



An
Bord
Pleanála

Inspector's Report

ABP-321379-24

Development	Construction of milking parlour with all associated site works.
Location	Ballybrowney Upper, Rathcormac, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244050
Applicant(s)	James and Bríd Finn
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Peter Sweetman
Observer(s)	None
Date of Site Inspection	12 th February 2025
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1.1. The appeal site is located 1.8km west of Racthcormac, County Cork, within the townland of Ballybrowney Upper. There is an existing dwelling house located at the subject site with existing agricultural sheds to the rear (west) where the proposed new shed is to be located. The land is generally flat, is accessed via the local road L-5784 and is located approximately 650m west of the M8 Motorway corridor.

2.0 Proposed Development

- 2.1.1. The proposed development that is the subject of this appeal, consists of the following:

- Milking parlour with effluent tank.
- Feeding passage with slatted tank.
- Dairy bulk tank.
- Feed bin.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 8th November 2024, Cork County Council granted permission for the proposed development subject to 23no. conditions. The following conditions are of note:

Condition 15: No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse and detailed proposals for installation and maintenance of silt traps and other measures to ensure this shall be submitted and agreed with the Planning Authority before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.

Condition 16: Potable water supply shall be from a private well which shall be constructed so as to prevent contamination and thereafter water shall be tested and treated as necessary to meet the requirements of The European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations 2000.

Condition 19: All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.

Condition 20: Prior to commencement of use of the Milk Storage Tank, certification by a suitably qualified person, that the appropriate containment measures are in place to control any accidental/uncontrolled discharges from the tank, shall be submitted to and agreed in writing with the planning authority.

Condition 21: Sufficient straw, or other suitable absorbent bedding material, shall be used for animals housed on straw bedding. Any seepage of effluent from straw bedded areas shall be collected in existing or proposed effluent tanks. All farmyard manure generated on site shall be stored and managed in line with the requirements of S.I. 31 of 2014.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority planning report had regard to the location of the site, planning history, national and local policy and to the referral responses and submissions made. Their assessment included the following:

- No objection to the principle of the proposed development given it is an extension to existing farmyard infrastructure.
- Given the existing landscaping and the agricultural sheds proposed, it is not considered to give rise to siting concerns or impacts on amenity to the area.
- Further details in relation to sightlines and flood risk are required.
- The Lisnagar Demesne Stream and the section of the River Bride to which it discharges are considered 'Good – SW 2016-2021'.

- Although there is no identified hydrological link between the proposed works area and Lisanagar Demesne Stream, there are number of open drains which could have a link to the watercourse. Spreading of slurry is also a concern on the applicant's lands. A Water Framework Directive Compliance statement is required, having regard to policy objective WM 11-1 of the CDP.
- The primary concern is impact on Natura 2000 site nearby. In order to ensure all QI habitats and species are protected, the minimum water quality standard required is Q4 – Good status. Insufficient information provided to determine if a hydrological connection exists between the subject site and the Blackwater River SAC (002170). A Habitats Directive Screening Assessment is therefore requested.
- The submission from An Taisce is noted and request that a screening of impacts on the Blackwater River SAC accounts for any potential impacts from the spreading of slurry on the lands associated with the proposed development. An Taisce also refer to requirements set out under Article 4 of the Water Framework Directive.
- Further information was recommended in relation to a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in September 2024, which included the following:

- A Natura Impact Statement.
- A Water Framework compliance assessment.
- Revised sightlines of 60m setback 3m from edge of road.
- Stage 1 Flood Risk Assessment

Planning Authority Response

3.2.3. The Planning Authority considered the submitted further information details to be acceptable and recommended a grant of permission.

3.2.4. Other Technical Reports

- **Ecology Section** – Further details required in relation to hydrological connections to Blackwater River (Cork/Waterford) SAC required, as well as a Water Framework compliance assessment. Owing to the 4.5km separation to known catchments of Margaritifera (freshwater pearl mussel), the proposed development is not considered to have any impact on this species. The requested information was provided at FI stage, including a Natura Impact statement (NIS), which was deemed satisfactory by the Ecology Section. Recommended a grant of permission subject to conditions.
- **Area Engineer** – Further details required in relation to sight lines and flood risk that were provided at FI stage and considered satisfactory. Recommended a grant of permission subject to conditions.
- **Environment Section** – Indicated that the development is acceptable subject to conditions. The planner's report notes comments from Environment section at FI stage and that the subject proposal can comply with Good Agricultural Practice (GAP) regulations when operating at maximum capacity. Further reference is made to the GAP regulations in the form of controlling when, where, and how slurry and soiled water can be applied to the land and, the level of chemical fertilisers which can be applied to the holding. All farm operators are required to comply with these regulations.

3.3. Prescribed Bodies

An Taisce – Appropriate Assessment required given proximity to the Blackwater River SAC. Assessment under Article 4 of the Water Framework Directive (WFD) also required given proximity to River Bride.

