



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321072-24

<b>Development</b>	Milking parlour and ancillary development.
<b>Location</b>	Monagally West, Aglish, Cappoquin, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	24102
<b>Applicant(s)</b>	Edmond and Mary Eve Donovan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter Sweetman
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 October 2025
<b>Inspector</b>	Natalie de Róiste

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## **1.0 Site Location and Description**

- 1.1. The application site includes an existing farmyard and part of an adjacent field. The application site is c. 1.474 hectares, and forms part of a larger agricultural landholding, bordered to northwest and southwest by the River Goish.
- 1.2. The farmyard contains straw bedded sheds (four in number), an old milking parlour and holding yard, a slatted unit, an unroofed slurry storage tank, and two silage pits, the whole arranged around a concrete apron and dirt road. An earthen bank forms a barrier between the unroofed slurry storage tank and the neighbouring field. A ruinous farmyard (labelled as old stores) is located close to the roadside. The existing yard entrance is c. 8 metres wide, with concrete block wing walls. The roadside boundary to the east is a hedgerow formed by a clay bank with a number of mature trees, dressed with small stones to the roadside face.
- 1.3. The farmyard is accessed from a local road, approximately 5 km south-east of the village of Aglish in Co. Waterford, which gives access to a small number of houses. The road is narrow and lightly trafficked, with grass in the centre. It leads west from the R671 to give access to a number of farm tracks and private roads, and terminates at the site of St Declan's Well or Toor Well, (Sites and Monuments Record Number WA035-028, classified as a Holy Well).

## **2.0 Proposed Development**

- 2.1. The following is proposed:

- Milking parlour complex (c. 690 sqm)
- Dairy washings tank (c. 35 sqm, underground)
- Slatted cubicle house (c. 1130 sqm)
- New vehicular entrance (10 metres wide), and all associated works.

Details of existing and proposed livestock numbers, capacity of effluent holding facilities, and slurry spreading were submitted with the application.

Further information was submitted to the planning authority, with a leak detection system and inspection chamber added to the plans for both the milking parlour complex and the slatted cubicle house. It was clarified that the existing site entrance would be closed. No changes were made to the size or capacity of the proposed development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Grant permission.

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

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

Three planner's reports as follows:

- Report dated 4 July 2024, noted the site context, planning history, Development Plan policy, third party submission, proposed site access, and recommended a request for further information on environmental matters raised by the Environment Section, and potential for a proliferation of farm accesses, resulting in traffic hazard and undue removal of roadside hedgerow and trees. A habitats directive screening assessment was appended, noting no likely significant effects on a Natura 2000 site.
- Report dated 29 August 2024, following submission of further information and readvertisement of the development, noted proposal to close existing farm entrance, and requested clarification on dimensions of storage tanks, and details on soiled water storage.
- Report dated 27 September 2024, following clarification of further information, positive recommendation from Environment Section noted, grant of permission recommended subject to 10 conditions.

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

- Environment Section, report dated 14 June 2024. Further Information requested on slurry storage and effluent management, any works to farm

roadways, stocking rates, and provision of a Farm Fertilizer report. Details on well protection, any increased groundwater abstraction, and a leak detection system required.

- Environment Section, report dated 24 September 2024. No objection subject to conditions.
- Referred to Heritage Officer, no report on file.

### 3.3. Conditions

3.3.1. 10 conditions were attached, largely of a technical nature.

- Condition 2 required submission of a Construction and Demolition Resource Waste Management Plan
- Condition 3 required that all development be constructed to DAFM 'TAMS – Farm Building and Structures Specifications'.
- Conditions 4 and 7 concerned rainwater drainage.
- Condition 5 concerned the use and removal of excavated material.
- Condition 6 is as follows:
  - (a) All foul effluent generated by the agricultural development permitted herein shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river watercourse or to lands. Under no circumstances shall any of the storage facilities be allowed to overflow.*
  - (b) The slurry effluent and farmyard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European communities (Good Agricultural Practice for Protection of Waters) Regulations 2022. Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.*
- Condition 8 concerned materials.

- Condition 9 concerned details of the proposed new entrance.
- Condition 10 concerned financial contributions.

### 3.4. **Prescribed Bodies**

Referred to Department of Housing Planning and Local Government, no report on file.

