



<b>Development</b>	Demolition of slurry lagoon. Construction of agricultural shed, underground storage and associated site works.
<b>Location</b>	Ballinvana, Elton, Knocklong, County Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	25/61206
<b>Applicant</b>	Thomas Ryan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Wild Ireland Defence CLG
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> May 2026
<b>Inspector</b>	Gary Farrelly

## 1.0 Site Location and Description

The subject site has a stated area of 1.12 hectares and comprises of an existing agricultural farmyard. The farmyard is located within the rural townland of Ballinvana, County Limerick, which is located approximately 800 metres west of the village of Elton. The site is accessed off the regional road R-515. The Iarnród Éireann Dublin-Cork railway line is located approximately 400 metres south of the farmyard. The total landholding of the farm amounts to approximately 56 hectares. The farmyard adjoins the buffer zone for the recorded monument LI040-102---- (Enclosure).

## 2.0 Proposed Development

Permission is sought to demolish an existing slurry lagoon and construct an agricultural shed comprising of cubicles and underground slatted slurry storage tanks, as well as the construction of an underground soiled water storage tank. The shed will accommodate cow cubicles, will have a total floor area of 850sqm and a proposed ridge height of 7.8 metres. It will be externally comprised of part corrugated sheeting and will be designed in accordance with Department of Agriculture, Food and the Marine (DAFM) minimum specifications. The development will result in a proposed increase in dairy cow numbers from 63 to 100.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority (PA) decided to grant permission by Order dated 23<sup>rd</sup> January 2026 subject to 5 no. conditions.

#### Conditions

- Condition Number 4(a) required all farming activities to be carried out in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- Condition Number 5 required the maintenance of a 20 metre buffer from the recorded monument.

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

#### Planning Report

The planning report on file from the assistant planner (AP) assessed the proposed development in terms of its principle, siting and design, access and traffic safety, effluent management and archaeology. An Appropriate Assessment (AA) screening examination was undertaken which concluded that the development would not likely have a significant effect on any European site in view of the sites' conservation objectives, and AA was deemed not required. In terms of Environmental Impact Assessment (EIA) the AP concluded that the development was not a project listed in Schedule 5, Part 2 of the Planning and Development Regulations 2001, as amended, and thus determined that no EIA screening or preliminary examination was required. A grant of permission was recommended by the AP which was endorsed by the senior executive planner.

#### Other Technical Reports (*Appendix 4 of planning report*)

- Environment and Climate Action (*report dated 30/12/25*) – This report outlined no objection to the proposed development subject to conditions.
- County Archaeologist (*report dated 21/01/26*) – This report noted that the recorded monument was not included within the redline boundary but the buffer was located along the edge of it. It was recommended that a minimum 20 metre buffer from the edge of the buffer should be maintained.

### 3.3. **Prescribed Bodies**

None on file

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

A single third party observation was lodged to the PA from Mr. Peter Sweetman of Wild Ireland Defence CLG. The submission raised a number of issues in relation to the Habitats Directive, EIA and the Water Framework Directive (WFD).

## 4.0 **Relevant Planning History**

None

## 5.0 Policy Context

### 5.1. Limerick Development Plan 2022-2028

This Plan was adopted by elected members on 17<sup>th</sup> June 2022 and came into effect on 29<sup>th</sup> July 2022. There have been two variations to date, the first on 22<sup>nd</sup> May 2023 relating to amendments to Policy TR P11 (Road Safety and Carrying Capacity of the non-national Road Network) and Objective TR O37 (Land Uses and Access Standards), and the second on 30<sup>th</sup> March 2026 relating to a further amendment to Objective TR O37. A third proposed variation is currently on public display until 18<sup>th</sup> May 2026.

#### Objective ECON O35 Rural Development

It is an objective of the Council to:

a) Facilitate the development of acceptable rural enterprises and to minimise pollution from agricultural and industrial sources by means of development management and water pollution legislation.

