



Inspector's Report

PL-500802-OY-26

Development	A slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works
Location	Streamstown, Killyon, Birr, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	25/60576
Applicant(s)	Sean Cleary
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Peter Sweetman and Wild Ireland Defence CLG
Observer(s)	None
Date of Site Inspection	2 nd June 2026
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area, in the townland of Streamstown, Killyon, Co. Offaly, c. 4.4km west of Kinnitty and c. 8km east of Birr.
- 1.2. The existing house and farmyard are accessed from the Regional Road the R-440. The surrounding area is characterised by agricultural land, and rural housing, with a planted forest to the south of the R-440.
- 1.3. The proposed cubicle shed is located c.85m from the nearest dwelling, 56m to the nearest well and 350m to the nearest river.
- 1.4. The site consists of a farmyard complex of agricultural buildings together with a dwelling house. An existing slatted shed is located to the rear of the house. Existing ground levels to the rear of the existing farmyard where the proposed shed is to be located, are raised above that of the farmyard.
- 1.5. The appeal site has a stated area of 0.9 ha and forms part of a larger landholding with a stated acreage of 62 ha.

2.0 Proposed Development

- 2.1. The proposed development as outlined within the public notices comprises permission to construct a slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works.
- 2.2. The cubicle shed has a stated floor area of 705.84 sq.m.
- 2.3. The proposed effluent storage tanks have an area of c. 747.25m³.
- 2.4. Lands identified for spreading of slurry are identified in green on landholding map submitted.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 21st January 2026, Offaly County Council issued a Notification of decision to grant planning permission subject to 5 No. conditions. The conditions were of a standard nature for the type of development proposed.

3.2. **Planning Authority Reports**

3.2.1. Planning Report

- Acceptable in principle.
- Storage to the north of the existing farmyard in accordance with REDP–04, REDP–05 and REDO–03.
- Slatted shed to be cut into the land and will have the same FFL as the adjoining farm shed, will be shielded from view from the public road.
- Generally, in accordance with DMS-118 and DMS-120, subject to compliance with requirements of DMS-119 by way of condition.
- Does not adjoin a major watercourse and farmland is of limited ecological value.

3.2.2. Other Technical Reports

- **Area Engineer:** No objection subject to conditions.
- **Environment/Water Services:** No objection subject to conditions.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

The PA received one third party submission during the course of their determination from Mr. Peter Sweetman (and on behalf of Wild Ireland Defence).

The observation notes that 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.
- Finally, the development must be assessed for compliance with the Water Framework Directive.

4.0 Planning History

PA Reg.Ref.06/1557: Permission **granted** 16/01/2007 for construction of livestock slatted shed and convert part of existing shed into cubicle units and all associated site works to the applicant in the current appeal.

PA Reg.Ref.04/1146: Permission **granted** 29/10/2004 for construction of an extension to the front, side and rear of dwelling together with new bay window and carrying out of minor alterations to the applicant in the current 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.

5.7 Rural Economic Strategy

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.

5.11 Rural Economic Development Policies

Agriculture

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.

5.12 Rural Economic Development Objectives

Agriculture

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.

Agricultural Development

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 applicant's 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.

5.2. **National Planning Framework (NPF) First Revision April 2025**

National Policy Objective 30

Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

5.3. **S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025**

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

S.I. No. 588/2025 replaces S.I. No. 113/2022 European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022, as amended.

The GAP Regulations give effect to the Fifth Nitrates Action Plan (“the NAP”) which was subject to public consultation, Strategic Environmental Assessment (SEA) and full AA by the Ecological Unit of the Department of Housing, Local Government and Heritage (‘DHLGH’). The competent authorities under the Regulations are the EPA in relation to fertiliser used under a licence under Part IV of the Environmental Protection Agency Act 1991 (as amended) and the Minister for Agriculture, Food and the Marine in relation to any other fertiliser.

5.4. Water Framework Directive

The European Union Water Framework Directive aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve ‘good’ status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.

