



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323621-25**

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<b>Development</b>	Retention of existing agricultural developments and all associated siteworks.
<b>Location</b>	Carrigeen, Fivealley, Birr, Co. Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	25/60254
<b>Applicant(s)</b>	Alan and Dara Bulfin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brendan Hynes
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> March 2026
<b>Inspector</b>	Elaine Power

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports.....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
6.0 EIA Screening.....	7
7.0 The Appeal .....	8
7.1. Grounds of Appeal .....	8
7.2. Applicant Response .....	8
7.3. Planning Authority Response .....	9
7.4. Observations .....	9
7.5. Further Responses.....	10
8.0 Assessment.....	10
9.0 AA Screening.....	17
10.0 Water Framework Directive.....	18
11.0 Recommendation .....	19
12.0 Reasons and Considerations .....	19
13.0 Conditions .....	20

### Appendix 1: EIA Pre-Screening

## **1.0 Site Location and Description**

1.1. The appeal site is located in a rural area, in the townland of Carrigeen, Co. Offaly, c. 9km north east of Birr. The surrounding area is predominately in agricultural use, mainly in dairy and grassland and tillage. The appeal site has a stated area of 3.192 ha and forms part of a larger dairy farm (149.22 ha). The site comprises a well-established farm yard and a house. Access from the site is from the L70051 via the N52 national road.

## **2.0 Proposed Development**

2.1. The development comprises the retention of existing agricultural developments consist of milking parlour shed and silo, cow cubicle sheds, machinery / straw sheds, workshop, cow sheds with slatted effluent storage tanks, silage pits, lay-by and all associated siteworks. The structures to be retained have a gross floor area of 2,696sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted subject to 5 no. conditions.

Condition no. 2 required the retention of an existing hedgerow to the east and south of Shed 19 and additional landscaping to be provided along the hedgerow.

Condition no. 3 (a) required that the capacity of facilities for the storage of all livestock manure produced on the holding shall equal or exceed the storage capacity required for the specified prohibited spreading period as per European Communities (Good Agricultural Practice for the protection of waters) Regulations 2022, (SI 113 of 2022), as amended.

Condition 3 (b) required that all storage facilities for organic fertilisers, effluent, seepage and or soiled water must be kept leak proof and structurally sound.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planners report dated the 14<sup>th</sup> August 2025 considered that given the rural nature of the site, the existing use of the agricultural development, the provisions of the current Offaly County Development Plan, submissions, representation, referral reports on file and the pattern of existing development in this area, that the development would not negatively impact the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area. The report recommended that permission be granted subject to conditions.

### 3.2.2. Other Technical Reports

Environment and Water Services: Report dated 16<sup>th</sup> July 2025 raised no objection subject to conditions.

Road Design: Email dated 31<sup>st</sup> July 2025 states that there is no comment.

Area Engineer: Report dated 13<sup>th</sup> August 2025 raised no objection to the development.

## 3.3. Prescribed Bodies

**Transport Infrastructure Ireland (TII)**: The Planning Authority should abide by official policy in relation of development on / affecting national roads.

### **An Taisce:**

Pollution Impact Potential – Nitrate: Concerns are raised that elevated nitrate concentrations arising from slurry spreading associated with the development may be likely to percolate through the freely draining soil and enter the underlying groundwater system, with implications for water quality and ecological receptors. This requires consideration under the Water Framework Directive (WFD) and as a potential pathway to surrounding waterbodies. A Nutrient Management Plan would be desirable.

Proposed Natural Heritage Area (pNHA): Lough Coura pNHA (000909) adjoins the northern part of the applicants landholding. This should be considered when assessing the impact of the development.

Water Framework Directive (WFD): The Little(Cloghan)\_10 waterbody is in close proximity to the site and have a poor status. The development should be assessed against Article 4 of the WFD.

The potential for connectivity between the underlying hydrological system and the surface waterbody requires clarification.

AA Screening: The site is hydrologically connected to the Middle Shannon Callows SPA (004096) and the River Shannon Callows SAC (000216). An AA Screening should be carried out to assess any potential impacts. If it is determined that a Stage 2 AA is required a substitute consent process must be initiated.

### 3.4. **Third Party Observations**

A representation on behalf of the applicants was received from Cllr. Hughie Egan.