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

3.5.1. One received, from the appellant, in duplicate (one stamped received 21/05/2024, the second stamped received 31/05/2024). Issues raised are summarised as follows:

- The planning authority must assess the application in accordance with the Planning and Development Act 2000 (as amended).
- The planning authority is required to form and record a view regarding the environmental impacts of the development, and screen the development for EIA.
- The planning authority is the competent authority for Appropriate Assessment. The site is in the zone of influence of the Blackwater River (Cork/Waterford) SAC (002170).
- The development must be assessed for compliance with the Water Framework Directive.
- The NPWS notes threats to the site include high nutrient levels from agricultural run-off and sewage plants, dredging of the upper reaches of the Awbeg, overgrazing in woodland areas, and invasion by non-native species.
- In Case Number ABP-316264-23 (which is similar to this one) the Board requested a Natura Impact Statement, a Construction Management Plan, and a Nutrient Management Plan

3.5.2. An EU guidance document on the protection of the freshwater pearl mussel is submitted with the observation.

## 4.0 Planning History

4.1.1. The following application was referred to in the planner's report (no history file provided).

- Reg ref 17824- Edmond Donovan was granted permission for construction of an unroofed wintering facility incorporating unroofed slatted tank, feed passages and associated works.

## 5.0 Policy Context

### 5.1. Waterford City and County Development Plan 2022-28

5.1.1. The site is not zoned or located within a defined settlement.

5.1.2. *Chapter 9 Climate Action, Biodiversity & Environment* has a number of policy objectives of relevance.

5.1.3. *Section 9.4 Compliance with the EU and national legislation and guidance on water quality* reiterates that the EU Nitrates Directive (91/676/ECC) requires the protection of surface water and groundwater from nitrate contamination from agricultural activities.

5.1.4. *Section 9.12 Hedgerows* sets out the benefits of hedgerows, and states that it is “*the policy of Waterford City & County Council to retain the natural roadside hedgerows as far as possible for the purposes of maintaining natural habitat, landscape character and screening of new developments. The Council will also seek to ensure that all new development includes measures to preserve the linear integrity and enhance the quality of hedgerows.*”

5.1.5. *BD 20 To protect hedgerows in all new developments, particularly species rich roadside and townland boundary hedgerows, such features should be incorporated into the open space provisions at the concept design stage. There will be a presumption against the removal of hedgerows however where their removal is unavoidable replacement planting shall involve establishment of new hedgerows with native species of local provenance and that support pollinating species.*

5.1.6. *BD 21 We will preserve and enhance the amenity and biodiversity value of the County and City by preserving as far as possible trees, woodlands and hedgerows and will consider Tree Preservation Orders in order to protect trees of significance throughout the City and County. Existing TPOs are listed in Appendix 11. Trees of Special Amenity Value are also listed in Appendix 11.*

5.1.7. Volume 2 deals with Development Management Standards. Section 6.0 deals with Rural Development, with just one section referring to agricultural buildings.

*Development Management DM 32*

*In visually sensitive areas, the Planning Authority will require that:*

- *Agricultural buildings/ structures be sited as unobtrusively as possible, and*
- *The design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.*
- *Appropriate materials and colours are used. The use of dark colours, notably, dark green/reds and greys are most suitable for farm buildings.*
- *The planting of shelter belts will be required to screen large scale sheds and structures. Buildings should generally be located a minimum of 100metres from the nearest dwelling other than the applicants dwelling.*
- *The Council will generally seek to cluster agricultural buildings and structures together, and siting to assimilate effectively into the landscape.*
- *Any proposals for farmyard developments must make provision for runoff, and where there is a danger of groundwater or surface water contamination, the Council will require appropriate treatment of runoff. The Council shall have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 (S.I 101 of 2009) in relation to acceptable agricultural practice standards.*

5.1.8. The Development Plan does not define 'visually sensitive areas'.

5.1.9. *Section 8.0 Roads Access Policy* is of relevance.

5.1.10. *Section 8.6 Sightline Requirements* sets out that developments shall comply with the relevant TII publications or DMURS Guidelines. For local roads with 80km per hr speed limit, sightlines of 55 metres will be required. Sightlines of 30 metres shall be



required for dwellings accessing onto a cul-de-sac (serving not more than 3 dwellings). Under *Section 8.7 Sightline Provisions* sightlines for commercial developments should be measured from a point 4.5 metres from the road edge.