5.5. Natural Heritage Designations

The appeal site is not located on or within proximity to any designated Natura 2000 site(s) or Natural Heritage Area(s).

The Island Fen SAC (Site Code 002236) being the nearest European site is approximately 4.8 km to the southwest of the subject site. The nearest SPA is the Slieve Bloom Mountains SPA (Site Code 004160) c. 5.3km to the southeast of the site.

Derrykeel Meadows pNHA (Site Code 000897) is located c.1.63km southeast of the site, and Woodville Woods pNHA (Site Code 000927) is located c.7.15km southeast of the site.

6.0 EIA Screening

- 6.1. 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.
- 6.2. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).

7.0 The Appeal

7.1. Grounds of Appeal

A third-party submission was received from Mr. Peter Sweetman on behalf of Wild Ireland Defence CLG who raised issue with the following:

- It is stated that the threshold for screening for Appropriate Assessment is set out in *Kelly v An Bord Pleanála* (2014) IEHC 400, where the High Court explained the nature of the screening obligation, and quoted AG Sharpston in the opinion to 258/11 Sweetman.

'47. It follows that the possibility of there being a significant effect on the site which generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.'

- It is submitted that the Planning Authority failed to carry out an Appropriate Assessment in relation to undertaking a source-pathway-receptor analysis, according to the requirements of the High Court and the Courts of Justice of the

European Union Judgement in Joined Cases C-293/17 and C-294/17, the Glanbia (2022) IESC 8 Supreme Court Judgment in respect of indirect effects.

- The Planning Authority failed to assess in-combination effects with no assessment of existing agricultural nutrient loading in the relevant river catchment.
- The fact that the Planning Authority failed to carry out any hydrogeological assessment is a definite lacuna contrary to Case C-258/11.
- The Planning Authority screening relied on mitigation measures which is prohibited as determined in Case C-323/17, People Over Wind and Peter Sweetman v Coillte Teoranta.
- The Planning Authority should have assessed the environmental impacts of slurry generation and land spreading as a 'project' for the purposes of Environmental Impact Assessment (EIA).
- It is contended that the Planning Authority failed to carry out an assessment under The Water Framework Directive (WFD). It is submitted that compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulation 2022 is not equivalent to compliance with Article 4 of the WFD.
- The Planning Authority concluded compliance with DMS-120 of the Offaly County Development Plan without analysis.
- The Planning Authority did not assess the indirect effects, or cumulative impacts, of the proposed development for the purposes of EIA.

7.2. Planning Authority Response

The response submitted by the Planning Authority can be summarised as follows:

- An EIA screening and AA screening was carried out.
- Requests the Commission uphold the decision of the PA.

7.3. Applicant Response

- None

7.4. Observations

- None

8.0 Assessment

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

8.1. Principle of Development

- 8.1.1. The overall landholding comprises an established dairy farm with a stated acreage of 62ha. The information provided with the application indicates that the farm includes 197 animals (87 dairy cows and 110 cattle).
- 8.1.2. The applicant has indicated that there will be no increase in the number of cattle in the proposed livestock shed, and that the proposed development will provide extra space and slurry capacity for existing livestock.
- 8.1.3. The existing agricultural structures within the farmyard have an overall stated area of 1,547.00 sq.m. The largest structure within the farmyard is an existing slatted livestock shed and slatted storage tank which and was permitted in 2007. The application is for permission for construction of an additional slatted shed with a stated area of 705.84 sq.m. located immediately adjacent to the north/rear of this structure.
- 8.1.4. I can confirm from the site layout plan submitted and from my site inspection that the farmyard complex also contains the applicants dwelling house, turf shed, general store, machinery shed, concrete yard, calf sheds, walled silo (with seepage to

effluent tank), slatted cubicle shed, concrete feeding apron, straw shed, store, machine room, milking parlour, open shed, collecting yard, existing slatted soiled water storage tank (which has a capacity of 47.0m³), holding yard and concrete yard area.