Two observations were received from Brendan Hynes (the appellant) and Timothy and Bridget Hynes. The concerns raised are similar to those set out in the appeal below and generally relate to traffic.

## 4.0 **Planning History**

### ***Subject site***

No planning history.

Enforcement: The Planners Report notes that a Warning Letter was issued in June 2025 for the unauthorised development of agricultural sheds at the appeal site (Reg. UD24-060).

### ***Surrounding Sites***

Reg. Ref. 25/60255, PL-500402-OY-25: Permission was granted in 2025 for a house adjacent to the farmyard. This decision is currently on appeal.

## 5.0 **Policy Context**

### 5.1 **Offaly County Development Plan 2021-2027**

The appeal site is located in the rural area on unzoned lands.

Section 5.7.1 states that the agriculture sector is a significant source of economic activity throughout the county. It contributes to exports, provides the raw materials for the food processing industry and has potential for providing more added value in the artisan food sector. The following rural economic development policies and objectives are considered relevant.

**REDP-04:** It is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community.

**REDP-05:** It is Council policy to ensure that agricultural developments are designed and constructed in a manner that will ensure that groundwater watercourses and sources of potable water are protected from the threat of pollution in line with Water Quality Regulations and the requirements of the Water Framework Directive.

**REDO-03:** It is an objective of the Council to support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area and sustaining the rural economy.

**REDO-04:** It is an objective of the Council to ensure that all agricultural activities adhere to any legislation on water quality and biodiversity, for example, Phosphorus Regulations, Water Framework Directive, Nitrates Directive and Habitats Directive

Chapter 13 sets out Development Management Standards for County Offaly. The standards set out in Section 13.9.16 Agricultural Development are considered relevant.

**DMS-118 Siting:** In the construction and layout of agricultural buildings, the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used, blend the development into its surroundings. New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.

**DMS-119 Finishes:** Appropriate roof colours for the exterior of agricultural buildings are dark grey, dark reddish brown or a very dark green. Where cladding is used, dark colours (preferably dark green, red or grey) with matt finishes will normally be required.

**DMS-120 Protection of amenities** Proposed agricultural developments shall demonstrate that the proposal.

- Will not result in a detrimental impact on the amenity of residential dwellings outside of the applicants landholding in relation to noise, smell, pollution or visual amenities.
- Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water.
- Create a traffic hazard.
- Makes proper provision for disposal of liquid and solid waste and
- Does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.

#### **5.4 Natural Heritage Designations**

The appeal site is not located within or immediately adjacent to a designed area.

Lough Coura pNHA (000909) is located c. 150m west of the appeal site.

#### **6.0 EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment, refer to Appendix 1 and 2 of this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The third party appeal from Brendan Hynes includes photographs of the access road and adjacent properties. The grounds of the appeal are summarised below.

- Concerns regarding the volume of traffic generated within the appeal site and its negative impact on the access laneway in terms of safety for pedestrians, vehicles and accidental damage to property.
- Concerns that the traffic generated by the appeal site could negatively impact on the structural stability of existing houses and structures due to vibration levels.
- If permission is being contemplated there should be a condition that safety barriers be provided to reduce the risk of accidental damage to property.
- Passing bays should be constructed between the applicants property and the N52 and a turning lane should be provided at the junction with the N52, to reduce the risk of accident and degradation of the road.
- The lay-by provided by the applicant is of no benefit to residents on the laneway.

### 7.2. Applicant Response

- The agricultural development to be retained is in accordance with the provisions of the Offaly County Development Plan.
- The third-party appeal does not raise any objection to the principle of the proposed development and raised concerns relating to traffic. Having regard to the unsubstantiated nature of the issues raised in the appeal it is recommended the appeal be dismissed in accordance with Section 138 (1)(a)(ii) of the Planning and Development Act, 2000 (as amended).
- The development is for retention permission. A grant of permission would not increase the volume of traffic using the access road.

