



<b>Development</b>	(1) new slatted and cubicle bovine animal accommodation shed with slatted waste storage and (2) mass concrete manure pit and all associated site works.
<b>Location</b>	Kilcolman, Newtown, Nenagh, Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2561216
<b>Applicant(s)</b>	Paul Slattery
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	Third Party Normal Planning Appeal
<b>Appellant(s)</b>	Wild Ireland Defence CLG
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> of June 2026
<b>Inspector</b>	Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The subject site is an established dairy farm in Kilcolman, Co. Tipperary. There are slatted shed, a milking parlour, calf houses, cubicles houses within a yard area set back from the road.
- 1.2. The yard areas are in the main hard surfaced and are bounded by numerous agricultural structures, including a straw bedded shed, feed store, silage pit and slatted sheds.
- 1.3. There is no residential component to the site. The site and surrounding lands which are in pasture, are locally elevated and set out in fields, bounded by low hedging and fencing.

## 2.0 Proposed Development

2.1. The development consists of:

- (1) new slatted and cubicle cattle accommodation shed with slatted waste storage and
- (2) mass concrete manure pit and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 19<sup>th</sup> of January 2026, Tipperary Co. Co. made the decision to grant planning permission for the proposed development subject to 4No. standard agricultural planning conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The proposal complies with the development plan policies

- The structures proposed are located within and adjoining an established farmyard and present no design related issues or concerns. The structures are removed from nearby dwelling by over 100 metres
- No traffic related issues arise
- The application includes additional slurry storage in the form of the tanks under the slatted shed and includes a manure pit. Soiled waters from the manure pit are to drain to the proposed slatted tank.
- The points raised in the report received from An Taisce relating to impacts on water quality associated with land spreading are noted. The spreading of slurry and soiled water slurry is governed by a separate legislative code- SI No.62/2023 – EU (Good Agricultural practice for the protection of waters) (Amendment) Regulations 2023. The application is for new farm structures that, in themselves, raise no concerns with impacts on waters.
- The structures for which permission is sought are removed from waterbodies (over 500 metres to Ardgregane Stream). I am satisfied that the proposed development would not result in a risk of deterioration of any water body or jeopardise any water body in reaching Water Framework Directive objectives.
- AA Screening carried out.
- Permission recommended.

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

- None

### 3.3. **Prescribed Bodies**

3.3.1 An Taisce made a submission regarding the planning application, a summary of same is as follows:

- The spreadlands associated with the subject proposal are located within an area considered by the EPA to be of high pollution impact potential for nitrate. This may be indicative of freely draining soil and moderate/high livestock density which requires clarification by the Council. nitrate rich groundwater can enter surface water receptors and introduce adverse downstream nutrient enrichment impacts for the wider catchment.

- We note the occurrence of the poor status Ardgregane stream to the south of the spreadlands which is considered to be at risk of not achieving good status by 2027, a key objective of the Water Framework Directive (2000/60/EC) (WFD). Water Framework Directive (WFD) (2000/60/EC) are to protect all high-status waters, prevent further deterioration of all waters and to restore degraded surface and ground waters to good status by 2027. Specifically, where there is bad or moderate water quality there is the legal imperative to bring that water body up to good status by 2027. Therefore, the proposal should be assessed against Article 4 of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status. A more detailed outline of nitrate-specific mitigation measures would be desirable and could be the subject of a further information request, especially with regard to potential slurry application on freely draining soils in the immediate surrounds of the subject site, which are susceptible to nitrate leaching with associated impacts to water body receptors. This could be outlined within a Nutrient Management Plan specifying the following:
  - Details of current and proposed livestock numbers on the farm.
  - Details of existing and proposed farmyard manure, slurry and effluent storage capacity.
  - Field details and calculations for the ability of receiving farms to accommodate slurry output, which requires clear demonstration for planning transparency and to allow for a meaningful assessment of nutrient loads.

