



An
Bord
Pleanála

Inspector's Report

ABP-320708-24

Development	Construction of a cattle house with slurry tank, machinery storage shed and all associated site works.
Location	Toomore, Goleen, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24/310
Applicant(s)	George and Margaret Whitley
Type of Application	Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	John Morehart
Observer(s)	None
Date of Site Inspection	13 th February 2024
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The subject site of 0.26ha is part of 13.5ha holding and is located in a rural coastal area. The proposed development site is in the townland of Toormore and relates to an active farmyard as part of a suckler farm. It is accessed off the R592 via a private cul-de-sac road of c.300m which also serves a dwelling near its junction with the R592 and another dwelling house to the south and adjacent to the farmyard. This is owned by the appellant. Other farmlands are in the townland of Cove about 1.5km away.
- 1.2. The site and land holding are within the Toormore 010 waterbody which is classed as being of 'good' status. At time of inspection the farmyard sheds were occupied by livestock and calving was underway. The yard was clean and there was no sign of any other business operation on site. The adjacent dwelling had a padlocked gate and the appearance of not been presently occupied. Views of the dwelling curtilage in addition to the subject site are attached in the site inspection photographs. The planning authority response also includes photographs and a site layout map of the adjacent property.

2.0 Proposed Development

- 2.1. The proposed development consists of 218sq.m. of floor space in addition to 971 sq.m. (28sq.m of this is to be demolished). Section 6 of the application sets out farm details with an appended list of farm structures. The proposal comprises:
 - Construction of a cattle house of 137 sq.m. (for an additional 8 cows and 8 calves) – a Class 6 development under the Planning and Development Regulations, (PDR.)
 - A slurry tank of 102 cubic metres
 - A farm machinery storage shed of 81 sq.m. – a Class 9 development, PDR
 - All associated site works which include landscaping /tree planting along north and eastern development site boundaries.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By Order dated 4th August 2024 the planning authority (PA) decided to Grant Permission subject to 20 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

- Notes the long-established farmyard use in the vicinity for the applicant's home and farmlands. A detailed planning history is provided in respect of the farmyard and potential enforcement-related matters as well as details of the planning history of the adjacent residential property (Appellant).
- Both third party observations are considered and no appropriate assessment issues are determined to likely arise. Having regard to these matters and particularly the considerations of the Environment Report together with the provisions of the development plan which are cited in detail in respect of landscaping, rural character and water resources, the proposed development is considered acceptable subject to conditions which include those recommended by the internal technical divisions.

3.2.2. Other Technical Reports

Area Engineer:

- No sightline issues and no objection subject to 4 conditions.

Environment: this is a detailed report about farming nature and extent concluding no objection subject to 15 conditions. The following is noted:

- The proposal is served by a private well and uncontaminated rainwater is to be discharged to a surface water drain and on-site soakaway,
- The nearest dwelling is 37m away and the proposal will not bring current activities any closer to this dwelling

- The increase in livestock farming is considered modest (increase from 12 to 16 cows and growing of 130 bales of grass silage) with a stocking rate of 105kg of Nitrogen/hectare well below 170kg N/Ha.
- The nearest water course is 41m away and there will be no open soiled yards.
- The development is required to be in accordance with S.123 of Minimum Specification for Bovine Livestock and Reinforced Tanks –
- All slurry, soiled water and silage effluent with discharge to the existing and proposed slurry tanks and all animals are housed on site with sufficient slurry and effluent storage capacity.
- The Toormore waterbody noted to be 'good' status but not monitored by the EPA. Subject to adherence to good practice no new risk is expected.
- Phosphorus levels are noted to be low while Nitrate levels are high but overall the land holding is considered to be sufficient to accommodate the proposed animal numbers.
- The proposed works are stated to comply (by condition) with EC (Good Agricultural Practice for Protection of Waters) Regulations 2022. (The Nitrate Regulations.)
- The report notes the submissions and concerns regarding environment, ecological issues and water quality impacts in the respective regulatory contexts. Concerns are also noted regarding the farm intensification, lack of justification for farm storage, and insufficient lands to support the proposal having regard to environmental impacts.
- The additional storage offsets adverse weather conditions
- The 4km distance by road to Cove lands is not considered excessive for land spreading purposes.
- It is noted to be within the curtilage of an existing yard and will not bring activities any closer to the neighbouring property.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Two letters of objections were submitted and considered by the planning authority in both the environmental report and the planning report. The issues are reiterated in the grounds of appeal

4.0 Planning History

4.1. The site:

- PA Ref 19/00021 – permission for extension for an agricultural machinery shed on site
- PA ref 16/0154 – permission for cattle house with slatted tank and machinery storage shed

