tank, (denoted as slurry storage 2 on site layout map) to the stream. As previously stated, given that the underground tank is of reinforced concrete construction and designed such that there would be no overspill or leakage, with a spatial separation distance of approximately 10m from the stream, I am satisfied that the proposal, subject to ongoing compliance with the GAP regulations would not have a negative impact on water quality.

#### 7.4. Drainage and Water Quality Matters

##### 7.4.1 Site Drainage

In the outset, I wish to note that all waters falling within the boundary of the site are required to be managed within the site and not flow in an uncontrolled manner into a neighbouring property. In addition, all slurries, soiled waters and effluents as defined within the EC Good Agricultural Practice for the Protection of Waters Regulations, 2022 as amended (also known as the GAP Regs, 2022) are required to be held and managed in such a way as it complies with legislative requirements under the GAP Regs, 2022 before being spread on land.

The PA's attachment of conditions (notably conditions 5, 6 & 7) relate to the appropriate control and management of clean waters, contaminated waters, animal slurries, farmyard manure and fuel. The operator of the site is required to comply with the provisions of the GAP regulations.

Accordingly, I am broadly of the view that subject to the continued operation of the farmyard in accordance with the GAP Regs, 2022 and the attachment and subsequent implementation of appropriate conditions, that there would be no runoff or associated impact on the appellant's site or on other adjoining lands and no waterlogging within the site. I propose to consider the matter of effluent seepage and runoff further in the below paragraphs.

#### 7.4.2 Effluent Seepage

The plans and particulars provided show that there are 2(no) slatted underground effluent tanks within the applicant's site. As per dwg no. 275/23 – Section B-B and Section C-C, both tanks are of reinforced concrete construction and are to The Department of Agriculture standards. The sizing of these tanks are Effluent Tank B (4.1m x 22.8m) with a 2.4m depth & Effluent Tank C (4.1m x 18.1m))] with a 2.4m depth.

The combined net capacity of the site's two effluent underground tanks is 369m<sup>3</sup>. The larger underground tank (slurry storage 2) with net capacity of 205.7m<sup>3</sup> and unroofed was constructed in 2019 and is setback 1.4m from the common boundary with the appellant's property. The smaller tank (slurry storage 1) with net capacity of 163.6m<sup>3</sup> was constructed in 1982 and is setback within the applicant's cattle shed.

The applicant's farm waste management plan (Farmer Full - Fertilizer Plan 2024) indicates that the required farm slurry storage volume (287.8m<sup>3</sup>) is 81.5m<sup>3</sup> below the storage capacity available in the existing tanks. It also details that there is a surplus of

103.7m<sup>3</sup> of farm yard manure (FYM) storage available. I note that no issue was raised by the Environment Section, Kildare County Council in respect of the details given.

Whilst I accept that the larger, unroofed underground tank (slurry storage 2) is within close proximity to the appellants property, being 1.45m to the common boundary, it is important to note that separation distance is not a reason on its own to warrant a refusal on the grounds of effluent seepage.

The applicant has provided sufficient details which demonstrate that all contaminated water, including channelled water from the silage slab will be piped to the underground tank, in which retention is sought.

Based on the plans and particulars submitted, including dwg. no. 275/23 and Farmer Full - Fertiliser Plan 2024, I am of the view that the design of the effluent underground tanks are leak-proof, contain sufficient capacity and are designed to prevent any overflow(s) or direct discharges. I therefore see no reason to dispute the details provided on behalf of the applicant. I am satisfied that subject to ongoing maintenance and compliance with the GAP regulations that there would be no effluent seepage arising from this development onto the appellant's property.

#### 7.4.3 Potential for Runoff of Uncontaminated Water into appellant's property

The appellant has not provided any compelling evidence to support their contention that there is insufficient drainage, flooding and runoff onto their property. While the farmyard is concreted, the surrounding area within the site is permeable and allows for soakage, being overlain on visian limestone. The photographic details within exhibit 4 of the appeal submission show standing water which resulted from the lack of land management practices following the removal of the site's eastern boundary. While on site visit, I observed no evidence of surface water runoff or effluent seepage onto the appellant's property.