3.4. Third Party Observations

There was one submission on file. The main issues highlighted are as follows:

- The Planning Authority has four distinct sets of legal tasks when it deals with an application such as this.
- Firstly, it must assess the planning merits of the application in accordance with the Planning and Development Act, 2000 (as amended) to ensure that

the proposed development is in accordance with the proper planning and sustainable development of the area.

- The Planning Authority is then also required to form and record a view as to the environmental impacts of the development, considering the EIA report if furnished by the applicant, the views of the public concerned and applying its own expertise and to screen the development for Environmental Impact Assessment.
- Thirdly, the Planning Authority is the competent authority having regard to responsibilities under the Habitats Directive. It is stated that the site is within 1km of the Blackwater River (Cork/Waterford) SAC (002170) and therefore an Appropriate Assessment is required.
- Finally, the development must be assessed for compliance with the Water Framework Directive.
- The submission also included a report titled 'Guidance on Assessment and Construction Management in *Margaritifera* catchments in Ireland'. This report sets out the conservation objectives and best environmental practices relating to the conservation of the freshwater pearl mussel.

4.0 Planning History

None.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. A central aim of national policy (National Planning Framework/NPF) is to recognise the role of the rural countryside as a lived-in landscape and focusing on the requirements of rural economies and rural communities based on “agriculture, forestry, tourism, and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”. The Regional Spatial and Economic Strategy (RSES) reflects the NPF position.

5.2. National Biodiversity Action Plan (NBAP) 2023-2030

- 5.2.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. Cork County Development Plan 2022-2028

- 5.3.1. The Cork County Development Plan 2022-2028 (CDP) is the relevant statutory plan that applies to the subject site. The site is located in a rural area, and in accordance with CDP Objective ZU 18-4, as the site is not explicitly zoned, the specific zoning of the site is deemed to be the existing use of the lands which is agriculture.

Relevant Development Plan Policies

Table 8.4 of the CDP states an overall strategy to: *Support existing employment uses and resource driven sectors like agriculture, fishing, minerals, renewable energy, tourism, recreation etc.*

Section 8.16 of the CDP relates to Agriculture and Farm Diversification and the importance of agriculture in innovation and job creation. A key element of the County's strategy to protect and enhance the County's rural areas is to provide support and encouragement for a dynamic, innovative, and sustainable agriculture and food production sector.

Objective EC: 8-15 (a) aims to:

- a) *Encourage the development of sustainable agriculture and related infrastructure including farm building.*

Section 11.3.18 of the CDP refers to groundwater protection, and highlights the main threats to groundwater include intensive agriculture, land spreading of pig and cattle slurry and hatchery wastes, other farmyard wastes such as silage effluent and soiled water and septic tank effluent. Once contaminated, groundwater is difficult and expensive to clean.

Objective WM 11-1 refers to the EU Water Framework Directive. WM 11-1 (a) seeks to *‘Protect and improve the County’s water resources and ensure that development permitted meets the requirements of the River Basin Management Plan and does not contravene the objectives of the EU Water Framework Directive.’*

Objective WM 11-2 relates to the protection of surface water quality in the County.

Objective 11-6 relates to protection from agricultural pollution and seeks to *“Protect the County’s waters from agricultural pollution in accordance with the Nitrates Directive (91/676/EEC) through the implementation of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 605 of 2017) or any future revised / additional requirements and ensuring that all agricultural development shall comply with those Regulations.”*

Objective 15-2 of the CDP strives to protect sites, habitats and species which are designated or proposed for designation under European / National legislation and International Agreements and where possible protect and enhances areas of local biodiversity value, ecological corridors and habitats that form part of the County’s ecological corridors.

5.4. Natural Heritage Designations

- 5.4.1. The Lisnagar Demesne Stream is located 100m north of the subject site. The stream feeds into the River Bride, and forms part of the Blackwater River (Cork/Waterford) SAC (Site code 002170).

5.5. EIA Screening

- 5.5.1. The proposed agricultural 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). As such, no mandatory requirement for EIA arises

and there is no requirement for a preliminary examination or screening assessment. Please see Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

A Third-Party Appeal has been submitted against the decision made by Cork County Council to grant permission for the proposed development.

The grounds of appeal can be summarised as follows:

- The Planning Authority failed to carry out an Appropriate Assessment according to the law as set out in paragraph 44 of CJEU Case 258/11 - *"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it 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 protected site concerned."*
- As the Planning Authority has failed to assess the application in accordance with legal requirements, the Third Party Appeal seeks the awarding of costs against the Planning Authority.

6.2. Applicant Response

The applicant provided a response to the grounds of the appeal, which can be summarised as follows:

- The subject proposal is for a dairy farm with 70 cows and 15 heifers but would stay within the 170kg/ha for nitrates.
- A Natura Impact Statement, Water Framework Compliance statement and Flood Risk Assessment (stage 1) were all submitted at FI stage, and reviewed by the Planning Authority who granted permission.
- The proposal for conversion to milking will use some existing buildings but the new building and upgrades is the most cost-effective way to convert.