- 8.1.5. 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.
- 8.1.6. There is also support at national level for developments of this nature through NPO 30 which seeks to 'facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.'
- 8.1.7. Taken the above into consideration, I am satisfied that the continuance, improvement and expansion of this agricultural activity is a realistic expectation. It is in this context that I consider the further development of agricultural structures in what appears to be a modernisation of an existing well-established use in order to comply with prevailing farming practices to be acceptable in principle.

8.2. Design and Layout

- 8.2.1. The R-440 is designated as a Key Amenity Route. 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.

Development Management Standard (DMS)-120 of the Development Plan refers to the protection of amenities. It requires that agricultural developments will not result in a detrimental impact on the amenity of residential dwellings outside of the applicant's landholding in relation to noise, smell, pollution or visual amenities.

- 8.2.2. The proposed structure has a stated floor area of 705.84 sq.m and includes ancillary concrete yard area around its perimeter. It is located to rear of existing farm buildings. The proposed structure would be in line with the existing slatted shed to the north of the site. It is proposed to lower existing site levels (by 2–4m) to accommodate the proposed structure such that the finished floor level is level with that of the adjoining slatted shed. While I note no dimensioned elevations have been submitted I am satisfied that as the agricultural structure adjacent to existing structures is largely hidden by the existing farm buildings and would be unobtrusive in its surroundings.
- 8.2.3. 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 existing structures are finished in a dark colour and / or corrugated steel. I have no objection to the use of similar external finishes to the structure, similar to other agricultural structures within the appeal site and in the surrounding area.
- 8.2.4. I note condition no. 2 of the PA notification of decision requires roof colours be dark grey, dark reddish brown, or very dark green with cladding to be a dark colour with a matt finish. If the Commission are minded granting permission, a condition in relation to finishes can be attached requiring all oxidisable and galvanised surfaces of the proposed development to be painted a dark green matt colour or similar dark matt colour to be maintained in perpetuity, in the interest of visual amenity.
- 8.2.5. Having regard to the nature of the development within an existing farmyard together with the form and scale of the proposed development, I am satisfied that the development will not result in an adverse impact on the visual or scenic amenity of the area.

8.3. **Environmental Considerations**

- 8.3.1. The grounds of appeal submit that the Planning Authority should have assessed the environmental impacts of slurry generation and land spreading as a 'project' for the purposes of Environmental Impact Assessment (EIA).
- 8.3.2. It is also submitted by the appellant that the Planning Authority did not assess the indirect effects, or cumulative impacts, of the proposed development for the purposes of EIA.
- 8.3.3. The PA carried out an EIA Screening and determined that the proposed development does not comprise a project as listed in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended).
- 8.3.4. As already noted in section 6 of my report above, the proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads).
- 8.3.5. This application is for permission for the construction of a slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works.
- 8.3.6. The applicant has indicated that there is no increase in the number of livestock and therefore no increase in the volume of slurry. While I note that the applicant has identified lands for spreading of slurry (identified in green on landholding map) the proposed development will not result in any additional slurry spreading.
- 8.3.7. 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 2025, 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.
- 8.3.8. The proposed farm building structure will include a slatted floor with effluent storage tanks below the agricultural shed. The information submitted with the application

indicates that there is capacity for 747.25m³, while the existing and adjoining slatted shed has a capacity of 696m³. There is a stated 16-week storage time possible in both the proposed and existing 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 2025.

- 8.3.9. 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, 2025, when undertaking land spreading. I am satisfied, subject to the adherence to the GAP Regulations 2025, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development.
- 8.3.10. 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 2025.
- 8.3.11. While the issues raised in the third party appeal 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 proposed development 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 a condition can be attached that the farm be managed in accordance with the European Communities (Good Agricultural Practice for the protection of waters) Regulations 2025, (S.I. No. 588 of 2025).

9.0 AA Screening

- 9.1. The grounds of appeal submits that the Planning Authority failed to carry out an Appropriate Assessment according to the requirements of the High Court and the Courts of Justice of the European Union, failed to assess the cumulative or in-combination effects, carry out any hydrogeological assessment, and submit that screening relied on mitigation measures which is prohibited.