5.1.11. *Section 8.9 Hedgerow Protection* states “[t]he removal of roadside ditches and hedges should be avoided, and existing roadside hedgerows and trees should be retained as much as possible. Any new/ proposed entrance should be carefully considered to achieve the required sight distance with the removal of a minimum extent of existing hedgerow. Where satisfactory access can be achieved only by removing large stretches of roadside hedgerow/ditches/stone boundaries, the Council will require that the roadside boundary is replaced with a new hedgerow, formed from native and naturalised species.”

5.1.12. *Development Management DM 48* is as follows:

5.1.13. *To protect the integrity of hedgerows, the Council will require that:*

- *Where there is a break in a hedgerow to facilitate a new road entrance, connectivity should be provided by the planting of new hedgerows to all remaining site boundaries.*
- *All new hedgerows should consist of a 1m by 1m wide earthen embankment with native and naturalised hedgerow species planted on top in a staggered pattern at minimum 4-5 plants per metre.*
- *The raised earthen embankment increases the viability of the newly planted hedge and may be created with excavated material from the site. Planting should be carried at the earliest stage of any development from late November to March immediately following the removal of existing hedgerow.*
- *A 1m setback from livestock is recommended. The hedgerow should be maintained at a minimum height of 2m a minimum width of 1.5m over its lifetime to maximise its habitat value.*
- *Permissions granted for planning applications which relate to removal of hedgerows will be subject, by way of planning condition, to the lodgement, by the developer, of a financial bond to ensure the satisfactory reinstatement of the hedgerow following the completion of works. This bond shall be index linked.*

- 5.1.14. *Section 9.0 Other Development Considerations* contains a section 9.2 *Site Boundaries* which gives further details on planting of hedgerows.
- 5.1.15. *Section 11.0 Zoning and Land Use*
- 5.1.16. *Section 11.1.4 White Lands* These lands relate to all areas outside zoned and/or designated settlement. These lands are chiefly in agricultural use, and may contain some isolated development. Such lands are not currently zoned under any land use classification.
- 5.1.17. Volume 3 contains the appendices to the Plan, including *Appendix 8 Landscape and Seascape Character Assessment, Scenic Routes and Protected Views*.
- 5.1.18. The Landscape and Seascape Character Assessment (LSCA) Map for Waterford designates the subject site and surrounding area as a 'Low Sensitive' area, a common character type with the potential to absorb a wide range of new developments. It is one of four categories (most sensitive, high sensitive, low sensitive, least sensitive).

## **5.2. Natural Heritage Designations**

- Blackwater River (Cork/Waterford) SAC 002170 – 3.9 kilometres west of site and 4.9 kilometres southwest of site.
- Blackwater Estuary SPA 004028 – 5.7 kilometres southwest of site

## **5.3. EIA Screening**

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **5.4. Water Framework Directive**

- 5.4.1. 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.

- 5.4.2. The proposed development comprises a modest extension of farm buildings, adjacent to an existing farmyard complex, with a small encroachment on a greenfield area, as part of an established farm holding. The site is located within the GOISH\_010 River Sub Basin and over the Glenville Ground Waterbody.
- 5.4.3. 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.
- 5.4.4. The reason for this conclusion is based on:
- The small scale of works and nature of the development in an existing farmyard complex which serves to collect, contain and remove slurry for the yard area,
  - The distance from the nearest water bodies and the lack of hydrological connections,
  - The construction of the development in compliance with the standards set out by the Department of Agriculture for such works (S123 Bovine Livestock Units and Reinforced Tanks - October 2022).
- 5.4.5. 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 3 for screening matrix).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One third party appeal was received, against the grant of permission. It is summarised as follows:

- This development is within the zone of influence of site 002170 and requires Appropriate Assessment.
- No assessment was carried out regarding the Water Framework Directive.
- The planners who approved this development have no knowledge of the Habitats Directive.
- Relevant case law includes the following:
  - CJEU Case 258/11 – assessments cannot have lacunae, and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the site concerned. The precautionary principle should be applied.
  - CJEU Case C327/17 – it is not appropriate, at the screening stage of an Appropriate Assessment, to take account of mitigating measures intended to avoid or reduce the harmful effects of the plan or project on that site.

Kelly v An Bord Pleanála [2014] IEHC 400 (25 July 2014) 25 and 26 – the possibility or likelihood of a significant effect on a European site will generate the need for an appropriate assessment. There is no need to establish such an effect; it is merely necessary to determine that there may be such an effect.