6.3. Planning Authority Response

The Planning Authority considers that all matters raised in the appeal have been addressed in the technical reports provided and have no further comments to make.

6.4. Observations

None.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Water Quality Impacts
- Appropriate Assessment

7.2. Water Quality Impacts

7.2.1. The Third-Party Appeal claims that the Planning Authority failed to carry out an Appropriate Assessment according to the law, which states the assessment cannot have any lacunae and must contain complete, precise and definitive findings and conclusions. I consider this issue to be related to water quality impacts from the proposed development and the submitted Water Framework Directive Compliance Assessment submitted by the applicant, which are specifically related to the Appropriate Assessment (AA) of the subject proposal on the principles of water quality maintenance. I refer the Board to my key findings in the AA section of this report for additional details in relation to water quality preservation.

Purpose of WFD

7.2.2. The purpose of the WFD is to ensure that no changes occur that cause a deterioration of the ecological status of any water body, and that the development does not prevent the achievement of the future status objectives of any water body. Impacts on water quality can in some instances have a knock-on effect on the appropriate assessment of the proposed development as outlined in Section 7.3 of this report.

- 7.2.3. The subject site is located in the Bride [Waterford]_SC_10 WFD sub-catchment and the Bride [Blackwater]_020 WFD river sub basin. The main channel of the River Bride flows approximately 1km south of the subject site. In the immediate vicinity of the subject site, the Lisnagar Demesne Stream (EPA Code: 18L68), a tributary of the River Bride, is located approximately 100m north. The Lisnagar Demesne Stream continues to the southeast for approximately 2.2km before discharging to the River Bride.
- 7.2.4. The proposed development is as set out in Section 2 of this report.
- 7.2.5. The lawfulness of the Appropriate Assessment undertaken by the Planning Authority, which is related to water quality impacts, was questioned in the appeal. The minimum water quality standards required for the Blackwater River SAC (002170) is Q4 – Good Status. The maintenance of this status and any implications for the qualifying interests of the Blackwater River SAC are key considerations in this appeal.
- 7.2.6. I have assessed the proposed milking parlour with effluent tank and slatted tank and the submitted Water Framework Assessment, in the context of the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface & ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration.
- 7.2.7. Ecological status of surface water is defined through assessment of ecological and chemical status. Ecological status relates to the biological quality elements supported by the physico-chemical elements and hydromorphology elements. Chemical status relates to the amount of priority substances, priority hazardous substances within a waterbody.
- 7.2.8. The Water Framework Compliance Statement submitted by the applicant confirms that in order to mitigate against potential negative effects on surface and groundwater quality, quantity and flow patterns, mitigation measures will be implemented at construction and operational phases. The main mitigation is to maintain a 50m buffer from the nearest natural water course which is the Lisnagar Demesne Stream to the north. Other construction phase mitigation measures include standard good practice construction methods such as carrying out works in periods

of low rainfall, provision of settlement ponds, storage of fuels off site and monitoring for leaks.

- 7.2.9. During the operational phase, greenfield run off rates are to be maintained and surface water will be discharged to silt traps or suitably sized soakaways to prevent any sediments from entering the stream. There will be no direct discharge to nearby surface water features. I also note from the submitted Stage 1 Flood Risk Assessment that the subject site is not at risk of flooding, which eliminates any potential floodplain impacts on any Natura 2000 sites.
- 7.2.10. The slatted tanks will be used to collect and store foul water associated with the proposed development. The slurry will be spread across the applicant's land and will replace pig slurry that is currently being imported to the land. The stocking density is submitted to remain under 170kg N/ha and will be spread in accordance with the standard agricultural protocols which are driven by water quality regulations including the EU Good Agricultural Practice for protection of Waters Regulations 2022.
- 7.2.11. In 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 ground waterbodies when mitigation measures are implemented.
- 7.2.12. The reason for this conclusion is as follows:
- The proposed development does not involve any abstraction of groundwater or alteration of drainage patterns. Therefore, the available quantity/volume of groundwater and surface water to the receiving waters will remain unaltered during the construction and operational phases.
 - While there is indirect discharge from the proposed development to downstream receiving waters, mitigation for the protection of surface water during construction and operational phases will ensure the qualitative status of the receiving waters will not be altered.
 - There is also mitigation proposed to protect groundwater quality during the construction and operational phases of the development including soak pits, silt traps and limiting drainage to greenfield run off rates.
 - I have taken into account the WFD screening report/determination by the Planning Authority that notes the subject proposal can comply with Good

Agricultural Practice regulations when operating at maximum capacity. Further reference is made to the GAP regulations in the form of controlling when, where, and how slurry and soiled water can be applied to the land and, the level of chemical fertilisers which can be applied to the holding. It is noted all farm operators are required to comply with these regulations.