The proposal is located approximately 4.8 kilometres from the Lough Derg (Shannon) SPA (site code: 004058) and is hydrologically connected via the aforementioned Ardgregane stream to the south of proposed spreadlands. This necessitates an Appropriate Assessment screening under the conditions of the Habitats Directive (92/43/EEC). It should be ensured that the requirements of Article 6(3) of the Directive with regard to the direct, indirect and cumulative impacts of the proposed development are satisfied.

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

Peter Sweetman – Wild Ireland Defence CLG

- (1) It must assess the planning merits of Application in accordance with the Planning and Development Act 2000 (as amended)
- (2) The Planning Authority is required to form and record a view as to the environmental impacts of the development, considering the EIA Report (EIAR) if furnished by the Applicant, the views of the public concerned and applying its own expertise or to screen the development for Environmental Impact Assessment.
- (3) The Planning Authority is the competent authority having responsibilities under the Habitats Directive.
- (4) y the development must be assessed for compliance with the requirements of the
- (5) Water Framework Directive

### 4.0 **Planning History**

#### 4.1. ***Planning Reference: 16600138***

Planning Permission granted for construction of an agricultural building including slatted tank together with all associated site works

#### 4.2. ***Planning Refrence14600021***

Permission granted to 1.) Extend existing slatted cubicle shed. 2.) Extend existing milking parlour including slatted tank and 3.) Erect meal bin and all associated site works

#### 4.3. ***Planning Reference 06511528***

Grant of permission for cubicle house with a slatted slurry channel and associated site works

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

The relevant development plan is the Tipperary County Development Plan 2022-2028.

#### **8.4.1 Agriculture and Horticulture**

This Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology. In addition, the Council will favourably consider projects ancillary to existing farming activities, such as renewable energy in agriculture, which contribute toward the viability of the farm and the rural community.

#### **Policy 10-3**

Support and facilitate the development of a sustainable and economically efficient agricultural and food sector and bioeconomy, balanced with the importance of maintaining and protecting the natural services of the environment, including landscape, water quality and biodiversity.

#### **Policy 11 – 14**

Ensure that proposals for agricultural developments, as appropriate, comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 or any amendment thereof.

#### **11.4 Water Quality and Protection**

The protection of water quality and water supply is a critical aspect for our society and for the ecological health of the county. Water quality and management must be balanced with a plan for economic prosperity and consider the pressures arising from climate change. The Council has an important role to play in the protection, maintenance, and improvement of water quality through the planning and management of future development

### **5.2. National Policy**

- Climate Action Plan 2025
- Project Ireland 2040 – National Planning Framework First Revision (2025) and National Development Plan 2021-2030 (updated July 2025)

- Our Rural Future- Rural Development Policy 2021-2025- Department of Rural and Community Development.
- Food Vision 2030- A World Leader in Sustainable Food Systems- Department of Agriculture Food and the Marine.
- Ag Climatise -A Roadmap towards Climate Neutrality 2020- Department of Agriculture, Food and the Marine.
- Sixth Nitrates Action Programme 2026-2028.
- **GAP Regulations 2025**

Land spreading is regulated by S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (“the GAP Regulations”). Their purpose is to protect waters from pollution caused by nitrates from agricultural sources.

The GAP Regulations address issues such as minimum distance to wells and rivers, within which land spreading is prohibited. It also sets out measures to protect groundwater.

### 5.3. **Natural Heritage Designations**

The site lies within 15km of a number of European sites:

Lough Derg (Shannon) SPA (site code: 004058) is circa 5km west of the subject site

Slieve Bernagh Bog (Site Code 002312)

Silvermines Mountains West (Site Code 002258)

Lough Derg, North East Shore (Site Code 2241)

Lower River Shannon (Site Code 002165)

Bolingbrook Hill (Site Code 002124)

Keeper Hill (Site Code 001197)

Silvermine Mountains (Site Code 000939)

Slieve Aughty Mountains SPA (Site Code 004168)

## 6.0 EIA Screening

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

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1 Wild Ireland Defence CLG pursue the objectives of education, advocacy and activism of all types in the protection, conservation, preservation and defence of the natural environment.

While the proposal is characterised as an agricultural building of modest scale, such projects are integrally connected to slurry generation, storage, export and landspreading which are recognised pathways for nutrient loading and ammonia emissions. The cumulative effects on such developments on water quality, nutrient loading, ammonia deposition and Natura 2000 sites are matters of national concern and binding under EU law.