4.2. Adjacent dwelling site:

- PA refs: 89/2573 and 89/3823 - permission for septic tank and domestic extension.
- PA ref: 03/6194 - permission for retention for change of use of stable to boathouse and renovation of stone building and its use as a studio.
- PA ref: 10/0173 - permission for demolition of extension and construction of new extension to dwelling.
- Enforcement files concerning deviations from permissions relating to change of use of boathouse to habitable accommodation and construction of glasshouse
- PA ref 24/0136 - permission for retention of alterations to dwelling house and change of use in ancillary boathouse and studio to ancillary accommodation subject to conditions requiring single occupancy. Total floor area of 453sq.m.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The CDP sets out objectives pertaining to Biodiversity, sustainable agriculture, road safety, water quality management and visual amenity in sensitive landscapes. These are cited in detail in the planner's report. Of note:

- The site is located in a ‘Tourism and Rural Diversification Area.’
- The policy for Agriculture and Farm Diversification is set out in section 8.16. A key element of the County’s strategy to protect and enhance the County’s rural areas is to provide support and encouragement for a dynamic, innovative, and sustainable agriculture and food production sector. Objective EC8-15 applies: Subsection (a) seeks to ‘Encourage the development of sustainable agriculture and related infrastructure including farm buildings.’
- The road from which the private road is accessed is a designated scenic route and the site is within an area designated as “High Value Landscape”.
- Green Infrastructure - Amenity objectives include GI 14 -7, GI 14-12, 14, 13 GI.
- Of note is GI14-9: Landscape
 - Protect the visual and scenic amenities of County Cork’s built and natural environment.
 - Landscape issues will be an important factor in all land-use proposals, ensuring that a proactive view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
 - Ensure that new development meets high standards of siting and design.
 - Protect skylines and ridgelines from development.
 - Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or their distinctive boundary treatments.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a protected site. The nearest sites are:

- Barley Cove to Ballyrisode Point SAC Site Code: 001040, c. 1.2km to the south west.
- Sheep's Head to Toe Head SPA (Site Code: 004156), c 3.5km to the north west on the other side of the peninsula.

6.0 Water Framework Directive

- 6.1. 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.
- 6.2. The development site is substantially within an established farmyard in a rural coastal area where there is evidence of extensive cattle and sheep grazing. The nearest waterbody is the coastal water of Roaringwater Bay which is stated to be 41m from the site. An existing surface water drain on the western side of the site discharges to a drain via gullies in the direction of this coastal area. To the east the coast is in the order of 50m from the eastern boundary and in the vicinity of an on-site soakpit.
- 6.3. There are no watercourses within or in close proximity to the site. The nearest river as mapped on the EPA maps is over 200m away and forms part of Toormore river catchment as part of the larger Bandon-Ilen catchment which discharges to the Roaringwater Bay. The hydrological connection is only possible through groundwater and the indirect impact on the Roaringwater Bay coastal waterbody in terms of potential to undermine the achievement of its Good Status.
- 6.4. The proposed development comprises a modest extension of farm buildings to use for an additional 16 cows/calves and associated slurry tank, together with a machinery store, all substantially within an existing farmyard complex with only a marginal encroachment of a greenfield and as part of a farm holding of 13.5 hectares.
- 6.5. Water quality concerns are raised in general terms by the appellant due to lack of monitoring by the EPA as noted in the PA Environment Report and lack of certainty of impact. From the EPA website I note the chemical composition flagged in the wider catchment indicates possible issues with the capacity of the treatment plant in Ballydehob which is some 20km along the coast. In terms of agricultural land and impact on water quality I note a White Flag status which indicates no present risk to water quality posed by the agricultural lands in the area.

- 6.6. 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.
- 6.7. The reason for this conclusion is based on:
- The small scale of works and nature of development in an existing farm yard complex which serves to collect, contain and remove slurry for the yard area,
 - The absence of any significant encroachment on separation distances from the existing waterbodies including coastal waters and compliance in this regard with the Department of Agriculture standards for such works (**S123 Bovine Livestock Units and Reinforced Tanks** - October 2022) as determined by the Environment Division of the planning authority.
- 6.8. 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. (Refer to Appendix 4 for screening matrix).

7.0 EIA Screening

- 7.1. The proposed development involves modestly scaled farm related development to extend both cattle facilities and farm machinery storage within an established farmyard setting in a rural area. The works do not involve rural restructuring or alterations to field boundaries. The proposed development is not a type listed under Schedule 5, Part 1 of the Planning and Development Regulations 2001 as amended. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (Refer to Appendix 1 for Preliminary Examination.)