Conclusion

- 7.2.13. I conclude 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 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. Based on the information provided, the 'Q4-Good Status' will remain unchanged as a result of the proposed development, and therefore the proposal will not impact on water quality status.
- 7.2.14. The carrying out of land spreading does not form a specified part of this application. As noted, the appeal file indicates that livestock numbers will remain within 170kg N/ha and spreading of slurry from the proposed development will replace the existing practice of importing pig slurry. In this regard, I note that any subsequent, land spreading would be regulated by the provisions of S.I. No. 113/2022 entitled "European Union (Good Practice for Protection of Waters) Regulations 2022" (as amended).
- 7.2.15. The potential risks to water quality arising from either the construction and/or operational phases of the proposed milking parlour, effluent tank and slatted tank is further considered in the Screening for Appropriate Assessment Determination in the following sections.

7.3. Appropriate Assessment

Stage 1 - Screening

7.4. Compliance with Article 6(3) of the Habitats Directive

- 7.4.1. The requirements of Article 6(3) as it relates to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.4.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

7.4.3. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:

- 1) Description of the plan or project and local site or plan area characteristics.
- 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
- 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
- 4) Screening Statement with conclusions.

7.4.4. As the appeal submits the Planning Authority has failed to carry out an Appropriate Assessment according to the law, the Board are now the competent authority for the purposes of this appeal and a full appropriate assessment is set out hereunder.

7.4.5. A Natura Impact Statement (NIS) that includes screening of European Sites has been submitted with the application.

7.5. Project Description

7.5.1. The proposed development as submitted in summary, comprises of a milking parlour with effluent tank, feeding passage with slatted tank, dairy with feed bin, and all ancillary site works on lands at Ballybrowney Upper, Rathcormac, Co. Cork.

7.5.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution
- Habitat loss/ fragmentation

- Habitat disturbance /species disturbance (construction and/or operational)

7.5.3. In relation to the matter of habitat loss or alteration, the proposed development site is hydrologically connected to the Blackwater River (Cork/Waterford) SAC by an existing drainage channel and could therefore result in loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation as the site is not part of or immediately adjacent to any Natura 2000 designated site.

7.6. European Sites

7.6.1. Table 1 provides an Identification of Relevant European Sites (Natura 2000) within a 15km radius of the proposed development area.

Table 1 below provides a list of Proximity to designated sites of conservation importance.

European Site	Code	Distance	Direct Hydrological/Biodiversity Connection
Blackwater River (Cork/Waterford) SAC	002170	100m north	Yes
Blackwater Callows SPA	004094	8.9km north	No

- 7.6.2. The applicant submitted a Natura Impact Statement at FI Stage of the application, that included a brief screening exercise for nearby Natura 2000 sites.
- 7.6.3. There is a potential impact receptor pathway via an existing surface water drainage channel between the proposed development and one of these Natura 2000 sites, the Blackwater River (Cork/Waterford) SAC and this has been screened in by the applicant.
- 7.6.4. As there are no hydrological links/biodiversity connections the other Natura 2000 site, the Blackwater Callows SPA, this site has been screened out.

7.6.5. The Qualifying Habitats and Species of each of the Natura 2000 Sites as referred to above are included in Table 2 below.

The Qualifying Interests and General Conservation Objectives of the identified Designated Natura 2000 site is as shown in Table 2 below:

European Site (code) and distance from proposed development	List of Qualifying Interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
Blackwater River (Cork/Waterford) SAC Distance 100m	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]	To maintain or restore the favourable conservation condition of the species listed as Special Conservation interests for this SAC.	There is source – pathway – connectivity between the proposed development site and the Blackwater River (Cork/Waterford) SAC. Existing drainage features at the subject site discharge into the Lisnagar Demesne Stream to the north, where the SAC is approximately 120m	Yes

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculon fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p>		downstream of the discharge point.	
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	<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>			
Blackwater Callows SPA (004094)	<p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Wigeon (Anas penelope) [A050]</p>	To maintain the favourable conservation condition of	There is no source-pathway-connectivity between the	No.

	Teal (Anas crecca) [A052] Black-tailed Godwit (Limosa limosa) [A156] Wetland and Waterbirds [A999]	the bird species listed as Special Conservation Interests for this SPA.	subject site and the Blackwater Callows SPA	
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7.6.6. I have reviewed the information on file and the documentation submitted by the applicant. With an absence of any identifiable hydrological connection, the Blackwater Callows SPA has been screened out. Given the potential for impacts through surface water discharge during construction and operation, significant impacts on the Blackwater River (Cork/Waterford) SAC cannot be discounted. In view of the proximity and hydrological connection this proposal has potential to impact on the integrity of this site and this is considered further in the Screening Rationale below.

7.7. **Assessment of likely Effects (Direct/Indirect)**

Blackwater Callows SPA

7.7.1. No significant adverse impact-receptor pathway has been identified as a result of the proposed development in relation to the Blackwater Callows SPA. Likewise, there are no habitats of importance for the bird species identified as QI in this SPA that will be impacted by the proposed development. Therefore, it is objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to this SPA.