- The Roads Section of the Planning Authority had no comments and did not require any safety barriers to be provided. Permission was granted with no traffic conditions.
- This is a family farm with seasonal contracting business.
- There is no Engineers Report, vibration analysis or any traffic count data that indicates that vehicles associated with the farm are causing structural damage to the existing dwelling on the access road.
- Given the historical nature of the dwelling, it is not unreasonable to expect that cracks may appear from time to time for reasons other than alleged traffic generated at the applicants site.
- Road improvements along public road is an issue for the local authority and TII.
- The development has been in place for a significant period of time. There have been no accidents along the access road or its junction with the N52. There is no requirement for safety measures.
- There is no evidence that an additional passing bay is required.
- The applicant has already provided a passing bay within their landholding. The provision of an additional passing bay would require third party lands.
- The applicant has no objection in principle to an additional passing bay on the laneway. However, this is outside of the control of the applicant.
- The passing bay provided by the applicant was to avoid conflict between vehicles.

### **7.3. Planning Authority Response**

The response from the Planning Authority notes the content of the third-party appeal. The Commissions attention is brought to the Planners report, and it is requested that the Commission support the Planning Authority's decision to grant permission in this instance.

#### 7.4. **Observations**

None

#### 7.5. **Further Responses**

None

### 8.0 **Assessment**

8.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design and Layout
- Environmental Considerations
- Traffic

#### 8.2. ***Principle of Development***

8.2.1. The overall landholding comprises a dairy farm with 381 no. animals registered to the applicant (Alan Bulfin). The information provided with the application indicates that the farm is run by Alan Bulfin, who is the 6<sup>th</sup> generation of his family to farm the landholding, and his son Dara Bulfin, who will inherit the farm. It is stated that Alan and Dara have been in a farming partnership since 2018. The information submitted also indicates that a number of structures within the farm yard were constructed prior to the applicant taking over the farm.

8.2.2. The existing agricultural structures within the farmyard have a total area of 3,533sqm with associated effluent storage tanks and 2 no. silage pits. This application is for the retention of structures with a total area of 2,696sqm and the 2 no. existing silage pits.

8.2.3. The structures to be retained comprise interconnected agricultural sheds (1,993sqm), constructed prior to 2018. Agricultural Shed 1 (308sqm) and Agricultural Shed 2

(455sqm) constructed in 2020 / 2021. The information submitted with the application indicates that both Agricultural Shed 1 and 2, which were constructed within the last 7 years, are currently subject to enforcement proceedings (Ref UD24/060).

8.2.4. The agricultural sheds (1,993sqm) constructed prior to 2018 are interconnected structures and accommodate cow cubicles, passageways / feeding area, a layback area for calves, machinery shed and a straw storage shed. These structures are connected to Agricultural Shed 2 by an additional agricultural shed that does not form part of the retention application. Agricultural Shed 2 (455sqm) contains a bedding shed, dairy and robotic milking unit. These interconnected agricultural sheds incorporate 5 no. slatted effluent storage tanks.

8.2.5. Agricultural Shed 1 (308sqm) is located to the east of these structures and contains a machinery shed, workshop and diesel tank storage. Agricultural Shed 1 adjoins an agricultural storage structure that does not form part of the retention application. There are also 2 no. additional general storage building and a house within the farm yard that do not form part of this retention application.

8.2.6. The farm yard also includes 2 no. silage pits at the western boundary of the appeal site. Each silage pit has 2.5m high concrete walls on two sides. The development to be retained also include a lay-by within the applicants property to allow two vehicles to pass.

8.2.7. Policy REDP-04 of the Development Plan supports the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community and Objective REDO-03 supports agricultural development and encourages the continuation of agriculture as a contributory means of maintaining population in the rural area and sustaining the rural economy. Having regard to the well-established dairy farm on the appeal site I am satisfied that the retention of the agricultural structures and associated silage pits is acceptable in principle.

### 8.3. ***Design and Layout***

8.3.1. Development Management Standard (DMS) -118 of the Development Plan requires that the construction and layout of agricultural buildings be sited as unobtrusively as

possible and that the finishes and colours used, blend the development into its surroundings. In addition, new agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.