### 7.1.2 The Planning Authority's Legal Functions.

First, it must assess the planning merits of 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.

Secondly, the Planning Authority is required to form and record a view as to the environmental impacts of the development, considering the EIA Report (EIAR) if

furnished by the Applicant, the views of the public concerned and applying its own expertise or to screen the development for Environmental Impact Assessment.

Thirdly, the Planning Authority is the competent authority under Article 6 of the Habitats Directive. In this capacity it exercises a separate jurisdiction governed directly by EU law to carry out screening assessment under Appropriate Assessment.

Fourthly the development must be assessed for compliance with the requirements of the Water Framework Directive, including the obligation of non-deterioration and achievement of good status.

A failure in any one of these functions renders the decision unlawful.

### 7.1.3 **Failure to Discharge Obligations under the Habitats Directive**

The threshold for screening for Appropriate Assessment is set out in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) where the High Court parag. 26 explained the nature of the screening obligation explained by Advocate General Sharpston in Case C-258/11 Sweetman at paras 47-49:

“47. It follows that the possibility of there being a significant effect on the site will 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.”

The screening threshold is therefore low. It requires only the possibility of a significant effect.

The planning authority concluded in its Appropriate Assessment Screening Report that there were no potential impacts and there was an absence of pathway to any European site. The conclusion is unsupported by hydrological mapping, catchment delineation, groundwater vulnerability assessment, soil permeability assessment, slope analysis or nutrient transport analysis.

The planning authority did not undertake a structured pathway-receptor analysis.

The planning file record the Ardgregane Stream lies to the south of the spreadlands

and is of poor status and at risk of not achieving good status by 2027 under the Water Framework Directive. The file also records the hydrological connectivity downstream to Lough Derg SPA (004058). Despite this the screening tables record 'None' under Source – Pathway- Receptor.

The proposed development generates slurry destined for land spreading. explained in the CJEU decision in Cases C-293/17 and C-294/17 held that 1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision. Slurry generation is inseparably from landspreading. The planning authority treated slurry spreading as a matter governed solely by the European Union (good Agricultural Practice for Protection of Waters) Regulations 2023. Regulatory compliance does not displace Article 6 (3) obligations.

Additionally in the Glanbia IESC Supreme Court Judgement 2022, it was confirmed that indirect effects of a development which are nevertheless consequences of the permitted use of land must be assessed. Slurry spreading downstream of increased livestock accommodation is an indirect effect of the development itself.

The screening unlawfully excludes in-combination effects. No assessment was undertaken of existing agricultural nutrient loading in the relevant catchment, cumulative livestock intensification, ammonia deposition or pressures identified in the River Basin management Plans. The mere statement that the development is over 500 metres from a watercourse is not analysis of connectivity. It is not supported by any evidence. No hydrological pathway evaluation.

#### **7.1.4 Slurry Generation and Land spreading as a Project**

The slurry storage facility is not an isolated structure. It is an integral system involving livestock housing, manure production, storage and landspreading. The Court of Justice Cases in Joint Cases C-293/17 and C294/17 held 'Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats

and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision'. Thus slurry spreading associated with livestock operations may itself require Article 6(3) assessment of direct and indirect downstream even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

The planning authority failed to assess the downstream effects of slurry spreading on the identified lands or on the receiving waterbodies including the Adrgregane Stream.

#### **7.1.5 Failure Under the Water Framework Directive**

The Planning Report states the proposed development would not result in the deterioration of any waterbody. Under EU law deterioration must be prevented. Nutrient loading developments cannot be authorised in the absence of a qualified assessment. Compliance with the EU (Good Agricultural Practice for Protection of Waters) Regulations 2022 is not the equivalent to compliance with Article 4 of the WFD.

#### **7.1.6 National Context and Cumulative Agricultural Pressures**

Agriculture is nationally identified as the principle pressure on water quality. The planning file acknowledges the Ardgregane Stream is of poor status and at risk. Any increase in slurry must be assessed cumulatively. The cumulative dimension required under Article 6(3) was not assessed.