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal have been submitted from local residents. The concerns raised are:

- The development constitutes an intensification of use with a direct impact on the immediate curtilage of his property as the farmyard activities are within 2m of the mutual boundary.
- Unwarranted impact on the local environment and residential amenities of the appellant's adjacent property.
- The scale of the development is not justified for the scale and nature of the farming activities on the 13.5ha landholding unless it is being used for non-farming uses. Farming activities can be catered for within the existing structures.
- Visual impact: The site is in an area of high scenic amenity and will also have a detrimental impact on visual amenities of the immediate and wider environs include that of his property this intrusion is unwarranted as previously stated.
- Consideration should be given to the cumulative impact of the subject proposal. It is submitted the full extent of farming enterprise activities have not been fully considered in terms of the planning history which is set out. Permission has already been permitted for an agricultural shed, a cattle house and slatted slurry tank and a machinery storage shed
- The impact on water quality is submitted to be understated and generalised in concluding no new risk given that there is no monitoring of the relevant waterbody by the EPA. Inadequate consideration has been given to this matter under the Water Framework Directive
- There has been no adequate assessment of land spreading for the purposes of the Habitats Directive or the WFD.
- There is no appropriate assessment screening report and the assessment by the planning authority is therefore flawed.
- The planning authority is more focused on the appellants planning history which is irrelevant as the extant property is submitted to be fully compliant, and more.

8.2. Applicant Response

In response, the applicant makes the following comments:

- Additional space is needed for an increase in cattle and this space need a tank for run-off. In additional the applicant's son has a farm and between them they have invested in farm machinery which needs storage due to harsh weather.
- The proposal has been carefully thought out and does not bring the farmyard works any closer to the neighbouring dwelling.
- The existing structures date from early 1900s and are no longer fit for purpose.
- The access road has long been in existence as a farmyard access and while providing a right of way, it pre-dates the neighbouring occupant's purchase of the residence.
- This relates to a establish farmyard and is required to increase number of animals and associated slurry storage for winter.
- The existing yard does not pose an environmental threat nor will the improved structure. The existing yard is well maintained in terms of run-off among other good practice measures.
- The other farmlands in the applicant's ownership are in a highly scenic and exposed area in Cove, Schull.
- Allegations of unauthorised commercial activity in the yard are untrue as are allegations of lack of care about the environment which is a serious consideration in all farming tasks.
- All planning applications have been completed through the proper channels.
- No (unauthorised) works have commenced.
- The third party development is a matter for the planning authority.

8.3. Planning Authority Response

8.3.1. In a letter to the Board received on 23rd September 2024 a planning report is appended and this addresses the grounds of appeal. The following comments are made:

- The appellant property is described in the context of proximity, scale and planning history and photographs are appended for clarity.

- The proposed subject cattle shed and farm machinery shed are noted to not be any closer in terms of activity to the neighbouring residence. The intervening features such as a high stone wall and trees and overall layout are emphasised
- It is also concluded that the proposal will not conflict with the Water Framework Directive or Habitats Directive
- With respect to alleged unauthorised non farming activity it is pointed out that no enforcement action has been taken and that on five separate visits to the subject site there was no evidence of any obvious of alleged commercial activities.
- It is requested that the appeal be dismissed having particular regard to the provision of the CDP for sustainable agriculture and the need for such in West Cork .

8.4. **Observations**

None

9.0 **Assessment**

9.1. **Issues**

9.1.1. Having reviewed the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are:

- Principle of development
- Impact on environment
- Landscape, siting and Visual Impact
- Impact on residential amenity
- Other Issues
- Appropriate Assessment

9.2. **Principle of Development**

9.2.1. The proposal relates to an extension of farmyard facilities of an existing and long established livestock farm and as part of a wider landholding which also includes

lands in another townland a few Kilometres away. In terms of supporting farming in the county I note the EC8-15 objective to support working farmers. In terms of land use, I note the surrounding lands are used for grazing and are clearly in active agricultural use which is consistent with the area being classified as a Tourism and Rural Diversification area. Protection and support of what is recognised as a strong agricultural sector is part of the CDP strategy to protect the rural area. It specifically encourages 'the development of sustainable agriculture and related infrastructure including farm buildings'. Accordingly, while intensification and expansion are acceptable in principle, permission is predicated on being sustainable in so far as the natural environment is protected in terms of both biodiversity and also in its role as a tourism resource.

- 9.2.2. In this context the strategy for partly redeveloping and adapting an existing yard to provide for a modest increase in livestock and farm machinery storage rather than creating a new build in a greenfield site is inherently sustainable in terms of protecting the agricultural land.
- 9.2.3. The appellant argues that the scale of the development is not justified on the basis of its proportionality to the farm holding. In terms of livestock numbers the scale is very small as noted in the PA Environment report and the sizing of this housing is largely governed by standards for agricultural structures and practice. The proposal is for a 200sq.m. increase which will provide for wintering accommodation which in view of climate change is a reasonable and understandable development supported in principle in the CDP objective EC8-15. In terms of farm machinery the appellant makes the case that it is being used for non-farming whereas the applicant explains that there is a need to store machinery in weatherproof conditions for lands in the family which include more visually exposed areas. The planning authority is satisfied having inspected the site on multiple occasions that there is no other business operating. Nor was there evidence of such activity during my site inspection. Such activity is restricted by extant conditions, and this is carried through in the planning authority order which also requires that the development be used by the applicant only. Given the family connections and possible potential for changes, an additional condition requiring specified lands reliant on such machinery storage should also serve to clarify the ancillary use. I see no reason in principle to refuse permission on

the basis of an anticipated other use. I consider the applicant has made a reasonable case such that the proposal is acceptable in principle.