- 8.3.2. The agricultural structures are all located within the well established farm yard, in close proximity to one another and to the associated farm house. The structures are typical of agricultural sheds, with a maximum height of c. 7m. The 2 no. silage pits are located at the western boundary of the farm yard. Each silage pit has 2 no. concrete walls c. 2.5m in height. The structures have been in place for some time. Having carried out a site visit, it is noted that there are very limited views of the structures from the local road L70051 via the N52 national road. I am satisfied that the structures to be retained are in accordance with DMS-118 of the Development Plan.
- 8.3.3. DMS-119 of the Development Plan notes that appropriate roof colours for the exterior of agricultural buildings are dark grey, dark reddish brown or a very dark green. All structures are finished in a dark colour and / or corrugated steel. I have no objection to the existing external finishes to the structures, which are similar to other agricultural structures within the appeal site and in the surrounding area.
- 8.3.4. It is noted that the Planning Authority's report states that a small section of the site is located within an Area of High Amenity (Esker Landscape). However, having regard to Figures 4.18, 4.22, 4.24 of Chapter 4 of the Development Plan it is my opinion that a marginal section of the overall farm holding may be located within an area of high amenity, however, the appeal site is not located within an area of high amenity. In addition, there are no protected views or prospects. I am satisfied that the structures to be retained, which are typical within the rural area, do not negatively impact on the visual amenities of the area.
- 8.3.5. Condition no. 2 of the Planning Authority's grant of permission required the retention of an existing hedgerow to the east and south of Shed 19 and additional landscaping to be provided along the hedgerow. It is noted that there is an existing hedgerow located to the south and east of the appeal site and within the overall ownership of the applicant. However, having regard to the nature and scale of the development to be

retained and as this hedgerow is outside of the appeal site it is my opinion that this condition is unwarranted in this instance.

#### 8.4. ***Environmental Considerations***

8.4.1. The submission from An Taisce raised concerns that that elevated nitrate concentrations arising from slurry spreading associated with the development may be likely to percolate through the freely draining soil and enter the underlying groundwater system, with implications for water quality and ecological receptors. It is considered that a Nutrient Management Plan would be desirable.

8.4.2. This application is for retention of existing structures and silage pits. It would not result in any additional slurry spreading. Land spreading is the spreading of organic waste onto or into land to improve soil health. It is a controlled activity, regulated by the Department of Agriculture, Farming and the Marine (DAFM) and local authorities, through the *Good Agricultural Practice for Protection of Waters Regulations 2022*, commonly referred to as the GAP Regulations. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil.

8.4.3. There are 5 no. existing slatted effluent storage tanks below the agricultural sheds. The information submitted with the application indicates that there is capacity for 1,149.3m<sup>3</sup> within the existing tanks and that there is an additional 227.31m<sup>3</sup> within the straw bedded loose housing for slurry, soiled water and silage effluent. There is a stated 16 week storage time possible in the holding facilities. The storage period is in accordance with the storage periods for livestock manure as set out in Schedule 3 of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 as amended.

8.4.4. It should be noted that An Coimisiún Pleanála is not the Competent Authority for the control of land spreading. However, the applicant is legally obliged to adhere the GAP Regulations, 2022, when undertaking land spreading. I am satisfied, subject to the

adherence to the GAP Regulations 2022, that no impacts arise from any land spreading associated with the development to be retained. The Planning Authority's Water Services Department also raised no objection to the proposed development subject to conditions, including compliance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 as amended.

8.4.5. While the concerns of An Taisce are noted, having regard to the information submitted with the application regarding the management of slurry, soiled water and silage effluent, the overall size of the landholding and the report of the Planning Authority's Water Services Department, I am satisfied that the wastewater and waste elements arising from the development to be retained would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area. However, if permission is being contemplated it is recommended that condition be attached that the farm be managed in accordance with the European Communities (Good Agricultural Practice for the protection of waters) Regulations 2022, (SI 113 of 2022).

8.4.6. An Taisce also raised concerns that the development has the potential to negatively impact on Lough Coura pNHA (000909). The pNHA is located c. 150m west of the appeal site. Having regard to nature and scale of the development to be retained and the distance to the pNHA I am satisfied that the retention of the existing structures would not negatively impact on the pNHA.

## 8.5. **Traffic**

8.5.1. The appeal site is accessed from a local road (L70051), which is a cul-de-sac. There are 6 no. houses and associated agricultural landholdings accessed from this public road. The applicants property is located at the end of the cul-de-sac. The structures to be retained are located c. 600m from the junction of the L70051 and the N52 and the southeastern boundary of the overall farm holding is located c. 360m from the junction.