#### **7.1.6 What would the legal assessment look like**

For developments involving slurry storage, a lawful assessment requires a structured methodology incorporating the following steps:

- Identification of increased livestock numbers and annual organic output.
- Quantification of slurry storage capacity and export requirements

- Identification of all spread lands, including parcel mapping
- Soil type, slope and drainage classification of each spread parcel
- Identification of receiving waterbodies and their WFD status
- Natura 2000 proximity and connectivity analysis
- In combination agricultural loading assessment.

The planning authority failed in all steps. The cumulative dimension was not assessed contrary to Article 6(3).

#### **7.1.7 Development Plan Policies**

The planning authority concluded the proposed development complied with the Tipperary County Development Plan without hydrological evidence, groundwater vulnerability mapping, slope and runoff assessment, or nutrient modelling. There remains scientific doubt as impact on Lough Derg via identified hydrological pathways. The findings are unsupported by analysis and is therefore irrational.

#### **7.1.8 EIA Screening Deficiencies**

The EIA pre-screening records that the development is not listed under Schedule 5 and therefore no screening is required. No analysis of indirect effects, cumulative effects or water quality is documented. Sub-threshold status does not eliminate the obligation to consider whether significant environmental effects may arise by virtue of location and cumulative impact.

#### **7.2. Planning Authority Response**

There was no further response from the planning authority.

### **8.0 Assessment**

8.1. This is a Third-Party appeal against the decision of Tipperary County Council to Grant Permission in respect of Reg. Ref. 256/216. I am satisfied, having examined the details of the application and all other documentation on file and having visited the site, that the main issues for consideration relate to the following:

- Principle of Development
- Disposal of Waste Product/Land Spreading

## 8.2 Principle of Development

The Tipperary County Development Plan 2022-2028 supports a rural development strategy centred on facilitating the continuity of agriculture and by maintaining the integrity of viable farming areas. The site is located in a rural area where the predominant land use is agriculture. The proposal seeks to construct a new cattle shed with underground slurry tanks, and a manure pit with effluent from the manure pit directed into the proposed tanks. I inspected the site, which operates as a dairy farm, and I noted the farmyard and buildings have been established for a considerable number of years and are kept in excellent condition. The submission documents include the extent of the applicant's landholding which falls in a south easterly direction.

I am satisfied given the nature of the use on site that the development is in accordance with Section 8.4.1 and Policy 10-3 of the Development Plan which broadly seeks to support the agricultural sector and development to facilitate sustainable agricultural activities. I am of the opinion therefore, that the principle of development, comprising the construction of agricultural structures to facilitate a dairy farming enterprise in this rural area is acceptable. The proposed development is modest in scale and to the rear of an existing farmyard. In my opinion, it will not impact on visual or residential amenities because there is significant separation distance between the proposed development and the one off housing in the vicinity.

## 8.3 Disposal of Waste Product/ Land Spreading

8.3.1 Slurry from agricultural sheds is generally spread on land. As land spreading location maps are not an Article 22 requirement for planning permission, it is not unusual for this information not to be on the file. There is no information on the file of the bandspreading areas, however, the planning documents include a map of the overall landholding. I anticipate that the slurry to be held in the underground tanks associated with the proposed slatted unit will be spread on lands. An Coimisiún Pleanála is not the Competent Authority for the control of land spreading.

8.3.2 The spreading of organic fertilisers is managed under the GAP Regulations 2025. 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. Therefore, 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.

8.3.3. The case was not assessed by the planning authority's Environment Department Overall, the proposal would provide additional slurry storage capacity and a collection tank for the effluent associated with the manure pit, therefore I consider this to be an improvement in the management of the existing farm operation. However, I consider it would be important to have the following information on the planning file and I recommend a condition requiring

- (a) a management schedule for the operation of the slatted sheds
- (b) The management schedule shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, or if superseded by subsequent regulations:
- (c) The management schedule shall provide for (i) the number, age and types of animals to be housed. (ii) the arrangements for the disposal of slurry. (iii) arrangements for the storage and disposal of manure and (iv) the cleansing of the buildings and structures (including the public road, where relevant).