- 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.
- Island Fen SAC (Site Code 002236) located 4.8 km SW.
 - Slieve Bloom Mountains SPA (Site Code 004160) located 5.3km SE.
- 9.3. There are no watercourses within the appeal site. The nearest watercourse is the Camcor River Camcor_30 (IE_SH_25C020500) is located c. 350m south of the appeal site.
- 9.4. The development comprises the construction of a slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works associated with a well-established dairy farm. As noted above it will not result in any additional land spreading.
- 9.5. The applicant is legally obliged to adhere to the GAP Regulations, 2025, 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.
- 9.6. The subject site is located in a rural area characterised by agricultural land, and rural housing. All farms regardless of whether licensed by the EPA or not, are required to operate within the legislation defined in S.I. No. 588/2025, 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. 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
- 9.7. 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 proposed,
- 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.

9.8. 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 grounds of appeal submit that the development should be assessed against Article 4 of the Water Framework Directive (WFD).

10.2. The appeal site is located in the rural townland of Streamstown. The nearest watercourse is the Camcor River Camcor_30 (IE_SH_25C020500) is located c. 350m south of the appeal site. This waterbody has a Good Status. The WFD Risk is currently under monitoring. The groundwater body underlying the site is Poorly productive bedrock (IE_SH_G_205). The groundwater has a Good Status and is Not at Risk.

10.3. The development comprises the construction of a slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works associated with a well-established dairy farm and will not result in any additional land spreading. As noted above, the applicant is legally obliged to adhere the GAP Regulations, 2025, 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 proposed development.
- 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 proposed 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 proposed development, within an established farmyard, the agricultural activities currently carried out within the site, the nature and scale of the development proposed 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 would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The proposed 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 carried out and completed in accordance with the agreed particulars.

Reason: in the interest of clarity.

2. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2025, and shall provide at least for the following:
 - (a) Details of the number and types of animals to be housed.
 - (b) The arrangements for the collection and storage of slurry.
 - (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

Reason: in order to avoid pollution and in the interest of residential amenity

3. All oxidisable and galvanised surfaces of the proposed development shall be painted a dark green matt colour or similar dark matt colour and shall be maintained in perpetuity.

Reason: in the interest of visual amenity.

4. 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 2025, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, within one month of a grant of permission, and
 - (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, shall be strictly adhered to.

Reason: in the interests of environmental protection and public health.

5. All foul effluent 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 and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: in the interest of public health.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: in order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

7. A minimum of 16 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

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

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

Reason: in the interest of sustainable waste management.

9. The structures proposed 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 2025.

Reason: in order to avoid pollution and to protect amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such

agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Reason: in the interest of environmental protection.

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.”

Susan McHugh
Senior Planning Inspector

2nd June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500802-OY-26
Proposed Development Summary	A slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works.
Development Address	Streamstown, Killoyn Birr, Co. Offaly
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	State the Class here

<p>be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes

No

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500802-OY-26
Proposed Development Summary	A slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works.
Development Address	Streamstown, Killoyn Birr, Co. Offaly.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature	The development is situated in a rural area on improved agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.

<p>reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ Date: _____

Appendix 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500802-OY-26	
Brief description of project	A slatted livestock cubicle shed with underground slurry storage and all ancillary associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>The proposed development comprises the construction of a slatted cubicle unit with underground storage tanks together with all associated site works. A detailed description is set out in Section 2 of my report.</p> <p>At the outset, for the purposes of clarity, the Commission should note that landspreading does not form part of this application and such process is regulated under the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. See Section 8.3 of my report in this regard.</p> <p>The subject site is located c. 4.8km to the northeast of Island Fen SAC (Site Code 002236)) and 5.3km to the north west of Slieve Bloom Mountains SPA (Site Code 004160).</p> <p>The Planning Authority undertook an appropriate assessment of the project. it was concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of their conservation objectives.</p>
Screening report	N
Natura Impact Statement	N
Relevant submissions	Submissions to the Planning Authority were made by one third party Mr. Peter Sweetman (and on behalf of Wild Ireland