8.5.2. The information provided by the applicant does not state how many vehicular movements are generated by the farm. However, the response to the appeal states that it is a family farm with seasonal contracting business. The development to be retained would not result in any additional vehicular movements on the local road. Having regard to the nature and scale of the existing dairy farm I am satisfied that the

number of vehicle trips generated by the existing farm is unlikely to have a significant impact on the capacity of the local road and it is noted that no concerns were raised by Planning Authority in this regard.

- 8.5.3. The third party raised concerns that the volume of traffic generated within the appeal site negatively impacts on the access laneway, in terms of safety for pedestrians, vehicles and accidental damage to property. It is acknowledged that the local road is narrow in parts with a bend and no footpaths. However, during my site visit it was noted that there are driveway entrances and sections of the road which allow for two vehicles to pass. In my view the width and alignment of the public road is typical of local roads in a rural area. It is also noted that there is no evidence of an accident having occurred on this road. Given the nature and scale of the development to be retained, the well-established dairy farm use at the site and the limited number of properties accessed from the local road, I am satisfied that the development to be retained would not endanger public safety by reason of a traffic hazard.
- 8.5.4. The appeal also states that if permission is being contemplated there should be a condition that safety barriers be provided to reduce the risk of accidental damage to property. The provision of safety barriers along the public road is outside of the applicants control. Having regard to the width and alignment of the local road and the nature and scale of the development to be retained I am satisfied that there is no requirement for safety barriers along this public road. It is also noted that the Planning Authority raised no concerns in this regard.
- 8.5.5. Concerns are raised by a third party that the use of the local access road by vehicles generated within the applicants site are negatively impacting on the structural stability of an existing property that sits along the local road. In the response to the appeal the applicant notes that no evidence has been submitted to support this concern. It is noted that there are 2 no. properties at the bend in the road, that sit at their boundary with the public road. Having regard to the nature and scale of the development to be retained I am satisfied that it is unlikely to generate any additional vehicular movements. It is also noted that this is a public road and other properties also generate vehicular movements. The NRA (TII) Guidelines for the Treatment of Noise and Vibration in National Road Scheme note that ground vibrations produced by road traffic are unlikely to cause perceptible structural vibration in properties located near

to well maintained and smooth road surfaces. During my site visit I noted that the surface of the road, at the bend in the road where the 2 no. properties are located, appeared relatively well maintained. Having regard to the relatively limited number of properties located on the access road, I am satisfied that the existing vehicular movements are unlikely to cause structural damage to any existing property.

- 8.5.6. The development to be retained includes a lay-by. The lay-by is located at the sites southeast boundary, c. 360m from the junction of the L-70051 and the N52. It is located on the south western side of the access road to the farm and associated house. The applicant states that the lay-by was provided within the appeal site to allow two vehicles to pass. I have no objection to the retention of the lay-by.
- 8.5.7. The third party also states that a passing bay should be constructed between the applicants property and the N52. The development to be retained would not generate any additional traffic movements. The L70051 is c. 360m in length and provides access to c. 6 properties. As noted above there are driveway entrances and sections of the road which allow for two vehicles to pass. In my view the width and alignment of the public road is typical of local roads in a rural area and there is no requirement for an additional lay-by on the public road to facilitate the development to be retained. It is also noted that the provision of a lay-by would require third party lands and is outside of the remit of this application.
- 8.5.8. The third party considers that a turning lane should be provided at the junction with the N52, to reduce the risk of accident and degradation of the road. The L70051 has a splayed access, c. 9m in width, onto the N52 which allows two standard vehicles to pass. The submission from TII raised no objection to the proposed development and states that the Planning Authority should rely on official policy relating to development on / affecting national roads as outlined in the Spatial Planning and National Roads Guidelines. The report from the Planning Authority's Road Design Section states there is no comment on the application and the report of the Area Engineer raised no objection. Having regard to the relatively limited number of properties accessed from the local road and the associated number of vehicular movements generated I am satisfied that there is no requirement to upgrade L70051 / N52 junction.

