



An
Coimisiún
Pleanála

Inspector's Report ABP-320769-24

Development	Development of a livestock slatted unit with associated ancillary site works.
Location	Muckinish, Spancilhill, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	24193
Applicant(s)	Anthony Carolan
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Wild Ireland Defense CLG
Observer(s)	None
Date of Site Inspection	28 th March 2025
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located in a rural area in the townland of Muckinish, Spancilhill, c. 6km to the east of Ennis town. The site is part of an existing farm complex, comprising a farmhouse and operational farm with a number of sheds and outbuildings. The farm is accessed from the R352 Road via an existing laneway which serves both the farm and house. The surrounding area is predominantly agricultural land with a sporadic one-off and linear housing. The proposed development is located to the rear of the existing unit comprising the calf shed, calving pen and store (units 4,5 and 6 on the Farmyard Layout Plan). The site, as outlined in red, has a stated area of 0.25 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a slatted livestock shed with an underground slurry storage tank. The proposed floor area is stated as 227sqm with a ridge height of 6.55m. An under-slat tank of 250.8sqm is proposed. The proposed development is intended for the better management of existing cattle stock on site.
- 2.2. The application is accompanied by a land holding map showing the land spreading areas outlined in purple.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission on 9th August 2024, subject to 5 no. of conditions. Conditions were of a standard nature.

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

Condition No. 3 requires that clean surface water and run-off from roofs and clean paved area shall be collected and directed to a soakpit located within the boundaries

of the site and shall not be allowed flow onto any roadway or discharge to soiled water/slurry/effluent areas.

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

Condition No. 5 requires that the development shall be constructed in accordance with Department of Agriculture, Food and the Marine specifications and requires the management of all farmyard effluent, manures and soiled water to be in full compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 08/08/2024) considers that the principle of the proposed development would be acceptable given the development provides for additional space for the existing livestock on the farm. The development is located to the rear of existing sheds at a distance from the roadside. The development would not be located in a visually prominent area and would not be visible from a scenic area or public road. There is no potential for significant adverse effects on adjacent amenities. The comments of the Environment Section and Environmental Assessment Officer were noted (See Section 3.2.2 below for summary). The proposed development would result in appropriate waste management on site. There are no recorded monuments or protection zones in the immediate vicinity. The proposed development will have no impact on Spancilhill Friar or the Cross of Spancilhill. A grant of permission is recommended.

3.2.2. Other Technical Reports

Environment Section - It has been demonstrated that the total storage capacity of the proposed new tank provides adequate slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended. The applicant has also demonstrated that

the land-spreading of slurry will be conducted over a sufficient area owned by the applicant to ensure that nitrogen application shall be below the limit of 170kg/ha/year. Conditions are recommended in the interest of environmental legislative compliance and environmental protection.

Environmental Assessment Officer –

Comments (dated August 7th) noted that there is no direct or indirect hydrological link in the area in which the works are proposed, to the European Site via overland flows and/or surface water drainage channels. Having reviewed the site specific conservation objectives for the Lower River Shannon SAC which incorporate the mapped extents of the Qualifying Interest Habitats and species together with the associated attributes and targets and based on the locations of the proposed works, it is considered that the Planning Authority has sufficient information to screen out the requirement for Appropriate Assessment in respect of the construction elements of the proposal. With respect to in-direct effects and impact on water quality and the potential for nutrients arising from land spreading reaching European sites, it is considered that there is insufficient information to complete the Screening for Appropriate Assessment.

Further comments (dated 8th) August noted that following receipt of the Environment Section it is considered that Clare County Council has sufficient information to conclude a finding of no significant effects on the Conservation Objectives of any European Site.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

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

4.0 Planning History

PA reg Ref 95/275 – Permission granted for the Construction of a slatted easy feed system, roof and slat existing slurry tank and construction of a silage slab.

5.0 Policy Context

5.1. Clare County Development Plan 2023-2029

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

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

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

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

CDP 11.39 - Development Plan Objective: Agricultural Waste seeks to ensure that the disposal of agricultural waste is carried out in a safe, efficient and sustainable manner having regard to the environment and to the health and safety of

individuals, and in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017, the Litter Pollution Act 1997 (as amended) and the European Communities (Water Policy) Regulations 2014 (S.I. No. 350 of 2014).

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

CDP 15.4 - Development Plan Objective: Requirement for Appropriate Assessment It is an objective of Clare County Council to implement Article 6(3) and where necessary 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s).