Blackwater River (Cork/Waterford) SAC

7.7.2. AA screening details provided in the NIS Report provide that there is a potential pathway from the proposed development site to this SAC (c.240m downstream of the discharge point from the subject site to the Lisnagar Demesne Stream) via existing surface water drainage channels. The SAC itself is located approximately

100m to the northeast of the proposed development site. Potential significant effects on the Qualifying Interests (QI) may arise in the form of emissions to surface water resulting from the construction and operational phases. The applicant submits that on site soakaways and/or attenuation tanks will operate to filter and slow down the flow of any surface or storm water on the site during the operational phase as indicated in the submitted documents, although I note these details have not been specified in the drawings with the application. Indirect habitat/species loss or deterioration of Natura 2000 sites (including water quality) within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. As the Lisnagard Demesne Stream flows into the Bride River, and forms part of the Blackwater River (Cork/Waterford) SAC, then the qualifying interests may be impacted by any reduction in water quality, hence there is a potential pathway for impact.

- 7.7.3. The majority of run-off from the development will discharge via existing drainage features at the subject site. The drainage features consist of an overground vegetated drainage channel and underground pipe sections that under the current scenario takes water to the west/southwest of the farmyard and ultimately discharges to the Lisnagar Demesne Stream to the north. This drainage feature is primarily active during storm events or periods of heavy rainfall. There is a similar drainage channel at the eastern section of the subject site that discharges into the final overground vegetated drainage channel that also outfalls to the Lisnagar Demesne Stream to the north.
- 7.7.4. I note from the submitted Stage 1 Site Specific Flood Risk Assessment that the subject site is not at flood risk. Therefore, there is no significant adverse impact-receptor pathway associated with the study site regarding flooding/floodplain impacts on any Natura 2000 site.
- 7.7.5. Given the above details, there is a potential pathway for direct effects for the Blackwater River (Cork/Waterford) SAC during construction and operational phases. Therefore, the project must proceed to a Stage II Natura Impact Assessment.
- 7.8. **Conclusion – Stage 1 AA**

- 7.8.1. The European Sites are designated as SAC or SPA based on qualifying habitats and/or species listed in Annex I and Annex II of the EU Habitats Directive. None of the qualifying species or habitats detailed in the site synopsis or conservation objectives for each of the identified European Sites, were identified in the site survey work undertaken by the applicant and submitted in the Natura Impact Statement.
- 7.8.2. The submitted details demonstrate that there is a potential indirect pathway for risk to the Blackwater River (Cork/Waterford) SAC from surface water and storm water runoff during the construction and operational phases of the proposed development that enters the Lisnagar Demesne Stream approximately 240m upstream from the SAC.
- 7.8.3. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, Stage 2 Appropriate Assessment is not required for the Blackwater Callows SPA and this European Site can be screened out. However, it has been concluded that the project individually (or in combination with other plans or projects) could have a direct effect on European Site No. 002170 (Blackwater River (Cork/Waterford) SAC), in view of the site's Conservation Objectives, and an Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

7.9. Stage 2 – Appropriate Assessment

- 7.9.1. The application includes a Natura Impact Statement (NIS) which examines and assesses potential adverse effects of the proposed development on the following European Site:
- Blackwater River (Cork/Waterford) SAC 002170
- 7.9.2. In general, I am satisfied that the NIS for the proposed milking parlour development adequately describes the proposed development, the project site and the surrounding area. While a separate Appropriate Assessment Screening report was not submitted, the Planning Authority undertook an initial screening and determined that additional information was required. The submitted NIS also provides adequate information in Section 3.0 of that report to allow a screening exercise to be undertaken. Based on my Stage 1 assessment in the preceding sections and the

presence of a hydrological connection to the SAC I conclude that a Stage 2 Appropriate Assessment (NIS) is required and is appropriate. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for the site and its conservation objectives, suggested mitigation measures, and identified a contingency plan for mitigation failure on the European site and its conservation objectives.

- 7.9.3. The NIS concluded that, subject to implementation of mitigation measures, the proposed milking parlour development at Ballybrowney Upper will not adversely affect the integrity and conservation status of the Blackwater River (Cork/Waterford) SAC in view of the conservation objectives for the site considering best scientific evidence.
- 7.9.4. Having reviewed the documents, submissions and studies submitted, I am satisfied that the information including that in the NIS (dated August 2024), allows for a complete assessment of any adverse effects of the development, on the conservation objectives of this European site alone, or in combination with other plans and projects.

Appropriate Assessment of the Implications of the Proposed Development

- 7.10. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are identified, and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

- 7.11. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

- EC (2011) Guidelines on the Implementation of the Birds and Habitats Directives in Estuaries and Coastal Zones.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

7.11.1. **Relevant European site:** The following site is subject to appropriate assessment:

- Blackwater River (Cork/Waterford) SAC (Site code: 002170)

7.11.2. A description of this site and its Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined in Table 3 below. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives for this site available through the NPWS website (www.npws.ie).

Aspects of the Proposed Development

7.11.3. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include:

- Impacts to water quality via surface water runoff, nutrient release or increased siltation through construction and operational related pollution events.

A description of the Qualifying interests and Conservation Objectives of the SAC is given in Table 2 in the Screening Assessment above.