### **6.2. Applicant Response**

The applicant's response included a letter from the applicants, and a separate letter from the hydro-environmental services company who prepared the Further Information response.

- The applicants' letter set out their farming background, and their aim to provide for their family's future by farming independently, having been in a shared farming agreement with a neighbouring farmer for a number of years.
- They have complied with all regulations and directives since taking over the farm in 2013, farming to the highest standards and passing all Bord Bia and Cross Compliance inspections.
- The proposed development of their own milking parlour will not intensify the use of the land, or increase the number of cows. In-calf stock is already on the farm (as of November 2024), due to calve in February 2025, and the delay to the project has potential for significant animal welfare issues.
- This appeal has caused undue stress and uncertainty, jeopardising the welfare of the animals and the ability to provide for their family.
- The appellant is unknown to the applicants, not from the area, and the appeal is vexatious, frivolous, and misguided. Nonetheless, the appellant is invited to visit the farm to address his concerns.

6.2.1. Separately, the letter from the agent sets out the following response:

- The Local Authority did not request an Appropriate Assessment/Natura Impact Statement document, or a Water Framework Directive Compliance Report.
- The Local Authority completed a Habitats Directive Screening Report, and included the Blackwater River SAC within the list of sites included in their screening assessment. There is no uncertainty in their screening.
- The development is remote from any watercourse; there is no intensification of farming; this is a new milking parlour for existing cows.
- The Local Authority completed a WFD assessment on page 5 of the Planner's Report, concluding that no High Status Objective Water Bodies were found within 1 km of the site. The Further Information submission made additional observations, noting the existing long-established farming enterprise, and the obligations to comply with other codes (the Good Farm Practice Regulations, the Nitrates Directive), ensuring no deterioration of waters will occur.
- The Board is referred to the following precedent cases –

- PL17-247664, Maperath, Kells, County Meath
- ABP-315949-23, Grangegoddan Glebe, Kells, Co. Meath.
- ABP-316159-23, Drumbo, Killeshandra, Co. Cavan.

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

No response on file.

### 6.4. **Observations**

No observations on file.

### 6.5. **Further Responses**

None received.

## 7.0 **Assessment**

7.1.1. I have examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports of the local authority, and the material submitted by the applicant. I have inspected the site, and I have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues to be considered in this appeal are as follows:

- Requirement for environmental assessments
- Hedgerow removal

### 7.2. **Requirement for environmental assessments**

7.2.1. I note the narrow grounds of the appeal, which is concerned with the Appropriate Assessment of the development, and potential for impacts on the Blackwater River SAC, and the requirements of a Water Framework Directive Assessment.

7.2.2. The Appropriate Assessment Screening Determination is appended to this report. The Local Authority concluded that no significant effects would be likely on any Natura 2000 site. The third party submission included a document on the Freshwater

Pearl Mussel, and the planner's report referred to the proximity to the Licky River catchment area (c. 0.48 km to the south). The site is not in the catchment area, and is separated from it by an area of higher ground. I have no concerns regarding impacts from the development on the Licky River habitat.

- 7.2.3. The Water Framework Directive aims to improve water quality and applies to all water bodies. In their various reports, the Planning Authority noted the distance to the nearest river, the vulnerability of the groundwater, lack of high status waters within 1 kilometre, and requested further information to satisfy themselves regarding effluent storage, leak protection, drinking water protection, and any increase in groundwater abstraction due to stock increase. A number of conditions directly or indirectly addressed water quality and pollution prevention. In any case, I have addressed the Water Framework Directive in Section 5.4 of this report.

### 7.3. **Hedgerow removal**

- 7.3.1. The proposal includes the removal of a stretch of at least 20 metres of the existing boundary to create a new vehicular entrance. This boundary has the appearance of a stone wall on the roadside, but is supporting a number of trees, indicating a clay bank clad with stone on one face. It has the appearance of a hedgerow when viewed from the field, with brambles, ferns and ivies, and it is my view that policies on hedgerows are relevant.
- 7.3.2. The applicant has demonstrated that the new entrance would have adequate sightlines; and stated that the rationale for the development is '*a wider safer entrance for bulk collections and deliveries*'. They have not demonstrated that the existing entrance (which measures some 7-8 metres in width) is in any way deficient or dangerous. I note the recent reductions in speed limits on local roads (from a default 80km per hour to a default 60 km per hour), the self-limiting nature of this particular road which is narrow and curving, precluding high speed traffic, the low levels of traffic both on this lightly trafficked road and from the farm yard itself, the connection to the existing farmyard, and the width of the existing entrance. In light of this, I do not consider the rationale for the new entrance and the removal of the stretch of hedgerow justified, having regard to Development Plan policies for protection of hedgerows and trees. I note the proposal includes replacement

hedgerow planting, and the Development Plan provides guidance on this; however, this is separate to the presumption against the removal of hedgerows in the first place. Given the character and maturity of the existing boundary, adequate justification is required for its removal. In my view, a condition omitting this element of the development would be appropriate.