8.3.4 There are no water courses on or immediately adjacent the appeal site, with the closest being the Ardgrenane Stream 500m south of the subject site. All soiled water and slurry will be directed to storage tanks which are subject to the requirements and specifications as set out in the GAP Regulations. I note there have been no details of surface water collection and disposal or existing and proposed soakpits. There is a natural slope in a south-easterly direction at this location. I am of the view therefore that uncontaminated surface water run-off may be disposed of directly to ground via appropriately sized soakaways and no surface water run off should be permitted from the scheme to enter into the slurry tanks.

## 9.0 AA Screening

See completed screening determination form in Appendix 2.

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 River Shannon (Lough Derg) SPA in view of the conservation objectives of this sites and is therefore excluded from further consideration.

Appropriate Assessment is not required. This determination is based on:

- Nature and scope of the proposed development.
- The separation between the appeal site and the nearest European Site, together with absence of an ecological pathway.
- Taking into account the determination by the Planning Authority.
- The legal obligations under the GAP Regulations 2025

## 9.0 Water Framework Directive

The appeal site is located within the catchment area of the Lower Shannon. The Ardgrenane Stream (IE\_SH\_25A040100) is 500metres south of the site, with c. 1.6km from Newtown River to the west. The Ardgrenane Stream serves as a tributary to Lough Derg on the River Shannon

The underlying ground waterbody is Nenagh IE\_SH\_G\_178. The development comprises the construction of a slatted shed and a manure pit. Water deterioration concerns were raised in the third party planning appeal . Excess phosphate leading to eutrophication is the dominant issue in river and lake water bodies in the Lower

Shannon (Lough Derg) catchment. While excess ammonia is also of concern, it is only for a limited number of water bodies.

I have assessed the development seeking permission and I 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.

The reason for this conclusion is as follows:

- ▪ Nature and scope of the works- small scale and nature of the development.
- Separation distance from the nearest water bodies and lack of hydrological connections.
- The spreading of organic fertilisers will be managed under the GAP Regulations 2025.

Taking into consideration the report of the Environment Department of the planning authority. Appendix 3 contains a WFD Impact Assessment Stage 1 Screening.

## **Conclusion**

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or

permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

- 10.1. Having regard to the foregoing, it is recommended that retention permission and permission is granted for the development, subject to conditions.

## 11.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established agricultural farmyard, and the developments compliance with the Tipperary County Development Plan 2022-2028, particularly Section 8.4.1 Agricultural and Horticulture, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the landscape or visual amenities of the area and would be acceptable in terms of public health and environmental sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

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

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

- 2 The structures shall be used for agricultural purposes only.

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

3. Details of the finishes of the proposed slatted shed shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and visual amenity

4. The following shall be complied with:

(a) Slurry generated by the existing and proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended)

(b) Where slurry or manure is removed by a third party, by agreement, to be land spread elsewhere, details of such an agreement (to include name of third party, lands to be spread, amounts of material) should be furnished to

(c) Where slurry or manure generated by the existing or proposed development is moved to other locations, details of such movements are to be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended). the local authority in which said lands are located.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

5. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, as amended. The developer shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The land spreading of soiled waters and slurry shall be carried out in strict accordance with the

requirements as outlined in the aforementioned regulations. Within six months of the grant of permission, details demonstrating how the developer intends to comply with this requirement shall be submitted for the written agreement of the Planning Authority.

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

6. The following shall be complied with:

(a) The slatted sheds shall be used only in strict accordance with a management schedule for the operation of the slatted sheds which shall be submitted to the planning authority within six months of this decision.

(b) The management schedule shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, or if superseded by subsequent regulations:

(c) The management schedule shall provide for (i) the number, age and types of animals to be housed. (ii) the arrangements for the disposal of slurry. (iii) arrangements for the storage and disposal of manure and (iv) the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to prevent pollution and in the interest of amenity

7. 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, as amended,

or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, within six months of this decision.

(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, as amended shall be strictly adhered to.