7.11.4. Table 3 below summarises the appropriate assessment and site integrity test. The conservation objectives, targets and attributes as relevant to the identified potential significant effects are examined and assessed in relation to the aspects of the project (alone and in combination with other plans and projects). Mitigation measures are examined, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites.

7.11.5. I note from the submitted NIS that a review of the attributes and targets for qualifying interests set out in the relevant Conservation Objectives series for the Blackwater River (Cork/Waterford) SAC finds that water quality is a specific attribute/target for the following qualifying interests of the SAC:

- *Margaritifera margaritifera* (Freshwater Pearl Mussel)

- *Austropotamobius pallipes* (White-clawed Crayfish)
- *Alosa fallax fallax* (Twaite Shad)
- *Salmo salar* (Salmon)
- Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachium* vegetation

7.11.6. Based on documented locations, the following occurs/potentially occurs within the SAC river channel downstream from where the existing overground drainage channel from the subject site discharges into the Lisnagar Desmesne Stream:

- Twaite Shad
- Atlantic Salmon
- Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachium* vegetation

7.11.7. My AA summary below is limited to these species and habitats. Water quality targets for these qualifying interests include river water quality of 'Q4 good status' and WFD 'good status' overall, both of which are currently being achieved downstream of the existing drainage discharge point at Lisnagar Demesne Stream.

7.11.8. The NIS notes the Freshwater Pearl Mussel distribution/catchment areas and the White-clawed Crayfish locations associated with the Blackwater River (Cork/Waterford) SAC are not downstream of the subject site and therefore these qualifying interests are not of relevance in this case.

7.11.9. In addition to the summary tables below, key issues that arose through my examination and assessment of the NIS are expanded upon in the text below:

Table 3 – AA summary matrix for the Blackwater River (Cork/Waterford) SAC

Blackwater River (Cork/Waterford) SAC (Site Code 002170) Summary of Key issues that could give rise to adverse effects: Water Quality Impacts created by construction and operational activities on site					
		Summary of Appropriate Assessment			
Targets & Attributes (as relevant): The favourable conservation status of a species is achieved when: - population dynamics data on the	Conservation Objectives: To maintain or restore the favourable conservation condition of the species and habitats listed as Special Conservation	Potential adverse effects: There is a potential pathway from the proposed development site to this SAC (c.100m to the north of the subject site at its closest point) via the	Mitigation measures: <u>Construction</u> Construction works will take place during periods of low rainfall to reduce run-off and potential siltation of watercourses.	In-combination effects: Provided the protective measures (construction and operation) as outlined in the submitted documentation are in place and carried out the	Can adverse effects on integrity be excluded? Yes. Identified indirect impacts in the form of surface water pollution during construction and operational phases can be avoided by way of mitigation. It can therefore be excluded, on the basis of objective scientific information that the project, individually or in combination with other plans or projects,

species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and - the natural range of the species is neither being reduced nor is likely to be reduced for the	Interests for this SAC: Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Salmo salar (Salmon) [1106] Alosa fallax fallax (Twaite Shad) [1103]	Lisnagard Demesne Stream, which is located to the northeast of the proposed development site. Potential significant effects on the Qualifying Interests (QI) may arise in the form of emissions to surface water resulting from the construction and operational phases. Indirect habitat/species	Silt traps and silt fences to be installed around drains downstream of construction site. Silt bags to be used when small to medium volumes of water need to be pumped from the site. Settlement ponds to be provided. Any excavated soil to be sealed	proposed development will not have potential for significant effects on its own or when considered with any other plans and projects.	will not impact on the integrity of the European Site.
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foreseeable future, and - there is, and will - probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.		loss or deterioration of Natura 2000 sites (including water quality) within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. As the	and vegetated as soon as possible to reduce sediment entrainment in runoff. No fuel stored on site. No refuelling on site. Regular checks for leaks in construction machinery. All waste concrete to be removed to a licenced waste facility.		
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		<p>Lisnagard Demesne Stream forms part of the Blackwater River (Cork/Waterford) SAC, then the qualifying species may utilise this water course as a natural habitat, relying on 'good status', hence there is a potential pathway for impact.</p>	<p>No batching of wet-cement products on site. Preference for pre-cast products will take priority over ready mix cement.</p> <p><u>Operational</u></p> <p>Waste-water/foul effluent storage facilities (tanks) will be adequately designed and sized in accordance with standard agricultural</p>		
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			<p>protocols regarding environmental protection under the nitrates directive including 16 week capacity in slurry tank.</p> <p>The collected waste/water/foul effluent will be spread on the agricultural fields within the associated landholding in accordance with standard agricultural</p>		
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			<p>protocols regarding environmental protection under the Nitrates Directive including application of chemical fertiliser prohibited from 15th September to 26th January. Spreading of cattle slurry prohibited from 1st October to 12th January. Cattle slurry not to be spread</p>		
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			<p>within 5m of any watercourse. Weather conditions to be considered to prevent nutrient runoff. Silage bales will be stacked no more than 2 high with no effluent excretion.</p>		
<p>Overall Conclusion: Integrity Test</p> <p>Following the implementation of mitigation measures, the construction and operation of this proposed development will not adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC in view of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

7.12. European Sites

Blackwater River (Cork/Waterford) SAC (Site Code 002170)

7.12.1. According to the Site Synopsis, the Blackwater River is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The site consists of freshwater stretches as far upstream as Ballydesmond, the tidal stretches as far as Youghal Harbour and many tributaries, the larger of which include the River Bride, which the Lisnagar Demesne Stream, 100m north of the subject site, flows into.