The applicant's Site Layout Map makes clear that all clean, uncontaminated surface waters will discharge to ground and to an adjoining stream along the site's northern boundary. Furthermore, the operator of the site is required to comply with the provisions of the GAP Regs 2022. This places a requirement on the operator of the subject farm to ensure that clean waters falling on roofs are collected in gutters and discharged to surface waters or groundwaters directly without coming into contact with effluents or slurries.

In light of the above, I concur with the findings of the PA that the site's drainage system is acceptable and that it would not negatively impact on adjoining lands.

#### 7.4.4 Water Quality

In responding to a concern on water quality, as previously stated, the plans and particulars provided demonstrate that there would be no effluent seepage into an adjoining stream, which flows approximately 10m (at its closest point) from an effluent tank (Slurry Storage 2). Also, the site's underground tanks are constructed of reinforced concrete and therefore, are so designed as to prevent any effluent overflow or spillage. Based on the information provided, I am of the view that there would be no water contamination within the adjoining stream as a result of the proposed development. The matter of on-going maintenance and continued compliance with the GAP Regs, 2022 lies outside of the remit of this case. I therefore consider that the development if permitted would not pose a risk to water quality, subject to continued compliance with the GAP Regs, 2022.

#### 7.4.5 Roadside Drainage

I note the opposing views of the parties in respect of the site's roadside drainage. Having considered the details provided and given that ground levels at the site entrance fall slightly from adjoining road into the site, I would concur with the PA that the site's entrance can accommodate suitable drainage without any discharge to the public road. In the event that the Board is minded to grant permission, I suggest that a suitably worded condition be provided which requires that no water shall be allowed to discharge onto the public road or adjoining third-party lands. The attachment of such a condition to a permission granted is legally binding, with the onus on the applicant/developer to ensure full compliance and the PA has statutory powers in the enforcement of same.

#### 7.5. Procedural & Other Matters.

7.5.1 Having reviewed the details provided by both parties, I am satisfied that sufficient information has been provided to assist the Board in making a decision on this case. The applicant is required to comply with Department of Agriculture, Food & the Marine

regulations in relation to numbers of livestock to be housed and storage of waste (including calf dung) and this matter can be further addressed by way of condition to this permission. Matters of concern raised in relation to the potential for the proposed development to give rise to the spread of disease(s) and planning enforcement matters lie outside of the Board's remit in deciding on this case. In respect of the need for fairness and impartiality in decision making, I confirm that this assessment represents my de novo consideration of all planning issues material to the proposed development.

7.5.2 In regard to the issue of the location of the shared boundary, I note that applicant does not disagree with the appellant on the location of the site's eastern boundary. Based on the plans and particulars provided and following a site visit, I am satisfied that all works which are the subject of this application are located within the applicant's site boundary. Notwithstanding, all related matters in determining land ownership are not ones for An Bord Pleanála. When disputes arise in such instances, it is considered that they are matters for the Courts to determine. Furthermore, if the Board is minded to grant permission, it can do so knowing that the permission is subject to the provisions of Section 34(13) PDA.

7.5.3 There is no legislative requirement for the appellants consent in the making of this application under Section 34 of the PDA. For clarity, references made within the appellants appeal submission in this regard pertain to the undertaking of exempted development under article 6 [Class 6, Part 3, Schedule 2] of the Planning & Development Regulations 2001 (as amended).

7.5.4 I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.5.5 Overall, I consider that the proposed development and the regulation of the subject site in its entirety is a matter that falls under Section 34 of the PDA and compliance on an on-going basis with such permission(s) as granted, relevant codes of practice, standards and regulations. In this regard, I am of the view that to permit the development as proposed would be consistent with the PA's requirements on

agricultural structures set out within Objective RD O5 of the CDP and would be consistent with the principles of proper planning and sustainable development.

## **8.0 AA Screening**

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 any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works within an established farmyard, including that all soiled water would be contained within a sealed system of underground effluent storage tanks.
- Location - Distance from nearest European site and lack of any direct connections. This site is within a rural area, approx. 9.2km as the crow flies northeast of the River Barrow and River Nore SAC (002162) (at its nearest point to this site), being the nearest European site.
- Taking into account the PA's screening determination.

## **9.0 Recommendation**

Having regard to the foregoing it is recommended that permission be granted for the proposed retention of development works sought, subject to conditions.