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

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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Caryn Coogan

Planning Inspector

8<sup>th</sup> of June 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	500814-TY-26
<b>Proposed Development Summary</b>	A new slatted shed with slatted waste storage and a mass concrete manure pit
<b>Development Address</b>	Kilcolman, Nenagh, Co. Tipperary
<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>	<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)	
<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</b>	<b>State the Class here</b>

be requested. Discuss with  
ADP.

No, it is not a Class specified in Part 1. Proceed to Q3

**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?**

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.**

**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 3:

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Case Reference Number: 500814-TY-26</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Permission is sought to construct: (a) a slatted shed together with all associated site works and (b) mass concrete manure pit and all associated site works at Kilcolman, Nenagh Co. Tipperary, which is a rural area with a wide agricultural hinterland.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site is located in a rural area where farming predominates the landuse. It is not a scenic landscape, but the farmyard is located on higher ground than the Ardgrenane Stream to the south of the site. The third-party appeals expresses concerns regarding the potential impact of land spreading on the stream. The stream is a tributary to the Lower Shannon (Lough Derg) site.</p> <p>The appeal site is not located in, adjacent to or close to an European site. There are no surface water drains. Streams or river immediately adjoining the farm yard and the subject site.</p> <p>The proposed development and site is not hydrologically connected to any European site and there is no</p>
<b>Screening report</b>	Yes, carried out by P.A.

<b>Natura Impact Statement</b>	N
<b>Relevant</b>	An Taisce and Wild Ireland Defense (Third party) It was noted that the spreadlands associated with the subject proposal are located within an area considered by the EPA to be of high pollution impact potential for nitrate. This may be indicative of freely draining soil and moderate/high livestock density which requires clarification by the Council. The poor status Ardgregane stream to the south of the spreadlands which is considered to be at risk of not achieving good status by 2027,

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

There are a number of European sites within 15km radius of the site. The vast majority of them can be disconnected because there is no source-pathway-receptor chain/connectivity between the particular European Site and the appeal site. These European Sites are all either remote from the appeal site, or the appeal site is outside the foraging range for the particular QI which the SAC is designated for, or a combination of these. I have only included those sites with any possible ecological connection or pathway in this screening determination.

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Lough Derg (Shannon) SPA (site	Cormorant (Phalacrocorax carbo) [A017]	5km west	Indirect hydrological connectivity between the appeal	Y

<p>code: 004058)</p>	<p>Tufted Duck (<i>Aythya fuligula</i>) [A061]  Goldeneye (<i>Bucephala clangula</i>) [A067]  Common Tern (<i>Sterna hirundo</i>) [A193]  Wetland and Waterbirds [A999]</p>		<p>site and the SAC exists. Potential pathways for indirect effects on the aquatic dependent QI's of the SAC exist in the form of water quality deterioration. The proposal entails landspreading in close proximity to a stream which if nitrates or phosphorus increase were added to the stream could impact on the water quality of the stream and the SPA</p>	
<p>Slievefelim to Silvermines Mountains SPA  (Site Code: 004165)</p>	<p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p>	<p>5km south</p>	<p>There is no source-pathway-receptor chain/connectivity between the particular European Site and the appeal site</p>	<p>N</p>
<p>Silvermines Mountains West SAC  (Site Code 002258)</p>	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]  European dry heaths [4030]  Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p>		<p>There is no source-pathway-receptor chain/connectivity between the particular European Site and the appeal site</p>	<p>N</p>

Slieve Bernagh Bog SAC (Site Code 002312)		8km west	There is no source- pathway-receptor chain/connectivity between the particular European Site and the appeal site	N
Slieve Aughty Mountains SPA  (Site Code004168)		10km west	There is no source- pathway-receptor chain/connectivity between the particular European Site and the appeal site	N
Site Code 004077 Shannon and River Fergus Estuaries SPA	Cormorant (Phalacrocorax carbo) [A017] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Ringed Plover (Charadrius hiaticula) [A137]		There is no source- pathway-receptor chain/connectivity between the particular European Site and the appeal site	N

	<p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Greenshank (Tringa nebularia) [A164]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wigeon (Mareca penelope) [A855]</p> <p>Shoveler (Spatula clypeata) [A857]</p> <p>Wetland and Waterbirds [A999]</p>			

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

There will be no direct effects caused by the development itself but there may be indirect effects caused by landspreading.