9.2.4. Impact on natural environment

- 9.2.5. Aside from the residential amenity issues there is concern expressed about the environmental impact. In terms of ecology, I refer to the conclusion in respect of the screening for Appropriate Assessment. While the PA conclusion is disputed having regard to the absence of a Screening assessment report, I have concluded that no significant effects are likely on any European sites due to the absence of a viable connectivity. The impact on water quality is submitted to be understated and generalised and the conclusion of 'no new risk' is essentially disputed. This is addressed already within the context of my assessment under the Water Framework Directive.
- 9.2.6. In a wider context, the Development Plan is very much framed to protect the natural environment, such as in the statement, 'strengthening and enhancement of biodiversity and ecosystems is a fundamental of green infrastructure and is particularly relevant to the wider countryside/rural areas where it can have substantial impacts.' The policies and objectives in chapter 14 and 15 reflect this.
- 9.2.7. I note in particular the comments by the PA Environment Report which has regard to standards for slurry tank construction, (Dep. Of Agriculture, food and the Marine, Minimum Specification for Bovine Livestock Units and Reinforced Tank 2022). Section 5 of this document sets out guidance for siteworks such that reinforced tanks should not be less than 50m from any waterbody for new yards which I note is not the circumstances of this case. Accordingly, the required and relevant guiding standard is the reduced distance of 10m as it for extending facilities. A new yard with storage facility should be 60m from a private water supply and this relaxes to 30m for an existing facility. The submitted drawings (the rural place map) show the applicant's well beside their dwelling at the top of the private access road. Other water supply sources are not mapped but I note that the facilities do not come closer to the neighbouring property and I also note that the site layout for that property as provided by the planning authority does not include a well and that the application

form as available on the planning authority website states that the house has an existing connection to public mains.

9.2.8. In terms of vulnerability, I note that the lands are within a white flag area in terms of targeting agricultural measures as mapped on the EPA website. These lands are accordingly in an area not considered as a significant pressure on water quality. While I note the poor aquifer and ground water vulnerability in the maps shown in the Environment report, I consider in view of the existing and proposed scale of development that the requirement of a 300m separation from a water supply source is not triggered. It is still important however to ensure precautionary measures are taken to prevent pollution and protect water quality. Accordingly, the measures proposed in the Environment Report are I consider appropriate.

9.2.9. In terms of intensification, the submitted details in relation to cattle numbers and overall landholdings demonstrate a relatively small-scale operation whereby an additional total of 8 suckler cows and 8 calves are required to be housed over wintering periods as part of 13.5ha landholding. The proposal includes provision of an additional effluent storage tank which will improve facilities and will also facilitate compliance with best practice in accordance with European Union (good Agricultural Practice for Protection of Waters Regulations 2022 (SI No. 113 of 2022)). Provision is also made for including soiled water from yards to be discharged to the slurry tank and separate soakpit for uncontaminated run-off. The stocking rate is small scale, and the nitrogen rates is well within acceptable limits. While this relates to a bandspreading and separately regulated, it does serve to indicate that the scale of the development is modest and unlikely to generate an adverse impact on the receiving natural environment. A condition to comply with the Department of Agriculture standards would serve to safeguard against pollution and protect public health.

9.2.10. I further note that the slurry tank is proposed as part of a shed in place of the straw bedded calf houses marked as numbers 4 and 5 in the drawing and that a small extent of ditch along the access road is to be removed and replaced by hard surfacing which is to be drained into an existing surface water drain that flows westward in the direction of the coastal water at around 41m away from the site. These measures provide for filtering and protection of water quality. I note the Environment Report has no issue with this subject to standard conditions. I do not

consider the loss of a short extent of ditch and hedge of less than 20m to have an adverse impact on biodiversity by virtue of its scale and extent and moreover by the proposed planting of indigenous trees along the northern and eastern site boundaries which extend to over 90m in length.

- 9.2.11. The applicant criticises the absence of an assessment of land spreading for the purpose of the Habitats Directive or the WFD, however this is a separate matter not strictly within the scope of this application. Notwithstanding I note the comment in respect the nutrient loading on the lands and that it has capacity to accommodate the scale of development within the relevant statutory parameters. The area I note is also consistent with the white flag status of the agricultural lands in the area.
- 9.2.12. On balance I consider the proposed development does not pose a significant risk of water pollution in the immediate or wider environment nor is it likely to undermine the objectives of the CDP in this regard.

