

Inspector's Report ABP-321062-24

Development Construction of roofed dungstead.

Location Tombeagh, Hacketstown, Co. Carlow

Planning Authority Carlow County Council

Planning Authority Reg. Ref. 2460070

Applicant(s) Derek Deane.

Type of Application Permission

Planning Authority Decision Grant with conditions

Type of Appeal Third Party

Appellant(s) Peter Sweetman.

Observer(s) None

Date of Site Inspection 19th of June 2025

Inspector Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site is a farm located between Hacketstown and Rathvilly in Co. Carlow.
- 1.2. It is located in the townland of Tombeagh, within an existing farmyard that is located on the southern side of the local road on an elevated site with Douglas River 230m west of the farmyard.
- 1.3. The existing farmyard includes large slatter shed, and feedstores and bedding sheds. The applicant and his family live in the dwelling house adjoining the farm to the east.
- 1.4. The proposed new shed will attach to an existing shed to along the western boundary of the site. There is a molasses tank located on the site which is to be retained.

2.0 **Proposed Development**

- 2.1. The proposed development consists of the construction of a roofed dungstead and associated site works. The gross floor area of the structure is 263sq.m.
- 2.2. The overall deisgn will match the existing shed to the east
- 2.3. Further information was requested including a Stage 1 Appropriate Assessment Screening report, elevational drawings, quantum and type of materials to be used for filling/ levelling of site, landscaping proposals. The proposed shed was increased in size to match the building envelop of the existing shed to the east.
- 2.4. An Appropriate Assessment screening was prepared by Rodger Goodwillie and Associates which screened out the need for Stage 2 AA.

3.0 Planning Authority Decision

3.1. Decision

Carlow Co. Co. granted planning permission for the development on the 4th of October 2024. The 10No. conditions are standard agricultural planning conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report No. 1

 The report was concerned about the visual impact of the development. The assessment was concerned about the AA screening having regard to the proximity of the Douglas River.

Report No. 2

- Having regard to the AA Screening report the P.A. is now satisfied the proposal will not have a signifigant impact on the integrity of the Slaney River Valley SAC.
- The material finishes are acceptable.
- The floor area of the proposed shed was increased from 263sq.m. to 408sq.m., it is considered to be acceptable because it fits in with the existing sheds and screened form the public road.
- Development contributions do not apply.
- Permission recommended.

3.2.2. Other Technical Reports

- Roads: No response
- <u>Environment Section</u>: No objection. However a detailed Construction
 Environmental Management Plan (CEMP) is required, and a Resource and
 Waste Management Plan

3.3. Prescribed Bodies

The planning authority referred the planning application to Uisce Eireann, The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media Third Party. There was no response received.

4.4 Observations

3.4.1 Peter Sweetman made an objection to the proposed development citing the following grounds:

The development must be in accordance with the proper planning and

sustainable development of the area

Environmental impact of the development must be considered

Appropriate Assessment screening must be carried out under the Habitats

Directive

Compliance must be assessed for compliance with the Water Framework

Directive.

The site is possibly within the Zone of Influence of the River Slaney Valley

SAC (000781)

4.0 **Planning History**

Ref: 15/217

Planning permission granted for an extension of a straw bedded loose shed

alongside a similar shed.

5.0 **Policy Context**

5.1. **Development Plan**

Chapter 14 of the Carlow County Development Plan 2022-2028 relates to Rural

Development.

14.4 Agriculture

In 2016 the number of farms in County Carlow stood at 1,806 with the average farm

size extending to 39.4 ha. The overall land area farmed within the county stands at

71,142ha with 2,353 people employed at farm level. In 2016 a higher proportion of

the Carlow workforce (7.3%) was engaged in agriculture, forestry and fishing than

was the case nationally (4.4%).

The Council will continue to support sustainable agricultural production, farm diversification together with the promotion of new employment opportunities which contribute to promoting rural prosperity, strengthening rural value chains and investing in rural viability and vitality.

14.4.1 Agriculture - Policies

It is the policy of the Council to:

AG P1:

Support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area.

AG P2

Encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

AG P4

Ensure that all agricultural activities comply with legislation on water quality, such as the Phosphorous Regulations, Water Framework Directive and Nitrates Directive.

5.2. Natural Heritage Designations

There is a watercourse 230m west of the site which is within the Slaney River Valley SAC. The closest watercourse is 130m south of the site which is hydrologically linked to the Douglas River, which flows south into the Derrian River and the Slaney River Valley SAC.

5.3. **EIA Screening**

See completed Appendix 1 - Form 1 on file. Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001

(As amended), and as such preliminary examination or an environmental impact assessment is not required.