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Lough Derg (Shannon) SPA (site code: 004058)</p>	<p><b>Indirect</b> Indirect pathway to SAC. Water pollution arising from uncontrolled release of pollutants, to surface water from landspreading Release of effluent to. Ardgrenane Stream 500m south of the subject site, which borders the landholding to the south</p>	<p>There are no potential impacts expected during the construction phase of the development, because there is no hydrological connections between the subject site and the Ardgregane stream to the south.</p> <p>The slatted tanks will fill up with slurry and effluent and require to be emptied. This usually entails land spreading of slurry onto the landownership. I note the landholding is bounded to the south by the Ardgregane stream, which at risk of pollution.</p> <p>Excess phosphate leading to eutrophication is the dominant issue in stream and it is in the catchment area of Lower Shannon (Lough Derg) c. While excess ammonia is also of concern, it is only for a limited number of water bodies.</p> <p>However, the applicant is legally obliged to adhere the GAP Regulations, 2025, when undertaking land spreading. The purpose of the Regulations is to prevent water pollution, both surface and groundwater. Therefore, I am satisfied that once land spreading is carried out in</p>

		<p>accordance with these Regulations, no risk of water pollution arises.</p> <p>Although the lands for spreading slurry have not been clarified in the planning application, the applicant is legally obliged to spread the slurry in accordance with the GAP Regulations, and I am satisfied that this includes slurry from the existing structures on the site as well as the proposed structures. This would apply to all farms in the locality.</p> <p>No in-combination/cumulative effects arise as all lands to be used for land spreading are governed by the GAP Regulations.</p>
	<p><b>Likelihood of significant effects from proposed development (alone):</b></p> <p>No</p> <p>The GAP Regulations which will prevent in-combination/cumulative effects arising from land spreading. 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><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p> <p>No</p>	
	<p><b>Likelihood of significant effects from proposed development (alone):</b></p> <p><b>No</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p> <p>No</p>	

**Step 4: Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in-combination with other plans or projects) would not result in likely significant effects on Lough Derg (Shannon) SPA (site code: 004058). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].

No mitigation measures are required to come to these conclusions.

**Screening Determination**

**Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on River Shannon (Lough Derg) SPA in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Location-distance from nearest European site and lack of connections
- The AA Screening carried out by the Planning Authority
- The legal obligations under the GAP Regulations, 2025



## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	500814-TY-26	<b>Townland, address</b>	Kilcolman, Newtown, Nenagh, Co. Tipperary
<b>Description of project</b>		Construction of a new slatted shed and a mass concrete manure pit	
<b>Brief site description, relevant to WFD Screening,</b>		Site is located within an elevated rural area with freely draining brown earths. The site is surrounded by well drained grassland with no drainage ditches. There are a number of one-off houses in the general vicinity of the site. There are no watercourses located in the general vicinity of the subject site.	
<b>Proposed surface water details</b>		Roofwater will be drained to a soakage area and discharged to groundwater	
<b>Proposed water supply source &amp; available capacity</b>		There is a public water mains serving the dwellings in the area. The aquifer is of local importance with extreme vulnerability.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Not applicable	

<b>Others?</b>		Not applicable				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	500msouth	Ardgregane Stream -010 <b>IE_SH_25A040100</b>	Moderate	At risk	Domestic Sewage Treatment Plants, Agriculture, Hydromorphology	Not hydrologically connected to the watercourse.
River Waterbody	1km west	Newtown River	Good	Not at risk		No hydrological connection

Groundwater waterbody	Underlying site	Nenagh IE_SH_G_178	Good	Not at risk	No pressures	Free draining soil conditions.	
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Ardgregane Stream -	None	None	None	No	Screened out
3.	Ground	0020	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	0010	None	None	None	No	Screened out

4.	Ground	0020	None	None	None	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
5.	NA						