## **10.0 Reasons and Considerations**

Having regard to the nature, scale and extent of the proposed development and to its location and relationship within an established farmyard, it is considered that the proposed development is in accordance with adopted local policy and objectives of

the Kildare County Development Plan 2023-2029, most notably Objective RD O2 in facilitating agriculture development at an appropriate rural location, it would not pose a significant risk to the environment or have any significant negative effects on water quality and it would not have a significant negative impact on the residential amenities of adjoining property, subject to compliance with the conditions set out below. The proposed development therefore would be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. 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. (a) A detailed Boundary Treatment Scheme for the full extent of the site's eastern boundary, undertaken by a suitably qualified person, shall be submitted to, and agreed in writing with, the planning authority within 3 months of this decision. The approved Boundary Treatment Scheme shall provide a screen along the eastern boundary consisting predominantly of hedging and trees of indigenous species along with appropriate stock-proof fencing. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the decision of this permission.

(b) Any planting which dies, is removed or becomes seriously damaged or diseased, within a period of five years from the date of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.



**Reason:** In order to screen the development, in the interest of visual amenity and residential amenity.

3. The development hereby permitted shall be used for agricultural related purposes only. The structures permitted shall not be used for any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

4. 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.

5. (a) Within 3 months of the decision date, a management schedule for the operation of the slatted shed shall be submitted to the planning authority.  
(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.

7. Within 90 days of this decision, the applicant/developer shall carry out works at the site's vehicular entrance as shown on the submitted plans and particulars, received by the Planning Authority on the 30 July 2024 and to the written satisfaction of the Planning Authority.

**Reason:** In the interest of road safety and the proper planning and sustainable development of the area.

8. (a) Roadside drainage shall be provided at the entrance which shall discharge to soakways or water system on site, unless otherwise agreed with the Planning Authority.

(b) The roadside drainage along the road frontage shall not be impaired and no surface water runoff from the site shall be discharged onto the public road.

**Reason:** In the interest of traffic safety and to prevent interference with existing roadside drainage.

9. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or ground waterbody, the Planning Authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the Planning Authority.

**Reason:** In the interest of public health.

10. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

**Reason:** In the interest of public health.

11. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

**Reason:** In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

12. 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.

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

13. Noise arising from operational activity on this site shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed the following limits:

(a) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time, and

(b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.

**Reason:** In the interest of public health and proper planning.

14. External lighting shall be directed onto the farmyard and away from adjacent housing and road. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

**Reason:** In the interest of residential amenity and traffic safety.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within 3 months of the decision date of this permission or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application or the terms of the Scheme shall be agreed between the planning authority

and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Paula Hanlon

Planning Inspector

29 May 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	320690-24
<b>Proposed Development Summary</b>	Retention of farm buildings.
<b>Development Address</b>	Ballysooghan North, Rathangan, Co. Kildare
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p>	

<b>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)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Template 2: Standard AA Screening Determination

### Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
Brief description of project	Retention of farm buildings and associated works			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site (0.44ha) relates to an established farmyard located in a rural area in the townland of Ballysooghan North, approx. 1.2km northwest of Rathangan, Co. Kildare. An existing stream which connects with the River Shean and which subsequently connects into the River Barrow (SA C) adjoins the site. All uncontaminated water to discharge to ground or to adjoining stream. All contaminated water to be discharged/stored within reinforced concrete underground effluent tanks.			
<b>Screening report</b>	N			
<b>Natura Impact Statement</b>	N			
<b>Relevant submissions</b>	Matter of water quality raised in appeal submission.			
[Additional information]: *where relevant and appropriate.				
<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
River Barrow and River Nore SAC (002162)	Estuaries [1130]	Approx. 9.5km (as the crow flies)	Potential hydrological link	Y



	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</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>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>			
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	<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p><a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a></p>			
Pollardstown Fen SAC (000396)	<p><i>Calcareous fens with Cladium mariscus and species of the Caricion davallianae</i> [7210]</p> <p><i>Petrifying springs with tufa formation (Cratoneurion)</i> [7220]</p> <p><i>Alkaline fens</i> [7230]</p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><a href="https://www.npws.ie/protected-sites/sac/000396">https://www.npws.ie/protected-sites/sac/000396</a></p>	Excess 11km of	There is no feasible impact pathway(s)	N
Mouds Bog SAC (002331)	<p><i>Active raised bogs</i> [7110]</p>	Excess 11km of	There is no feasible impact pathway(s)	N