9.3. Landscape, siting and Visual Impact

- 9.3.1. The site is located in an area classed as High Value Landscape and the road from which the site is set back over 300m is designated as a scenic route in the CDP. The approach road offers scenic sea views of the coast and the subject farmlands form part of this panoramic view. The proposed siting of the development is adjacent to existing structures whereby the proposed extended footprint of development is directly north of the cluster of buildings which are partly framed by a treeline backdrop. The siting and massing will not unduly impinge on skyline either horizontally or vertically as viewed from the private road from where the site is most visible. Views from the east across waters are obscured by intervening neighbouring house compound and mature cluster of trees. The visual impact will only be perceptible in near views from the private road. The additional planting of deciduous indigenous species will further visually assimilate the building cluster in both near and distance views. Accordingly, I do not consider the proposed development which also includes partial redevelopment of existing sheds in the yard will alter the landscape character to the extent that that it would undermine the high value landscape, nor would it in my judgment, detract from visual amenities of the area. Accordingly, it would not impinge on the preservation of the scenic route as

designated along the R592. In these circumstances it does not conflict with objective GI 14-9 in respect of Landscape as contained in the CDP. Accordingly, I do not consider there are reasonable grounds to refuse permission on the basis of loss of landscape character or serious injury to visual amenities.

9.4. Impact on Residential amenity

- 9.4.1. Visual impact: In addition to the wider landscape impacts which are addressed above, the appellant makes the case that the proposal will have a detrimental impact on residential amenity in so far as the development constitutes a visual intrusion as viewed from his property. It is further argued that it is unwarranted given the extant structures and scale of holding.
- 9.4.2. I note the proposed shed nearest the appellant's property will maintain the building line setback as exists by a shed that rises to about 5m. The proposed new shed which replaces two small sheds will rise to 6.6m and will I accept be of a much larger massing than the demolished sheds. However, in the overall complex context it is not out of character. I note the site layout of the appellant property in that the residence is some 37m from the farmyard boundary and set back out of view from the gate and buffered by a garage. The boathouse and studio accommodation while closer are ancillary to the principal residence and the conversion is a more recent development since the establishment of the farmyard. The main residence is further buffered by a large stand of trees and otherwise maintains an open coastal aspect. In terms of visual impact, I do consider the proposal to be unduly incongruous with the pattern of development to the extent that it seriously residential injures visual amenities of this predominantly agricultural area.
- 9.4.3. It is suggested that the farming activities can be catered for within the existing structures. In view of the foregoing about the modest scale of development for an established farmer I do not consider any further details justifying the increased facilities is necessary.
- 9.4.4. It is further submitted that the proposed development constitutes an intensification of use with a direct impact on the immediate curtilage of his property given that the farmyard activities are within 2m of the mutual boundary. In this regard I note that the existing straw beds and structures are to be replaced with a single enclosed shed to

current standards and the tank is sited at the northern end away from the residence which is buffered by its own ancillary garage structures and mature trees. (see site layout submitted as part of the PA response). Critically, the proposal is not bringing the farmyard activities closer and while there will be some intensification associated with additional slurry storage and intermittent odours associated with tank agitation for example, I consider that subject to good practice which can be embedded in conditions of permission, this is reasonable for an established farm. I note the clean yard and housekeeping practices (cleaning boots and signs and such like) which was evident during my unannounced site inspection. At this time, there was no apparent evidence of poor yard management which supports the claims of good practice in this regard by the applicant. Accordingly, I do not consider the proposed development is likely to unduly detract from residential amenities in this agricultural area. In terms of conditions I note the PA include measures for vermin, odour and dust control and I recommend to include these in otherwise standard conditions normally pertaining to such development.

9.5. Other Issues.

- 9.5.1. The appellant is concerned that the machinery store could be for non-farming and commercially used independent of the farming activities of the landholding. It is submitted by the appellant that the full extent of farming enterprise activities has not been fully considered in terms of cumulatively impact having regard to the planning history which is set out. During my site visit, there was no evidence that the buildings were used commercially and unrelated to the farm. In my opinion, in the event of a grant of permission, conditions can be reasonably attached restricting the use of the building to farming only. I recommend for clarity that the applicant be requested to submit details of the landholding to which the machinery is ancillary.
- 9.5.2. The planning authority is submitted to more focused on the appellant's planning history which is submitted to be irrelevant as the extant property as it is stated to be fully compliant and more consideration should be given to the cumulative impacts of the subject proposals. I consider the history is relevant in so far as establishing the pattern of development and juxtapositioning of authorised development to I have referred in my foregoing assessment. I am satisfied that I have reviewed the

proposed development based its merits within the scope of the Planning and Development Acts.