7.12.2. Based on documented locations, the following species occur/potentially occur within the SAC river channel downstream from where the existing overground drainage channel from the subject site discharges into the Lisnagar Desmesne Stream:

- Twaite Shad
- Atlantic Salmon
- Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation

7.12.3. A vegetation survey was undertaken of the appeal site. The appeal site is dominated by modified habitats of low ecological value including farmyard with associated sheds/building, artificial surfaces including concrete yard and walls, access tracks with some recolonising/grassy vegetation and treeline/hedgerow boundary features. Some strands of non-native invasive plant Himalayan Balsam (Impatiens glandulifera) were recorded within the farmyard and has been removed by the applicant.

7.13. Analysis of the Potential Impacts

7.13.1. Section 4.0 of the NIS has been prepared to outline the construction and operational phase measures in addition to detailing the potential direct and indirect impacts on sensitive receptors within the Natura 2000 sites downstream of the proposed development. This provides a description of the potential impacts that the proposed development may have on the qualifying interests and conservation objectives in the absence of mitigation.

7.13.2. The proposed development is not within a designated conservation site. As noted, the site is hydrologically connected to the Lisnagar Demesne Stream via a drainage channel that traverses through the subject site. The nearest European site with a hydrological pathway is the Blackwater River (Cork/Waterford) SAC, which is located 100m north of the subject site. Qualifying Interests of the Blackwater River (Cork/Waterford) SAC include Salmon, Twaite Shad and floating river vegetation. No other European sites have a direct hydrological connection or pathway from the proposed development site. Mitigation measures to prevent impact on European Sites are outlined in section 4.2 of the NIS.

7.14. Mitigation Measures

7.14.1. The submitted NIS and my screening for Appropriate Assessment identified that the potential impacts that could (without mitigation) cause a significant effect on the qualifying interests and conservation objectives of the Blackwater River (Cork/Waterford) SAC during the proposed construction works and operational phases from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. Uncontrolled runoff could enter into Lisnagar Demesne Stream which forms part of the Blackwater River (Cork/Waterford) SAC, disrupting the 'good status' of the watercourse, which is relied on for a number of species, hence there is a potential pathway for impact on the SAC. The application of preventive measures will ensure that impacts do not reach the SAC and that adverse effects on the relevant qualifying interests can be avoided.

7.14.2. Mitigation Measures are detailed in Section 4.2 of the NIS and precautionary measures to be taken during construction and operational phases are outlined. A robust series of mitigation measures relative to the proposed development will be carried out to ensure that there will be no significant effects on the Blackwater River (Cork/Waterford) SAC (these are listed in Section 4.2 of the NIS and summarised in Table 3 above). The proposed measures would ensure that no significant quantities of silt, dust, or pollution enters the Lisnagar Demesne Stream from the subject site, thus mitigating potential for downstream impacts on European sites. The section of the Lisnagar Demesne Stream that forms part of the SAC is approximately 240m downstream of the discharge point from the subject site into the stream. Early implementation of good practice construction methodology on site is seen as an

important element of the project, particularly in relation to the implementation of mitigation. Attenuation tanks and/or soakaways are referenced in submitted documents to manage surface water run-off during the operational phase. These details are not illustrated on submitted drawings, but I am satisfied that appropriate details can be agreed by way of condition on any grant of permission.

7.14.3. In general, I am of the opinion the habitats recorded on site are unlikely to support any of the Special Conservation Interest species for which the Blackwater River (Cork/Waterford) SAC is designated. Furthermore, there is, and will probably continue to be, a sufficiently large habitat in the wider area and in closer proximity to the SAC to maintain the Special Conservation Interest species on a long-term basis.

7.14.4. In conclusion, I am satisfied that with full and proper implementation of the mitigation measures outlined in the submitted NIS and summarised in Table 3 above, it can be determined, beyond all reasonable and reliable scientific doubt, that the proposed development will not result in adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC. The mitigation measures will address the source of any potential impacts and are adequate to protect against sedimentation and pollutants arising from surface water run-off to the Lisnagar Demesne Stream.

7.15. In-Combination Effects

7.15.1. The submitted NIS does not identify any in-combination/cumulative effects. The Planning Authority assessment notes that provided the protective measures (construction and operation) as outlined in the submitted documentation are in place and carried out, the proposed development will not have potential for significant effects on its own or when considered with any other plans and projects.