#### Objective ECON O36 Agricultural Developments

It is an objective of the Council to favourably consider proposals for agricultural development where:

- a) They are appropriate in nature and scale to the area in which they are located;
- b) The proposal is necessary for the efficient use of the agricultural holding or enterprise;
- c) The development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings;
- d) The proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

#### Policy EH P1 Protection of Natural Heritage and Biodiversity

It is a policy of the Council to:

a) Protect and conserve Limerick's natural heritage and biodiversity, in particular, areas designated as part of the European Sites Natura 2000 network, such as Special Protection Areas (SPAs) and Special Areas of Conservations (SACs), in accordance with relevant EU Directives and national legislation and guidelines.

#### Policy EH P6 Water and Air Quality

It is a policy of the Council to ensure that water and air quality shall be of the highest standard, to ensure the long term economic, social and environmental well-being of Limerick's resources.

#### Objective EH O1 Designated Sites and Habitats Directive

It is an objective of the Council to ensure that projects/plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under the Plan unless they comply with Article 6 of the Habitats Directive.

#### Objective EH O15 Ground Water, Surface Water Protection and River Basin Management Plans

It is an objective of the Council to:

a) Protect ground and surface water resources and to take into account the requirement of the Water Framework Directive when dealing with planning and land use issues.

#### Objective EH O17 Water Quality

It is an objective of the Council to support commitments to achieve and maintain 'At Least Good' status, except where more stringent obligations are required. There shall be no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan.

#### Objective IN O20 Agricultural Waste

It is an objective of the Council to:

b) Require that the disposal of agricultural waste is carried out in a safe, efficient and sustainable manner, having regard to protection of the environment and public health and in compliance with the Nitrates Directive, Good Agricultural Practice for the

Protection of Waters) Regulations 2017 (SI 605 of 2017), the Habitats Directives and any other relevant statutory provisions.

## 5.2. National Policy

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030
- Sixth Nitrates Action Programme (2026-2028)

The purpose of the Nitrates Action Programme (NAP) is to prevent pollution of surface waters and groundwater from agricultural nutrients, and to protect and improve water quality. This programme is given effect by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, as amended (GAP regulations). This programme was subject to a Strategic Environmental Assessment and Appropriate Assessment.

*The Commission should note that an application for judicial review of this Programme was filed to the High Court on 9<sup>th</sup> March 2026.*

- Water Action Plan 2024, A River Basin Management Plan for Ireland (Department of Housing, Local Government and Heritage)

The Water Framework Directive requires that a River Basin Management Plan is published to set out the measures necessary to protect and improve the quality of our waters. This Water Action Plan sets out a roadmap to restore Ireland's water bodies to the equivalent of 'good status' or better and to protect water from any further deterioration. The Plan outlines that agriculture is the most common significant pressure impacting 1,023 waterbodies at risk of not meeting their environmental objectives.

- S.I. No. 113/2022 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022
- S.I. No. 42/2025 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025
- Climate Action Plan 2025

Climate Action Plan 2025 builds upon the 2024 Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

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

The subject site is not located within any designated natural heritage site. The nearest designated site is Glen Bog Special Area of Conservation (SAC) (Site Code 001430), which is located approximately 7.5km directly north of the farmyard. This is also designated as a proposed Natural Heritage Area (pNHA).

## 6.0 **Environmental Impact Assessment (EIA)**

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. I refer the Commission to Appendix 1 of this report.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

A third-party appeal was lodged to the Commission on 18<sup>th</sup> February 2026 by Wild Ireland Defence CLG. The grounds of appeal are summarised as follows:

- The proposal facilitates a substantial increase in dairy cow numbers from 63 to 100, which represents a material intensification of agricultural activity and increase in organic nitrogen production to 10,913kg per annum. Slurry storage capacity is to increase to 1,758.96m<sup>3</sup> with a surplus of 835.8m<sup>3</sup> over required storage.
- The submitted drawings do not show the full pipework layout for the collection and transfer of slurry from all slatted shed sections to the proposed underground storage tanks or the location of any pumps or overflow mechanisms and the precise routing of soiled water infrastructure. Land spreading lands are not clearly identified, mapped or delineated so as to enable assessment of

hydrological connectivity, soil type, groundwater vulnerability and proximity to watercourses.