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

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

Developments in these areas will be required to demonstrate:-

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

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

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

5.2. National Policy

- Climate Action Plan 2025
- Project Ireland 2040 – National Planning Framework First Revision and National Development Plan 2021-2030
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025
- Department of Agriculture, Food and the Marine's Food Vision 2030
- Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. Other Guidance

- European Commission's 'Farming for Natura 2000, Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)
- 'The Living Farmland', a guide to farming with nature in Clare (2008)

5.5. Natural Heritage Designations

Lower River Shannon SAC (Site Code 002165) – 3.2km to the southwest of the site

5.6. EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is

also no requirement for a preliminary examination or screening assessment. Refer to Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a third-party appeal by Wild Defense Ireland CLG against Clare County Council's decision to grant permission. The grounds of appeal can be summarised as follows;

- The Planning Authority has failed to carry out a Screening Assessment
- The Planning Authority failed to carry out an Appropriate Assessment according to the requirements of the High Court and the Courts of Justice of the European Union.
- The building is less than 3km from the Lower River Shannon SAC. There is no information as to where the slurry is being disposed.
- The attachment of Condition 4 shows that the proposed development may cause an effect on the quality of any watercourse/ground water body.

6.2. Applicant Response

The applicant's response can be summarised as follows;

- Maps of the farm from the Department Agricultural Mapping system were submitted with the application and demonstrate that there is access to a sufficient amount of land to spread slurry.
- The farms nitrate figure is 151kg/ha/year which is well under the limit of 170kg/ha/year.
- The purpose of the shed is not to increase stock numbers but to future proof the farm with extra slurry storage capacity because of the prolonged winter conditions.

- With regards to the concerns in relation to spillages of waste water and organic fertiliser, this is unlikely as stock are housed in slatted sheds which were built to specification.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

7.0 **Assessment**

- 7.1. I have examined the application details and all other documentation on file, inspected the site, and had regard to relevant local, regional and national policies and guidance. The proposed development is for construction of a slatted shed with underground slurry storage tank. The appeal site is located within an existing farm within a rural area, and there are a number of other agricultural farms and developments located in the vicinity of the appeal site and in the wider area. I am of the opinion that the proposals would be in accordance with Objective CDP 8.4 which seeks to generally facilitate proposals for sustainable and economically efficient agricultural and Section A1.8 of the Development Management Guidelines which relates to the appropriate siting and design of the proposals. I consider the proposed development to be acceptable in principle in this regard.
- 7.2. The applicants have confirmed that the proposed development will not lead to an increase in livestock numbers on the holding or an intensification of the farm enterprise. The proposed development is intended for the better management of existing cattle stock on site. The scope of this application relates to works within the Red Line Boundary and in this regard the Board should note that the carrying out of land spreading does not form part of this application and that such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. I note however, CDP 11.39 - Development Plan Objective: Agricultural Waste, seeks to ensure that *'the disposal of agricultural waste*

is carried out in a safe, efficient and sustainable manner having regard to the environment and to the health and safety of individuals, and in compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017, the Litter Pollution Act 1997 (as amended) and the European Communities (Water Policy) Regulations 2014 (S.I. No. 350 of 2014)'. Section A1.8 of the Development Management Guidelines also sets out requirements in relation to adequate provision for the collection, storage and disposal of waste. In this regard, the report on file from the Environment Section of Clare County Council considers that it has been demonstrated that the total storage capacity of the proposed new tank is adequate to provide slurry and soiled water storage in accordance with the provisions of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended. The report also notes that the applicant has demonstrated that the land-spreading of slurry is to be conducted over a sufficient area owned by the applicant to ensure that nitrogen application is below the limit of 170kg/ha/year. I am satisfied that the applicant has submitted adequate information as part of this planning documentation, in terms of how waste will be managed and disposed of, and that it has been demonstrated that adequate waste storage will be available on site to manage the waste generated on site. I consider that the proposed development is in accordance with CDP 11.39 - Development Plan Objective: Agricultural Waste and A1.8 Section A1.8 of the Development Management Guidelines in this regard. Ultimately, the management of effluent arising from agricultural activities and the undertaking of land spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. Condition No. 5 of the PA decision include statements to this effect. I recommend a similarly worded condition is attached to any grant of permission.