#### **7.4. Other issues**

- 7.5. Regarding other issues, I note the provisions of DM 32 in the Development Plan. The proposed buildings are large (590 sqm with a 6.3 metres ridge height for the milking parlour, and 1,130 sqm with a 7.6 metres ridge height, for the slatted cubicle house), but of a typical form and style for agricultural buildings. The retention of the planting to the roadside boundary and the reinforcement of the planted field boundary to the north would provide appropriate screening. Colour could be addressed by condition. The buildings are more than 100 metres from the nearest house, and extend a cluster of existing farm structures. Soakpits are proposed for surface drainage, and effluent is proposed to drain to the proposed slatted shed tank. The applicant has submitted details of landspreading and a fertiliser plan as part of their application, and noted that landspreading takes place in accordance with the Nitrates Directive. I consider the development to be in compliance with DM 32 of the Development Plan.
- 7.6. There are no recorded monuments or protected structures in proximity to the site, and it does not lie within an Archaeological Landscape as designated in the Development Plan.
- 7.7. The Planning Authority attached conditions regarding drainage, the management of effluent, and compliance with standards for construction. These are reasonable conditions, in my view.

#### **8.0 AA Screening**

- 8.1.1. See Appendix 2 of this report for Appropriate Assessment Screening Determination. 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 in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.1.2. This determination is based on:

- The nature and extent of the subject development;
- The distance from European Sites;
- The weakness of connectivity between the development and European Sites, and;
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

## **9.0 Recommendation**

I recommend a grant of permission.

## **10.0 Reasons and Considerations**

Having regard to the nature and scale of the development as an extension to an established agricultural farmyard, and the proposed development's compliance with the Waterford City and County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual 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.

## **11.0 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 on the 30th day of July 2024 and the 13<sup>th</sup> day of September 2024, 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. Amending condition

The proposed development shall be amended as follows:

The proposed new vehicular entrance shall be omitted, and the existing roadside boundary retained.

Reason: In the interests of biodiversity, and to comply with policy objectives Hedgerow Policy Objective BD20, Trees and Woodlands Policy Objective BD21, Development Management Policy Objective DM48, and Section 8.9 of Volume 2 of the Development Plan.

3. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

4. All excavated material shall, where practicable, be reused on site. The removal of any surplus excavated material shall be done in line with the relevant licencing and permitting requirements.

Reason: in the interests of environmental protection.

5. All foul effluent generated by the agricultural development permitted herein shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river watercourse or to lands. Under no circumstances shall any of the storage facilities be allowed to overflow.

(b) The slurry effluent and farmyard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2002.

Reason: In the interest of public health and the preservation of both existing and potential sources of public water supply.

6. All galvanized cladding shall after weathering be dark green/grey or otherwise agreed in writing with the Planning Authority) and match the colour of the existing farm buildings.

Reason: In the interest of the visual amenity of the area.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding in the interests of sustainable drainage.

8. The building permitted herein shall be constructed to the specification outlined in Department of Agriculture, Food and the Marine "TAMS - Farm Building and Structures Specifications".

Reason: To ensure an adequate standard of construction, and to prevent water pollution.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Natalie de Róiste  
Planning Inspector

28 November 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321072-24
<b>Proposed Development Summary</b>	Milking Parlour Complex, wash tank, slatted cubicle house, new entrance and associated works
<b>Development Address</b>	Monagally West, Aglish, Cappoquin, Co. Waterford.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