6.0 The Appeal

6.1. **Grounds of Appeal**

- 6.1.1 Mr. Peter Sweetman has taken this appeal against Carlow Co. Co. decision to grant planning permission for the agricultural structure. The following I a summary of his grounds of appeal:
 - The planning authority failed to carry out the appropriate assessment in compliance with the law. The site is close and upgradient of the Douglas River and River Slaney Valley SAC. See Kelly V An Bord Pleanala (21014). The assessment must contain complete, precise and definitive findings and conclusions.
 - Judgement of Case C-391/22

Reference for a preliminary ruling– Environment– Directive 2000/60/EC– Framework for EU action in the field of water policy– Article 4(1)(a)– Environmental objectives relating to surface waters– Obligation of the Member States not to authorise a project which may cause a deterioration of the status of a surface water body.

6.2. Applicant Response

There was no further response from the applicant.

6.3. Planning Authority Response

There was no further response from the planning authority.

6.4. Further Responses

The Commission referred the appeal to a number of statutory bodies. There was one response received form The Department of Housing, Local Government and Heritage. The following is a summary:

- The Appropriate Assessment report is acknowledged how there is additional information required in relation to the proposed development:
 - (i) The durability of the pre-cast tank must be determined. It must be entirely leak-proof and longterm leakproof. Will it be assessed/ maintained to ensure this?
 - (ii) The location needs to be hydrologically assessed to establish if there is a groundwater link between the site of the proposed development and the Douglas River or any watercourse leading to it.
 - (iii) Given the proximity of the Slaney River Valley SAC (Site Code 000781)in the form of the Douglas River, there is a risk of surface run-off during the application of manure. This needs to be incorporated into an updated Appropriate Assessment screening.
 - (iv) It is imperative during the construction and operational phases that no run-ff or leaching occurs which could end up in the Douglas River.

7.0 Assessment

- 7.1. The proposed development represents an enhancement and improvements to existing and long-established farmyard. The proposed development consists of a covered dungstead with a stated floor area of 263sq.m. within a long-established farmyard. It will match the adjoining shed to the east. The proposed new covered dungstead is to be positioned along the western site boundary of the existing farmyard.
- 7.2. The planning application documentation provided by the applicant was limited and vague. The planning authority requested extensive further information. Following receipt of the further information the floor area of the structure was increased from 263sq.m. to 408sq.m., and it was considered acceptable by the planning authority, the increased floor area assimilated into the existing farmyard layout.

During my site inspection I notice a small dungstead storage area located alongside the entrance to the farmyard (photo plate 3). A roofed dungstead will, in my opinion, significantly reduce the amount of soiled run-off. This is in line with the Agricultural

- Policies in the Carlow County Development plan, (AG P1 and AG P2) as cited above.
- 7.3. The overall design, finish and proportions of the proposed shed will merge seamlessly with the existing farmyard structures. The existing molasses tank located within the site of the shed will be retained as part of the development.
- 7.4. The soiled ground water will not discharge into the surface water system or groundwater system. The roofed area will eliminate any soiled water runoff.
- 7.5 Before moving on to the AA Screening I wish to acknowledge the submission from the Department Housing, Local Government and Heritage. The Department states the durability of the pre-cast tank must be determined. It must be entirely leak-proof and longterm leakproof. The project is a roofed shed in which manure is stored over the winter months conditions are right for spreading it in the fields. The slab is surrounded by a low wall but the shed is largely open. Run-off/seepage drains to the southern end and will be collected in a new pre-cast tank for later spreading while roof water will be discharged to a soakaway on the western side. The pre-cast tanks used in Agricultural structures are constructed under certain Department of Agricultural Guidelines, and this can form part of the conditions of this permission.

The location needs to be hydrologically assessed to establish if there is a groundwater link between the site of the proposed development and the Douglas River or any watercourse leading to it. This will be discussed in the next section of this report.

8.0 AA Screening

8.1. I note the concerns of the Appellant regarding the issue of Appropriate Assessment. At the outset, for the purposes of clarity, the Board should note that land spreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The Regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period.

8.2. There was an A.A. screening report submitted by the applicant by way of further information. It was prepared by Rodger Goodwillie and Associates in July 2024, and submitted as part of the response to the further information request. I note the planning authority carried out a Habitats Directive Appropriate Assessment Screening report, dated 03/10/2024.

8.3 Screening for Appropriate Assessment- Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site

8.4 Brief description of the development

The project is a roofed shed within an existing and long-established farmyard in which manure will be stored over the winter months until conditions are right for spreading it. A slab is surrounded by a low wall but the shed is largely open. Runoff/seepage drains to the southern end and will be collected in a new pre-cast tank for later spreading while roof water will be discharged to a soakaway on the western side.