10.0 AA Screening

- 10.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 10.1.2. The subject site is not located in or adjacent to any European site. The nearest site is Barley Cove to Ballyrisode Point SAC Site Code: 001040 1.2km to southwest of the site.
- 10.1.3. The proposal is for an extension to cattle housing and slurry tank facilities in addition to a farm machinery store at an existing yard with connections to a private water supply. As the management of the slurry landspreading is regulated by the GAP Regulations the issue of pollution in this regard is otherwise regulated. Accordingly, screening for indirect impacts via the slurry in the tanks is I consider outside the scope of this application. Other sources of contamination from soiled run-off and silage effluent are also managed by way of being collected in the slurry tank. Only clean water discharges to the east to the soakpit and to existing drain via gullies which flows to the west. The housing of machinery also protects from contamination from run-off from machinery stored outside in the yard. In terms of the receiving environment the site is not within or directly hydrologically connected to the SAC. Having regard to the nature and scale of development, indirect connection would be imperceptible via the coastal waterbody which is less than 50m from the site and some 3km via these waters which would have considerable assimilative capacity relative to any potential pollutant discharges, if any, from the site.
- 10.1.4. Accordingly, 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 European Site. The reason for this conclusion is as follows:
- The small scale of and nature of development in an established farmyard facility with no evidence of pollution risks.
 - Its remoteness and from any European site and lack of meaningful connections to same.
 - The considerations of the planning authority in its screening assessment.

10.1.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

10.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend that decision of the planning authority be upheld and that permission be granted for the proposed development based on the following reasons and considerations and subject to the conditions hereunder.

Reasons and Considerations

Having regard to the established nature of the farmyard and ancillary facilities and the pattern of development in an agricultural area and notwithstanding the location of the subject site within a scenic rural area of County Cork and in an area classed as a High Value Landscape in the Cork County Development Plan 2022-2028, it is considered that subject to conditions, the location and siting of the proposed development within and adjoining an existing farmyard complex would not unduly detract from the residential amenities of the neighbouring property, would not adversely impact on the visual amenities or landscape character of the area which includes a protected scenic route, would not give rise to pollution and would therefore be acceptable. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority, 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
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	<p>to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The use of the machinery storage shed shall be limited to agricultural use for the applicant only and the following shall apply:</p> <p>(a) the shed shall not be sold, let or otherwise transferred or conveyed, save as part of the overall landholding.</p> <p>(b) The building shall not be used for human habitation, animal housing or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.</p> <p>(c) Machinery shall be stored within the confines of the proposed building.</p> <p>(d) Details of the farmlands to which it is ancillary shall be submitted to the planning authority for prior written agreement.</p> <p>(e) Details of volume, type and method of fuel storage which shall be contained in a waterproof area and its disposal shall be in accordance with the requirements of the planning authority and submitted for prior written agreement.</p> <p>Reason: In the interest of clarity and orderly development, to ensure that the use of the building provides for activities appropriate to the rural area and to prevent pollution.</p>
3	<p>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.</p> <p>(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.</p>

	<p>(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.</p> <p>Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of waters.</p>
4	<p>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-</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p> <p>(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.</p> <p>(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.</p> <p>Reason: In the interest of environmental protection and public health.</p>
5	<p>The proposed development shall be designed, sited, 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.</p> <p>The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations.</p> <p>The land spreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned</p>

	<p>regulations.</p> <p>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.</p> <p>NOTE: Where 20% or more of the holding lies within one or more counties of higher storage requirement as specified the holding shall be deemed for the purposes of the European Union (Good Agricultural Practice for the protection of waters) (Amendment) Regulations 2022, as amended, to lie wholly within the county in relation to which the longest storage period is specified.</p> <p>Reason: In order to avoid pollution and to protect residential amenity.</p>
6	<p>(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.</p> <p>(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.</p> <p>(c) The management schedule shall provide for: the number, age and types of animals to be housed,</p> <ul style="list-style-type: none"> (i) arrangements for the disposal of slurry (ii) arrangements for the storage and disposal of manure and the cleansing of buildings and structures, including the public road, where relevant. (iii) measures for vermin control (iv) measures to minimise odour and dust outside the site. <p>Reason: In order to prevent pollution and in the interest of amenity.</p>
7	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains,</p>

	<p>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.</p> <p>Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.</p>
8	<p>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 groundwater body either at construction or operational phase, 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.</p> <p>Reason: In the interest of public health.</p>
9	<p>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</p>
10	<p>Details of the finishes of the proposed shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity of the area</p>

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

Suzanne Kehely

Senior Planning Inspector

26th June 2025

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP- 320708		
Proposed Development Summary	218sq.m. extension in floor area to existing farmyard building of 917 sq.m. by construction of farm buildings for small increase in livestock and additional storage of farm machinery. To include a slurry tank of 102m ³ and minor ancillary works.		
Development Address	Toormore, Goleen, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X No	Proceed to Q2
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No Screening required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? N/A			
Yes			
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? N/A			