Defence) The main concerns raised are summarized in Section 3.4 of my report.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

European Site (code)	Qualifying interests ¹ Conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
The Island Fen SAC (Site Code 002236)	<p>Heaths or calcareous grasslands.</p> <p>Conservation Objective</p> <p>To maintain the favourable conservation condition of Juniperus communis formations on heaths or calcareous grasslands in Island Fen SAC.</p> <p>Alkaline fens</p> <p>Conservation Objective</p> <p>To maintain the favourable conservation condition of Alkaline fens in Island Fen SAC.</p> <p>NPWS</p> <p>18th Oct 2018</p>	4.8 km southwest	No direct connection, Weak indirect surface water	Y
Slieve Bloom Mountains SPA (Site Code 004160)	<p>Hen harrier</p> <p>Conservation Objective</p> <p>'To restore the favourable conservation condition of hen harrier in Slieve</p>	c. 5.3km to the southeast	No direct connection, Possible indirect	Y

	Bloom Mountains SPA. NPWS 23 rd Sept 2022			
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

Further Commentary / discussion

Due to the enclosed nature of the development site and the presence of a significant buffer area between the subject site and the River Camcor, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

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

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.

In relation to land spreading, the GAP Regulations apply. These are intended to prevent pollution of surface water and groundwater from agricultural sources and to protect and improve water quality.

The lands being used for spread lands are identified with the application as being part of the applicants overall land holding in the vicinity of the site. Having regard to the legal requirement to spread organic fertiliser in accordance with the GAP Regulations, I am satisfied that no water pollution would occur from land spreading and so the integrity of the European sites would not be effected, Ni in-combination/cumulative effects arise as all the lands to be used for land spreading are governed by the GAP Regulations.

Having regard to the characteristics of the project in terms of the site’s features and location, and the project’s scale of works, I consider the following impacts, and effect mechanisms require examination for implications for a likely significant effect on two European sites, The Island Fen SAC (Site Code 002236) and Slieve Bloom Mountains SPA (Site Code 004160).

Deterioration of water quality as a result of sediment, pollution during construction phase.
Deterioration of water quality as a result of pollutants, dust, sediment, oil/hydrocarbon, hard surface run off etc., during operation phase.

AA Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*
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Qualifying interests		
	Impacts	Effects
<p>Site 1: The Island Fen SAC (Site Code 002236)</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Alkaline fens [7230]</p>	<p>Direct: none</p> <p>Indirect Localized, temporary, low magnitude impacts from noise, dust and construction related to surface water during construction.</p> <p>At operation stage the slurry will be spread on land as a fertilizer. This normal practice.</p>	<p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the SCI listed.</p> <p>No significant effects anticipated due to compliance with the GAP 2025 Regulations</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> <p>The GAP Regulations will prevent in-combination/cumulative effects arising from land spreading. Note this is not a mitigation measure as it is governed by regulation and applies to all lands where the activity of land spreading takes place.</p>	
	Impacts	Effects
<p>Site 2: Slieve Bloom Mountains SPA (Site Code 004160)</p> <p>Hen Harrier (Circus cyaneus) [A082]</p>	<p>As above</p>	<p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. No significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.</p> <p>Conservation objectives would not be undermined.</p>

	Likelihood of significant effects from proposed development (alone): No
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> <p>The GAP Regulations will prevent in-combination/cumulative effects arising from land spreading. Note this is not a mitigation measure as it is governed by regulation and applies to all lands where the activity of land spreading takes place.</p>
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p> <p>I conclude that the proposed development (alone or in combination with other plans and projects) would not likely result in significant effects on a European Site.</p> <p>No mitigation measures are required to come to these conclusions.</p>	
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>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:</p> <ul style="list-style-type: none"> • The nature of the development proposed, • 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. 	