8.5 **Submissions and Observations**

The Heritage Council, An Taisce and the Minister for Housing, Local Government and Heritage were notified of the proposed development by the planning authority. There were no submissions or concerns raised by the Prescribed Bodies. The Commission notified the prescribed bodies of the proposed development again on appeal. There was a submission from the Department of Local Government, Housing and Heritage as outlined above under section 6.4 of this report.

8.3. European Sites

I have considered the proposed project in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. The development site is not located in or immediately adjacent to a European site. The closest European site is

Slaney River Valley SAC (Site Code 0481). This European site is located downhill of the subject site to the west at an approximate distance of 230metres.

Two other European sites are in excess of 10km from the subject site with no hydrological link between the site and the European sites. These are the Wicklow Mountains SAC (Site Code 2122) which is 10.8km from the site and Wicklow Mountains SPA (Site Code 4040) which is 13.5km form the site.

8.4. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table A. Summary Table of European Sites within a possible zone of influence of the proposed development:

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
River Slaney Valley Site Code 0481	[1130] Estuaries [1140] Tidal Mudflats and Sandflats [1330] AtlanOc salt meadows (Glauco-Puccinellietalia mariOmae) [1410] Mediterranean salt meadows (Juncetalia mariOmi) [3260] FloaOng River VegetaOon [91A0] Old Oak Woodlands [91E0] Alluvial Forests*	230m west	None	N

[1029] Freshwater Pearl
Mussel (MargariΘfera
margariΘfera)

[1095] Sea Lamprey
(Petromyzon marinus)

[1096] Brook Lamprey
(Lampetra planeri)

[1099] River Lamprey
(Lampetra fluviaΘlis)

[1103] Twaite Shad
(Alosa fallax)

[1106] AtlanΘc Salmon
(Salmo salar)

[1355] ΟΣer (Lutra lutra)

8.19. Likely Impact of the project (alone or in combination)

- 8.20. The development comprises of a new roofed dungstead within an existing farmyard. I noted from my site inspection that there were no open water drains contiguous to the farmyard. Having viewed the Environmental Protection Agency's AA Mapping Tool, and having visited the site, I note that there are no direct hydrological connections between the development proposed, the subject site and the European Site, i.e. Douglas River to the west or a surface water drain 150metres to the south of the farmyard which flows south to the River Derrain.
- 8.21. I note that the Planning Authority undertook a screening for Appropriate Assessment and concluded that there would be no potential for significant effects on any European Site.
- 8.22. There is no watercourse connected to the farmyard. There is no hydrological connection between the farmyard and the watercourses to the rear or to the west.
 Only uncontained surface water from the roof will discharge into a soakaway system.
 The proposed development poses no risk to the underlying groundwater system.
- 8.23. There is no hydrological connectivity between the farmyard and the nearest European site to the west, or any other European sites within a 15km Zone of Influence (which were all listed above).

8.24. During the construction works of the proposed agricultural building, possible impact mechanisms of a temporary nature include generation of noise, dust, and construction related emissions to surface water. The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites. The separation distance between the proposed building works and surface water drains offers a considerable buffer area to ensure the existing drains will not be impacted upon the proposed construction works.

8.25. Likely significant effects on the European sites in view of the conservation objectives

8.26. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SACs due to separation distance and lack of meaningful ecological/ hydrological connections. There will be no changes in ecological status of the European sites due to construction related emissions.

8.27. In combination effects

8.28. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.29. Overall Conclusion – Screening Determination

8.30. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment Stage 2 is not required.

The determination is based on:

- Having regard to the absence of any direct hydrological connection from the subject site to any European Site.
- Having regard to the distance of the site from the European Sites regarding any other potential ecological pathways.
- Having regard to the screening report and determination of the planning authority.
- Having regard to the screening report prepared by Rodger Goodwilllie and Associates.

9.0 **Recommendation**

I recommend planning permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area, would be acceptable in terms of public health and environmental sustainability and would be supported by the relevant provisions of the Carlow County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried 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. 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 land spreading 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.

3. All oxidisable surfaces shall be painted in a colour to match the existing farm buildings on site and it shall be maintained in perpetuity.

Reason: In the interests of visual amenity.

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

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

- a) The developer shall ensure that all construction works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
 - b) The developer shall ensure that material from the site is not spread or deposited on the public roadway and shall maintain the roadway in a clean, tidy and safe condition. Any damage to or interference with the roadside drainage shall be made good without delay at the developers expense, to the satisfaction of the planning authority.
 - c) No construction activity giving rise to noise audible from the nearest habitable dwelling shall be carried out on Sundays, Bank Holidays or Public Holidays.
 - d) All construction activity giving rise to noise audible from the nearest habitable dwelling shall be restricted to the hours between 8.00a.m. and 6.00p.m, Monday to Friday (inclusive) and to the hours between 8.00a.m. and 2.00pm (inclusive) on Saturdays (excluding Bank/Public Holidays).