	<p><i>Degraded raised bogs still capable of natural regeneration [7120]</i></p> <p><i>Depressions on peat substrates of the Rhynchosporion [7150]</i></p> <p><a href="https://www.npws.ie/protected-sites/sac/002331">https://www.npws.ie/protected-sites/sac/002331</a></p>			
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

- Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

**AA Screening matrix**

Site name Qualifying interests (QIs)	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>River Barrow and River Nore SAC (002162)</p> <p><u>QIs</u></p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p>	<p>Potential Hydrological link - An adjoining stream which runs along the site's northern boundary and approximately 10m to the east of the site connects with the River Shean, which connects with the River Barrow (designated SAC).</p> <p>Given that all soiled waters generated on site would be contained within a sealed system with no leakage or overspill, coupled with the separation distance (in excess of 9km as the crow flies) and level of dilution, the proposed development is not likely to have any significant effects on the conservation objectives of this SAC.</p>	<p>Potential to undermine conservation objectives related to water quality.</p>

<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p>		
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<div>Petromyzon marinus (Sea Lamprey) [1095]</div> <div>Lampetra planeri (Brook Lamprey) [1096]</div> <div>Lampetra fluviatilis (River Lamprey) [1099]</div> <div>Alosa fallax fallax (Twaite Shad) [1103]</div> <div>Salmo salar (Salmon) [1106]</div> <div>Lutra lutra (Otter) [1355]</div> <div>Trichomanes speciosum (Killarney Fern) [1421]</div>		
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* N	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<div>I conclude that the proposed development (alone) would not result in likely significant effects on any European site(s), including the River Barrow and River Nore SAC (002162). 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.</div> <div>No mitigation measures are required to come to this conclusion.</div>		

Appendix 3		WFD IMPACT ASSESSMENT STAGE 1: SCREENING	
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-320690	Townland, address	Ballysooghan North, Rathangan, Co. Kildare
Description of project		Retention of farm buildings and associated works.	
Brief site description, relevant to WFD Screening		The site is located in a rural area. The ground levels across the site are generally level. The site is not located within Flood Zones A and B and is within an area overlain on viséan limestone and shale as listed on GIS available mapdata. An existing watercourse (stream) lies adjacent to the site's northern boundary and meanders along an adjoining site to the east of the subject site, approximately 10m to the east of the site. The stream is a tributary of the River Shean, which eventually flows to the River Barrow, in excess of 9km (as the crow flies) from the site.	
Proposed surface water details		Clean water via gutters, downpipes to soakways and to nearby watercourse. Soiled waters to sealed underground effluent storage tanks.	
Proposed water supply source & available capacity		Public supply	

Proposed wastewater treatment system & available capacity, other issues			Underground effluent storage tanks.  The larger underground tank (slurry storage 2) has a net capacity of 205.7m <sup>3</sup> and is located approximately 10m to the east of the adjoining stream. The smaller tank (slurry storage 1) with net capacity of 163.6m <sup>3</sup> is located within the site itself.			
Others Matters			The applicant is required to comply with GAP regulations.			
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
Stream which connects into River Shean	Adjoins northern site boundary & is 10m to the east of the site	SLATE_070 [Code: IE_SE_14S0 10300]	Moderate	At risk	Hydromorphology (Channelisation and Land Drainage), Urban Wastewater Discharges and	Clean Surface water run-off, drainage

						Organic Pollution from a peat extraction industry  Agriculture not listed	
<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 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	[Noted: Application relates to	SLATE_070	Potential for hydrological	Surface water pollution / spillages into	None	No	Screened out – Application is a retention application.



	retention permission]	[Code: IE_SE_14S0 10300]	pathway / indirect impact	adjoining stream			
OPERATIONAL PHASE							
3.		SLATE_070 [Code: IE_SE_14S0 10300]	Potential for hydrological pathway / indirect impact	Surface water pollution / Hydrocarbon spillages and/or soiled water (slurry, manure) spillages into adjoining stream	None	No	Screened out [Refer determination within Section 5.8 above.
4.							
DECOMMISSIONING PHASE							
5.	N/A						