## 9.0 AA Screening

- 9.1. The submission from An Taisce considers that as the site is hydrologically connected to the Middle Shannon Callows SPA (004096) and the River Shannon Callows SAC (000216) an AA Screening should be carried out to assess any potential impacts. The report notes that if it is determined that a Stage 2 AA is required a substitute consent process must be initiated.
- 9.2. The appeal site is not located within or immediately adjacent to a designated site. The following designated sites are the nearest to the appeal site.
- Dovesgrove Callows SPA (004137) located c. 7.5km south west.
  - All Saints Bog and Esker SAC (00566) is located c 8.5km west
  - River Shannon Callows SAC (000216) is located c. 10km west
  - Middle Shannon Callows SPA (004096) is located c. 10km west.
- 9.3. There are no watercourses within the appeal site. The nearest watercourse is Little (Cloghan)\_010 (IE\_EA\_09L010850) located c. 550m north of the appeal site. As noted above, this application is for retention of existing structures and silage pits. It would not result in any additional land spreading. The applicant is legally obliged to adhere the GAP Regulations, 2022, when undertaking land spreading. The GAP Regulations for the control of land spreading are not a mitigation measure for the purpose of preventing a significant effect on any European Site, as this is governed by regulation and applies to all land where spreading takes place, to prevent pollution to surface water and groundwater.
- 9.4. 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 sites 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 of the development to be retained,

- The rural location of the site within a well established dairy farm,
- Compliance with the GAP Regulations and associated standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- The separation distance from nearest European site, and
- The lack of a direct or indirect pathway to any designated site.

9.5. It is noted that the Planning Authority also concluded that having regard to the nature of the development and the lack of any pathway to a European site the development would not be likely to have a significant effect on any designated site.

## 10.0 **Water Framework Directive**

10.1. The submission from An Taisce considered that the potential for connectivity between the underlying hydrological system and the surface waterbody requires clarification and that the development should be assessed against Article 4 of the WFD.

10.2. The appeal site is located in the rural townland of Carrigeen. The nearest watercourse is Little (Cloghan)\_010 (IE\_EA\_09L010850) located c. 550m north of the appeal site. This waterbody has a Poor Status. The WFD Risk is currently under review. The groundwater body underlying the site is Birr Gravels (IE\_SH\_G\_244). The groundwater has a Good Status and is Not at Risk.

10.3. The development comprises the retention of existing agricultural buildings associated with a well-established dairy farm and would not result in any additional land spreading. As noted above, the applicant is legally obliged to adhere the GAP Regulations, 2022, when undertaking land spreading. The GAP Regulations apply to all land where spreading takes place, to prevent pollution to surface water and groundwater.

10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows

- The nature and extent of the development to be retained.
- The absence of any surface water feature in the vicinity of the appeal site and the distance from nearest water body.
- Lack of hydrological connections.
- Compliance with the GAP Regulations and associated standard pollution controls.
- The provision of existing underground storage tanks to capture effluent and soiled water from the farmyard.
- The location of the appeal site outside an area at risk of flooding.

10.6. 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.

## 11.0 **Recommendation**

11.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 12.0 **Reasons and Considerations**

Having regard to the location of the development to be retained within an established farmyard, the agricultural activities currently carried out within the site, the nature and scale of the development to be retained and to Policy REDP-04 and Objective REDO-

03 of the Offaly County Development Plan 2021 – 2027 which support the development of agriculture and encourage the continuation of agriculture it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in a deterioration of water quality and would be acceptable in terms of traffic safety and convenience. The proposed development and the development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

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

**Reason:** In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the Planning Authority for such works and services. In this regard –
  - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.
  - (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the Planning Authority, within 1 month of a grant of retention permission.

(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, shall be strictly adhered to.

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

3. The structures to be retained shall be in accordance with the specifications as issued by the Department of Agriculture, Farming and the Marine and referenced in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022.

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

4. 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 Bord 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Elaine Power

Senior Planning Inspector

26<sup>th</sup> March 2026

### Appendix 1: EIA Pre-Screening

<b>Case Reference</b>	323621-25
<b>Proposed Development Summary</b>	Retention of existing agricultural developments including milking parlour shed and silo, cow cubicle sheds, machinery / straw sheds, workshop, cow sheds with slatted effluent storage tanks, silage pits, a lay-by and all associated works.
<b>Development Address</b>	Carrigeen, Fivealley, Birr, Co. Offaly.
<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 type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" 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>	
<input 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 type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road 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><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>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>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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