Reason: To prevent a noise nuisance or traffic hazard arising from the implementation of the permission

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

Caryn Coogan Planning Inspector

11th of August 2025

Form 1 - EIA Pre-Screening

	321062-24
Case Reference	
Proposed Development Summary	Construction of roofed dungstead and associated site works
Development Address	Tombeagh, Hacketstown, Co. Carlow
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the	Yes, it is a 'Project'. Proceed to Q2.
purposes of EIA?	☐ No, No further action required.
(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)	
2. Is the proposed development o and Development Regulations 200	f a CLASS specified in Part 1, Schedule 5 of the Planning (1) (as amended)?
☐ Yes, it is a Class specified in Part 1.	
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
No, it is not a Class specified in	Part 1. Proceed to Q3
Development Regulations 2001 (of a CLASS specified in Part 2, Schedule 5, Planning and as amended) OR a prescribed type of proposed road Roads Regulations 1994, AND does it meet/exceed the
⊠ No, the development is not of a	
Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994.	
No Screening required.	
Yes, the proposed development is of a Class and meets/exceeds the threshold.	State the Class and state the relevant threshold
EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is subthreshold.	State the Class and state the relevant threshold
Preliminary examination required. (Form 2)	
OR	
If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
	een submitted AND is the development a Class of the EIA Directive (as identified in Q3)?
No ⊠ Pre-screening dete	rmination conclusion remains as above (Q1 to Q3)
Inspector:	Date:

Form 2 - EIA Preliminary Examination

Case Reference	321062-24
Proposed Development	A new roofed dungstead within an existing farmyard and
Summary	all associated site development works.
Development Address	Tombeagh, Hacketstown, Co. Carlow
	nould be read with, and in the light of, the rest of the
Inspector's Report attached here	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	This is an agricultural development within a small farmyard and landholding. It will provide a roofed dungstead to store soiled bedding over the winter period until the time of appropriate for spreading it on the land. Currently the dungstead is unroof an located close to the entrance to the farm. the proposal is an environmental improved to the existing dung management on the farm.
Che environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located in the rolling countryside of northeast Co. Carlow. There are a number of one off houses in the vicinity however the farmyard stands indecently and a considerable distance from existing houses apart from the applicant's family home to the east. There is a drop in the gradient of the topography to the west, which slopes towards the Douglas River 230metre from the farmyard. The Douglas River is a salmon river and a tributary of the River Slaney.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	As stated above, the proposed development represents an enhancement of the existing buildings and general farm management on site, and will ensure adequate soiled bedding storage during the winter months within a covered structure which will ensure no effluent been generated into the surface water drainage system within the farmyard.
	Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	•

Inspector:	Date:	

WFD IMPACT ASSESSMENT STAGE 1: SCREENING								
	Step 1: Nature of the Project, the Site and Locality							
An Bord Pleanála ref.	Tomocagn) hadreeseeming our ourient							
Description of project		A roofed Dungstead						
Brief site description, rele	evant to WFD Screening,	Site is located within an elevated rural area with freely draining brown earths. The bedrock type is Siluro-Devonian granitic rocks & appinite. The site is surrounded by well drained grassland with no drainage ditches. There are watercourses located downhill of the farmyard ranging from 150-230m from the site						
Proposed surface water d	etails	Roofwater will be drained to a soakage area and	d discharged to groundwater					
Proposed water supply so	ource & available capacity	There is a public water mains serving the dwellings in the area. The aquifer is of local importance with high vulnerability.						
Proposed wastewater tree capacity, other issues	atment system & available	Not applicable						

Others?			t 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	230m to the west (flowing south)	Douglas River (Kiltegan) _020	Good	Note at risk	Agriculture, Hydromorphology	Not hydrologically connected to the watercourse.		
River Waterbody	130m to the south	Derreen_070 (tributary)	Good	Not at risk	Agriculture, Hydromorphology	No hydrological connection		

١	roundwater waterbody :: Detailed descrip	Ballyglass IE_SE_G_011 otion of any comp	onent of the develop	Good ment or activity that to the S-P-R linka	ige.	No pressures of not achieving the WFD C	Free draining soil Siluro-Devonian granitic rocks & appinite Objectives having regard
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	Douglas River	None	None	None	No	Screened out
3.	Ground	Ballyglass0	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
				OPERATIONAL PHA	ASE		
3.	Surface	0010	None	None	None	No	Screened out

4.	Ground	0020	None	None	None	No	Screened out		
	DECOMMISSIONING PHASE								
5.	NA								