Yes			
5. Has Schedule 7A information been submitted?			
No	x	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____

Date: 26th June 2025

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	218sq.m. extension in floor area to existing farmyard building of 917 sq.m. by construction of farm buildings for small increase in livestock and additional storage of farm machinery. To include a slurry tank of 102m ³ and minor ancillary works
Brief description of development site characteristics and potential impact mechanisms	The site is .26 of a hectare in a rural area and relates substantially to an existing yard and part of an adjacent greenfield area that is fenced off and accessed via a gate from the yard. It is part of a c. 13.5 hectare farm landholding which includes cows and calves. It is approx. 1.2km from the nearest European site across land and sea. It is over 3.5km along the shoreline from the site to the coastal waters that form part of the nearest SAC. Works involve minor demolition as part of the reconstruction and extension of cattle housing and provision of a slurry tank to collect and contain waste for slurry spreading (in accordance with Good Agricultural Practice and limits of the Nitrates Directive). All slurry, soiled water and silage effluent will discharge to existing and proposed slurry tanks. The works are for a modest expansion of existing facilities so as to accommodate an increase from 8 to 16 suckling cows and 8 to 16 calves. The works do not encroach existing setback distances from water courses. The containment of machinery rather than external storage protects from contamination of run-off. The proposed development would be unlikely to give rise to significant source impacts, given nature and scale of the development and considering the weak and indirect ecological connections such a via the site drainage/soak pit percolating to the

	groundwater into the river basin and coastal waters and having regard to the distance to the nearest European Site.			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	<p><u>Applicant</u></p> <ul style="list-style-type: none">Planning application form describes scale of farm. <p><u>Appellant:</u></p> <ul style="list-style-type: none">The application lacks an AA screening report and the PA failed to carry out proper screening and incorrectly considered Best Practice at stage 1. The PA also incorrectly relies on conditions of permission. <p><u>Observing party on application:</u></p> <ul style="list-style-type: none">cites Kelly v ABP [2014] in respect of the possibility of an effect for the purposes of the Habitat Directive and goes onto highlight the possibility of a lacunae of evidence generally. it is pointed out how the proposal is within the zone of influence of the Barley Cove to Ballyrisode Point SAC (Site Code - 001040) <p><u>Planning Authority primary report and Environment report:</u></p> <ul style="list-style-type: none">Screened out need for AA noting the absence of adverse impacts or obvious pathways.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance(km) from proposed development	Ecological connections ¹	Consider further in screening ² Y/N
Barley Cove to Ballyrisode Point SAC (Mudflats and sandflats not covered by seawater at low tide [1140]	Approx. 1.2km across land and sea	None There are no watercourses on site	N

Site Code: 001040)	<p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [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> <p>European dry heaths [4030]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p>Barley Cove to Ballyrisode Point SAC National Parks & Wildlife Service</p>		<p>providing a hydrological pathway to these water quality dependent habitats and species.</p> <p>The coastal waters are in the order of 50m from the site and this pathway is in the order of 3.5km.</p>	
Sheep's Head to Toe Head SPA (Site	<p>Peregrine (Falco peregrinus) [A103]</p> <p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p> <p>CO004156.pdf</p>	3.7km	None	N

Code: 004156)				
¹ Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ² if no connections: N				
Step 3. Likely effects of the project (if any, alone <u>or</u> in combination) on European Sites N/A <p>Due to location of development site within and adjacent to an established farmyard complex, where slurry, effluent and contaminated waters are collected and removed and also the presence of significant water and land buffers between the site and the nearest SAC and SPA, the proposed development is not likely to generate impacts that could affect anything other than the immediate area of the development.</p> <p>In terms of the SAC, possible construction related impact such as emission of pollutants, dust and deposition to surface water or percolation to ground water could give rise to an indirect connection to the immediate waterbodies. The drain to the west is intercepted by gullies, however I do not consider there to be any meaningful direct ecological connection or pathways to the coastal waters which are at a range of 41-47m away but separated by a distance of some 3km across coastal waters and provide a significant buffer to any ecological receptor within the designated sites. I therefore consider it highly unlikely that the proposed development would generate impacts of a magnitude that could affect this SAC or other European sites. At operational stage uncontaminated run-off is proposed to discharge to a drain and soak pit as is the present arrangement without evidence of an issue. Having regard to the surrounding greenfield condition and vegetation and the hydrological distance and to the level of dilution in the coastal waters, no impacts are likely.</p> <p><u>Likely effect in view of conservation objectives</u></p> <p>The construction or operation of the proposed development is not likely to result in impacts that could affect the conservation objectives of the SAC or SPA. Due to the</p>				

absence of any direct hydrological connection, there is no potential for any surface water run-off laden with silt or pollutants to enter the SAC or SPA. Furthermore, due to the distance and lack of meaningful ecological connections it is most unlikely that there could be changes in the ecological functioning in the vicinity of relevant receptor arising from any construction related emissions or disturbance.