- 7.3. I do not consider that any residential amenity issues arise from the proposed development. I note that no third-party observations have been received from nearby residents. I do not consider that the proposed development would generate any additional traffic. I would note that sheds are common agricultural structures and that the proposed shed is of a standard agricultural design. In terms of visual impact, the site is well set back from the road and views will be largely restricted due to the

existing farm buildings and farmhouse which will screen the proposed development. The issue of surface water disposal is dealt with by condition by the planning authority and if the Board is disposed to a grant of permission, I recommend that condition relating to same be attached to any such grant. All effluent from the slatted shed will be discharged into the underground slurry tank. Overall, I am satisfied that the proposed development would not seriously injure the visual or residential amenity of the area and would be acceptable in terms of public health and traffic.

- 7.4. The above assessment represents my de novo consideration of all planning issues material to the proposed development. I have considered the issue of Appropriate Assessment below in Section 8 and the Water Framework Directive in Section 9.

8.0 AA Screening

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

This determination is based on:

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

9.0 Water Framework Directive

The subject site is located 600m to the southeast of the Spancilhill River.

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

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

The reason for this conclusion is as follows:

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

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

Conclusion

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

10.0 Recommendation

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

11.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established agricultural farmyard, and the proposed developments compliance with the Clare

County Development Plan 2023-2029, specifically Objectives CDP8.4, CDP 11.27, CDP 11.39 and Section A1.8 of the Development Management Guidelines, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or scenic amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the finishes of the agricultural shed shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development and visual amenity

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways
 - (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be

submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

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

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

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

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

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

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

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

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

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

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

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

Ciara McGuinness
Planning Inspector

16th July 2025

Appendix 1 - Form 1 - EIA Pre-Screening

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

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

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

Inspector: _____ **Date:** _____

Appendix 2- Screening the Need for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Livestock slatted shed with underground storage tank.
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development comprises a livestock slatted shed, associated underground slurry tanks. All effluent from the slatted shed will be discharged into the underground slurry tank.</p> <p>The site has a stated area of 0.25ha. The site is located within an existing farmyard. The proposed development is intended for the better management of existing cattle stock on site.</p> <p>There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p> <p>I note a watercourse (Spancilhill River) is located c.0.6km to the northwest of the site.</p>
Screening report	<p>No</p> <p>Report from Environmental Assessment Officer - concludes a finding of no significant effects on the Conservation Objectives of any European Site.</p>
Natura Impact Statement	No
Relevant submissions	N/A
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The proposed development site is not located within or immediately adjacent to any site designated as a European Site. The boundary of the nearest European Site, Lower River Shannon SAC, is within 3.2km of the proposed development.</p> <p>Given the limited scale of the proposal and lack of ecological connections, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Lower River Shannon SAC.</p>	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lower River Shannon SAC (002165)	Site specific cons obj	3.2km	No direct, Possible Indirect	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

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

<p>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>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Tursiops truncatus (Common Bottlenose Dolphin) [1349]</p> <p>Lutra lutra (Otter) [1355]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Further Commentary / Discussion		
All effluent from the cattle shed will be disposed of via the underground slurry tanks.		

With regards to the slurry tanks, I note that these will be designed and sealed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. Furthermore, I note that the application of fertilisers are regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5- 10 metres of a watercourse following the opening of the spreading period (16th January for County Clare). I note that an Appropriate Assessment was completed as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and concluded that the programme would not adversely affect the integrity of any European Site. Notwithstanding this, the Board should note that the carrying out of landspreading does not form part of this application.

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

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

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

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

This determination is based on:

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

Appendix 3 – WFD Impact Assessment Stage 1: Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	320769	Townland, address	Muckinish, Spancilhill, Co. Clare.
Description of project		Construction of a livestock slatted shed with underground slurry storage tank	
Brief site description, relevant to WFD Screening,		Site is located within an area of little to no elevation with poorly draining soil, located in a rural location. There are no drainage ditches within the site. There is a watercourse c. 600m to the northwest of the site.	
Proposed surface water details		Soakaway (see condition attached)	
Proposed water supply source & available capacity		Not applicable.	

Proposed wastewater treatment system & available capacity, other issues			Not applicable.			
Others?			Not applicable.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River waterbody	600m	Spancilhill_010	Poor	At risk	Unknown	Not hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying Site	Crusheen IE_SH_G_071	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage 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.	Surface	Spancilhill_010	None	None	None	No	Screened out
2.	Ground	Crusheen IE_SH_G_071	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Spancilhill_010	None	None	None	No	Screened out
4.	Ground	Crusheen IE_SH_G_071	Drainage	None	None	No	Screened out
DECOMMISSIONING PHASE							

5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A
----	-----	-----	-----	-----	-----	-----	-----