7.15.2. There are other agricultural activities ongoing close to the current application site along with existing sparsely dispersed domestic dwellings and the cumulative impacts arising from the operations of these farms and dwellings together should be considered. I note that at all farms, regardless of whether licensed by the EPA or not, are required to operate within the legislation defined in S.I. 113 of 2022, regarding manure storage, minimisation of soiled water and general good agricultural practice, etc. Therefore, it is considered that the cumulative impacts arising from the combined operation of these activities with the proposed operation of the farm will be negligible. I also note the proposed development will have no cumulative impacts

upon any designated sites when considered in combination with other developments that have been screened properly for AA, or where AA has taken place. Domestic dwellings are small scale in nature and typically have their own on site wastewater treatment that must be in accordance with the relevant EPA Code of Practice. Any future individual application that has the potential to impact a Natura 2000 site will be subject to AA as required under Article 6(3) of the Habitats Directive.

- 7.15.3. Section 4.6 of the NIS provides that following the implementation of the mitigation measures outlined (Section 4.2.1 and 4.2.2 of NIS), the construction and presence of this development would not be deemed to have a significant impact on the integrity of the Blackwater River (Cork/Waterford) SAC. Having regard to the information set out therein, the mitigation measures proposed, the small scale and nature of the other permitted developments in the area I am satisfied that no cumulative impacts arise.

7.16. AA Conclusion

- 7.16.1. The Applicant's NIS concludes that there are no significant likely negative effects on Natura 2000 sites. Potential impacts from construction and operation pollutants (including dust, water runoff, nutrient release), will be removed with the prevention measures built-in to the project. Mitigation measures will be in place to ensure there are no significant impacts on the Lisnagar Demesne Stream, which leads to the designated site approximately 240m downstream from the discharge point from the subject site. The NIS provides that it may be concluded that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the qualifying features of the Blackwater River (Cork/Waterford) SAC. That neither will it have any influence on the attainment of the conservation objectives.
- 7.16.2. I have considered the proposed development to provide a milking parlour with effluent tank, feeding passage with slatted tank, dairy with feed bin and ancillary works on the subject site, in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 7.16.3. Having carried out a screening for Appropriate Assessment of the project, I conclude that it may have a significant effect on the Blackwater River (Cork/Waterford) SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of their conservation objectives.

- 7.16.4. I can conclude from the information provided, that subject to the implementation of the mitigation measures outlined that there are no significant likely negative effects on the aforementioned Natura 2000 site. Potential impacts from construction and operation of the proposed development will be removed with the prevention measures built-in to the project and the mitigation measures as set out in Section 4.2 of the NIS. Therefore, I conclude, in light of best scientific knowledge that the project will not have any significant effect on the integrity of the Natura 2000 site network, in particular on the Blackwater River (Cork/Waterford) SAC. That neither will it have any influence on the attainment of the conservation objectives of this site.
- 7.16.5. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002170 or any other European site, in view of the site's Conservation Objectives.
- 7.16.6. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

7.17. Awarding of Costs

- 7.17.1. The appeal seeks the awarding of costs of a minimum of €240 against the Planning Authority on foot of the failure to carry out an Appropriate Assessment according to the law.
- 7.17.2. I have undertaken an Appropriate Assessment of the project in the preceding sections of this report, which the Board is statutorily required to do as the competent authority. There are no provisions under the Planning and Development Act 2000 (as amended) to award costs in relation to a normal planning appeal and therefore I do not propose to address this matter in this appeal.

8.0 Recommendation

- 8.1.1. I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the location of the proposed development within an established farmyard complex and the modest scale of the proposal, it is considered that, subject to compliance with the conditions as 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 and environmental sustainability. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by way of further information received on 16/01/2024, as amended by the further information drawings and documents received by the Planning Authority on 26/08/2024 and 17/09/2024 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation and monitoring measures outlined in the plans and particulars including the Natura Impact Statement relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.</p>

3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.</p> <p>Reason: In the interests of ensuring the protection of water quality in the receiving environment.</p>
5.	<p>Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p> <p>(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.</p> <p>Reason: In the interest of public health.</p>

7.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.</p> <p>Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.</p>
8.	<p>The proposed development shall be designed, sighted and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).</p> <p>Reason: In the interest of public health and residential amenity.</p>
9.	<ol style="list-style-type: none"> a. All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the site boundary. b. The effluent storage tanks must be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks. c. The livestock sheds must be constructed in accordance with the minimum specification document issued by the Department of Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings. d. All new buildings must be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2021. <p>Reason: In the interest of public health.</p>
10.	<p>The Applicant shall enter into water and waste water connection agreement(s) with Irish Water, if required. The Applicant shall be required to adhere to the standards and conditions set out in that agreement.</p>

	Reason: In the interest of public health.
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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.

Matthew McRedmond
Senior Planning Inspector

04th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321379-24		
Proposed Development Summary	Construction of a milking parlour with effluent tank, feeding passage with slatted tank, dairy with feed bin and ancillary works.		
Development Address	Ballybrowney Upper, Rathcormac, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____