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

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

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

## 12.0 Appendix 2 Screening 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		Construction of a milking parlour complex, dairy washing tank, slatted cubicle house, new entrance, and associated works		
Brief description of development site characteristics and potential impact mechanisms		<p>The site is located adjacent to an existing farmyard, on an existing farm. The proposed development is a milking parlour associated with the existing farm. The applicant has confirmed the works will comply with the relevant Minimum Specifications S100, S101, S102, S106, S108, S122, S123, S126, S128, S129, S131, S147, S156 and S160 by the Department of Agriculture Food and the Marine.</p> <p>The Blackwater River SAC is located c. 3.9 kilometres west of the site as the crow flies. The site is c. 250-270 metres from two branches of the Goish River, which meanders for c. 7.5 kilometres northwest (c. 5.5 km as the crow flies) before it reaches the Blackwater. There is theoretical potential that material from the site could run off over the fields into the River Goish and make its way into the SAC through this pathway (and a further 8 kilometres downstream to the Blackwater Estuary SPA). There are no meaningful connecting pathways between the development and other Natura 2000 sites.</p>		
Screening report		No. Waterford County Council screened out the need for AA.		
Natura Impact Statement		No.		
Relevant submissions		See section 3.5 of report.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Blackwater River (Cork/Waterford) SAC 002170	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other	3.9 km	No direct, possible indirect	Y

	<p> <b>annuals colonising mud and sand [1310]</b>  <b>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</b>  <b>Mediterranean salt meadows (Juncetalia maritimi) [1410]</b> Water courses of plain to montane levels with the <b>Ranunculion fluitantis</b> and <b>Callitriche-Batrachion</b> vegetation [3260] Old sessile oak woods with <b>Ilex</b> and <b>Blechnum</b> in the <b>British Isles [91A0]</b> Alluvial forests with <b>Alnus glutinosa</b> and <b>Fraxinus excelsior</b> (<b>Alno-Padion</b>, <b>Alnion incanae</b>, <b>Salicion albae</b>) [91E0] <b>Margaritifera margaritifera</b> (<b>Freshwater Pearl Mussel</b>) [1029] <b>Austropotamobius pallipes</b> (<b>White-clawed Crayfish</b>) [1092] <b>Petromyzon marinus</b> (<b>Sea Lamprey</b>) [1095] <b>Lampetra planeri</b> (<b>Brook Lamprey</b>) [1096] <b>Lampetra fluviatilis</b> (<b>River Lamprey</b>) [1099] <b>Alosa fallax fallax</b> (<b>Twaite Shad</b>) [1103] <b>Salmo salar</b> (<b>Salmon</b>) [1106] <b>Lutra lutra</b> (<b>Otter</b>) [1355] <b>Trichomanes speciosum</b> (<b>Killarney Fern</b>) [1421] </p>			
<p> <b>Blackwater Estuary (004028)</b> </p>	<p> <b>SPA</b>  <b>Wigeon (Anas penelope) [A050]</b>  <b>Golden Plover (Pluvialis apricaria)</b> </p>	<p> <b>5.7 km</b> </p>	<p> <b>No direct, possible indirect</b> </p>	<p> <b>Y</b> </p>



	[A140] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Wetland and Waterbirds [A999]			
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Blackwater River (Cork/Waterford) SAC 002170  <b>Estuaries [1130]</b> <b>Mudflats and sandflats not covered by seawater at low tide [1140]</b> <b>Perennial vegetation of stony banks [1220]</b> <b>Salicornia and other annuals colonising mud and sand [1310]</b> <b>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</b> <b>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</b> <b>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and</b>	Direct: none  Indirect: none	Residual effects downstream of the Goish (i.e. in the Blackwater River itself) are not likely due to the large regional catchment area of the Blackwater River (i.e. very large dilution effects). The nature extent and scale of the proposed development, the established agricultural use on the site, the absence of any direct hydrological link to the SAC, the implementation of standard construction management techniques, and the distance from 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 listed Qualifying Interests. Conservation objectives would not be undermined.