In relation to any potential ex-situ effects on the chough or Peregrine, given the scale and location within and alongside an established and active farm complex and to the nature of the surrounding lands comprising of agricultural land and coastal water, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would result in any significant ex-situ effect on the conservation objective for the qualifying interests (QI) for the SPA.

Having regard the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and Cork County Council's planning register, I consider that the proposed development will not result in any effects that could contribute to a cumulative effect with other developments in the area. No mitigation measures are required to come to these conclusions.

Step 4 Conclusion

I conclude that the proposed development alone would not result in likely significant effects on Barley Cove to Ballyrisode Point SAC (Site Code - 001040) or Sheep's Head to Toe Head SPA (Site Code: 004156). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Appendix 4**WFD IMPACT ASSESSMENT STAGE 1: SCREENING****Step 1: Nature of the Project, the Site and Locality**

An Bord Pleanála ref. no.	ABP- 320708	Townland, address	Toormore, Goleen, Co. Cork
Description of project		218sq.m. extension in floor area to existing farmyard building of 917 sq.m. by construction of farm buildings for small increase in livestock and additional storage of farm machinery. To include a slurry tank of 102m ³ and minor ancillary works.	
Brief site description, relevant to WFD Screening		<p>The development site is substantially within an established farmyard surrounded by pasturelands in a rural coastal area. The nearest waterbody is the coastal waters of Roaringwater Bay which is stated to be 41m from the site. An existing surface water drain on the western side of the site discharges to a drain via gullies in the direction of this coastal area. To the east the coast is in the order of 50m from the eastern boundary and in the vicinity of an on-site soakpit.</p> <p>There are no watercourses within or in close proximity to the site. The nearest river as mapped on the EPA maps is over 400m away and forms part of Toormore river catchment as part of the larger Bandon-Ilen catchment which discharges to the</p>	

	Roaringwater Bay. The hydrological connection is possible through on site drainage and soakpit
Proposed surface water details	Contaminated run-off to slurry tank. Clean run-off to existing drain via gullies and to on-site Soakpit.
Proposed water supply source & available capacity	Private Well existing.
Proposed wastewater treatment system & available capacity, other issues	None. Slurry and effluent to be removed off-site for land spreading in compliance with S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (GAP Regs) which give effect to the Nitrates Action Programme concerning the protection of water against pollution caused by nitrates from agricultural sources. PA environment report confirms farmholding to be well within limits.
Others Matters	None
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
No mapped river waterbody on or close to site – nearest is to north west	Approx. 400m	catchment Toormore-10 IE_SW_20T03099 0. Subcatchment 20-3 EnterpriseCentre Skull SC-010Part of the Bandon-Ilen catchment (20) District Code IESW.	Good	Not at risk	No pressures in this catchment	None due to terrain and distance from watercourse.
Groundwater	Underlying site	Skibbereen-Clonakilty code IE-SW-G-085	good	Not at risk		On-site soakpit drainage.

Coastal waterbody (Roaringwater Bay)	47m to west and to east from respective site boundaries	Part of Bandon-Ilen catchment, (20) Code IE_SW_140_0000	Ecological status or potential is 'good' Chemical s.w. status is 'failing to chieve good' due to unspecified isomers and tributyltin.	Not at risk	Failure of wastewater treatment plant but this is significantly eastwards along the coast (c 20km)	Soakpit discharge.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or

							'uncertain' proceed to Stage 2.
1.	Dust dispersion during earthworks	<ul style="list-style-type: none"> • (river) Bandon-Ilen catchment (20) District Code IESW. Sub-catchment Toormore-10 • (groundwater) Skibbereen-Clonakilty IE-SW-G-085 • (Coastal) Part of Bandon-Ilen catchment, (20) IE_SW_140_0000 	Potential for hydrological pathway / indirect impact via surface water drains/on site soakpit	Surface water pollution minimal, if any	None other than standard construction practices.	No	Screened out
OPERATIONAL PHASE							
3.	Soiled water contamination	As above	Potential for hydrologic	Drainage and waste management	None other than standard best practice for	No	Screened out

	ng run-off discharge to drain and soakpit		al pathway and indirect impact via surface water drains/on site soakpit	is designed to collect contaminated run-off/silage effluent. The slurry is to be designed and managed to be compliant with GAP Regs. Other safeguards for fuel storage and management will protect from localised impacts.	farmyard management to ensure no contaminated waters enter surface water drainage.		[See determination within Section 6 of report].
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