<p><b>Callitricho-Batrachion</b>  <b>vegetation [3260]</b> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]  <b>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</b>  <b>Margaritifera margaritifera</b> (Freshwater Pearl Mussel) [1029]  <b>Austropotamobius pallipes</b> (White-clawed Crayfish) [1092]  <b>Petromyzon marinus</b> (Sea Lamprey) [1095]  <b>Lampetra planeri</b> (Brook Lamprey) [1096]  <b>Lampetra fluviatilis</b> (River Lamprey) [1099]  <b>Alosa fallax fallax</b> (Twaite Shad) [1103]  <b>Salmo salar</b> (Salmon) [1106]  <b>Lutra lutra</b> (Otter) [1355]  <b>Trichomanes speciosum</b> (Killarney Fern) [1421]</p>		
<p>Blackwater Estuary SPA (004028)</p> <p><b>Wigeon (<i>Anas penelope</i>) [A050]</b>  <b>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</b>  <b>Lapwing (<i>Vanellus vanellus</i>) [A142]</b>  <b>Dunlin (<i>Calidris alpina</i>) [A149]</b>  <b>Black-tailed</b></p>	<p>Direct: none</p> <p>Indirect: none</p>	<p>Residual effects downstream of the Goish (i.e. in the Blackwater Estuary itself) are not likely due to the large regional catchment area of the Blackwater River (i.e. very large dilution effects). The nature extent and scale of the proposed development, the established agricultural use on the site, the absence of any direct hydrological link</p>

<b>Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]</b>	to the SPA, the implementation of standard construction management techniques, and the distance from the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the listed Qualifying Interests. Conservation objectives would not be undermined.
	<b>Likelihood of significant effects from proposed development (alone):</b> No
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> No
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site:</b> No
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site:</b> No
<b>Further Commentary / discussion</b> <p>The applicant has submitted a fertiliser plan and information regarding adequate storage capacity for slurry. Additionally, I note that the application of fertilisers is regulated under the the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. These regulations contain specific measures to protect surface water and groundwater from nutrient pollution arising from agricultural sources. This includes, but is not limited to, a prohibition on land spreading within 5-10 metres of a watercourse following the opening of the spreading period. I note that an Appropriate Assessment was carried out as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by Statutory Instrument no 113 of 2022, the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022. That Appropriate Assessment concluded that the programme would not adversely affect the integrity of any European Site. In any case, the carrying out of landspreading does not form part of this application.</p>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
I conclude that the proposed development (alone) would not result in likely significant effects on the Blackwater River (Cork/Waterford) SAC (site code 002170) or the Blackwater Estuary SPA (site code 004028). The proposed development would have no likely significant effect in combination with other plans and projects on any European site. 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 any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and extent of the subject development;
- The distance from European Sites;
- The weakness of connectivity between the development and European Sites; and,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

## 13.0 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.	ABP-321072-24	Townland, address	Monagally West, Aglish, Cappoquin Co. Waterford.
Description of project		Construction of a milking parlour complex, dairy washing tank, slatted cubicle house, new entrance, and associated works	
Brief site description, relevant to WFD Screening,		<p>The application site includes an existing farmyard and part of an adjacent field, part of a larger landholding, bordered to northwest and southwest by the River Goish. This (Goish_10 IE_SW_18G120200) is the nearest water body, c. 250-275 metres away. It is a tributary to the River Blackwater (classified as a transitional waterbody at this point, Upper Blackwater M Estuary IE_SW_020_0500) c. 5 km to the northwest (more than 6.5 km, following the meanders of the river. The ground waterbody is Glenville IE_SW_G_037. The groundwater vulnerability is designated as High Vulnerability by the Geological Survey of Ireland (due to high depth of bedrock). The National Soils Hydrology Map notes the soil type as well-drained Tills derived from Devonian sandstones. The subsoil is a coarse loamy drift with siliceous stones.</p>	
Proposed surface water details		Clean roofwater to soakaways. All slurry and soiled water to slurry tank or open slurry tank. Dairy washings to dairy washings tank.	

<b>Proposed water supply source &amp; available capacity</b>	Existing on-site well.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	None. Slurry and effluent to be stored on site and then 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.
<b>Others?</b>	N/A

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River waterbody	250-270 m	Goish_10 IE_SW_18G1202 00	Moderate	At risk	None	Theoretical due to terrain and distance from watercourse
Groundwater waterbody	Underlying the site	Glenville IE_SW_G_037	Good	Not at risk	Agriculture	Potential due to well draining soils

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	Goish_10 IE_SW_18G12 0200	Run off	Water pollution from construction run off (silt, concrete, oil spillages)	Use of standard construction practices	No	Screen out
2.	Ground	Glenville IE_SW_G_037	Underground	Water pollution from construction run off (silt, concrete, oil spillages)	Use of standard construction practices	No	Screen out
OPERATIONAL PHASE							

3.	Surface	Goish_10 IE_SW_18G12 0200	Run off	none	none	No	Screen out
4.	Ground	Glenville IE_SW_G_037	Underground	Leaks from tanks	Use of standard construction practices	No	Screen out
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A