- The PA's appropriate assessment (AA) screening fails to assess whether the downstream spreading of 743.4m<sup>3</sup> of slurry and 149.76m<sup>3</sup> of soiled water may give rise to hydrological pathways via surface water runoff or groundwater connectivity. No soil permeability mapping or groundwater vulnerability assessment was undertaken.
- The AA screening relies on compliance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (*i.e. GAP regulations*) as a reason to exclude significant effects. This constitutes a mitigation based screening which is prohibited as per Case C-323/17 as it is not appropriate at screening stage to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site.
- The PA did not undertake a structured pathway-receptor analysis in terms of hydrological mapping, catchment delineation, groundwater vulnerability assessment, soil permeability assessment, slope analysis or nutrient transport modelling.
- The Court of Justice in C-293/17 and C-294/17 held that the application of fertilisers in the vicinity of Natura 2000 sites may constitute a project under Article 6(3). Slurry generation is functionally inseparable from its spreading. All indirect effects of a development downstream of a planning application require consideration in any AA, EIA or WFD assessment.
- The PA's AA screening excluded in-combination effects. There was no assessment of existing agricultural nutrient loading in the relevant river catchment, EPA waterbody status, cumulative livestock intensification within the sub-catchment, ammonia deposition pathways, agricultural nutrient pressures identified under River Basin Management Plans.
- The PA's AA screening noted a lack of any pathway, however, the EPA GIS mapping identifies the proximity of a river corridor surrounding the site. Therefore, the screening contains lacunae.

- Organic nitrogen loading is calculated at 194.3kg N/ha which is below the 220kg threshold. However, this threshold is a regulatory ceiling and not a Habitats Directive screening test. Compliance with nitrates limits does not equate to absence of significant effects.
- There is a requirement for a WFD assessment and the PA's assessment did not include identification of the relevant surface waterbody, its current status under the WFD, whether it is at risk of failing Good ecological status, whether agricultural diffuse pollution is identified as a pressure, the contribution of additional livestock capacity to nitrogen and phosphorous loading or ammonia volatilisation and deposition impacts. Compliance with GAP regulations does not discharge the competent authority's obligation under EU law to ensure non-deterioration.
- The PA's EIA screening records that the development is not listed under Schedule 5, Part 1 or 2, and therefore no screening is required. No assessment was carried out in respect of cumulative agricultural intensification, water quality, location sensitivity, groundwater abstraction. A sub-threshold status does not eliminate the obligation to assess significant environmental effects.
- The site lies within the buffer zone of a recorded monument. The PA's archaeologist advised that the monument is a little bit vague and that the buffer would tip the red line boundary. The actual report was not uploaded to the scanned files. The imposition of a 20 metre buffer without detailed archaeological survey raises questions as to whether the full extent of the monument and potential additional archaeological assets have been established.
- The Commission must set aside the decision and refuse permission, or alternatively, request further information including a full hydrological pathway assessment, groundwater vulnerability mapping, a quantified WFD deterioration analysis, in-combination agricultural nutrient loading assessment, detailed engineering drawings showing slurry collection and transfer pipework and clearly mapped and identified land spreading lands. Without such information the Commission cannot lawfully conclude that the development complies with EU environmental law.

## 7.2. Applicant Response

The applicant issued a response to the grounds of appeal on 11<sup>th</sup> March 2026 which is summarised as follows:

- The reason for the planning application is to ensure the farm remains fully compliant with both current and anticipated future environmental regulations. The replacement of an open slurry lagoon with underground storage is a significant improvement in environmental protection infrastructure.
- In order to make the investment financially viable, it is necessary to increase dairy cow numbers modestly from 63 to 100. This intensification is not a material environmental risk, but rather a managed expansion that provides the capital required to install superior slurry management systems to replace the existing infrastructure.
- The grounds of appeal contain generic legal citations that fail to address the site specific level realities of this development. The appellant suggests there is risk to Glen Bog SAC at a distance of 7.5km away without providing any site specific evidence of a functioning hydrological pathway. The reference to the Morningstar river corridor is a general observation that does not equate to a significant effect on a protected site several kilometres away.
- Compliance with GAP regulations is a mandatory legal baseline for all Irish farms and is not a mitigation measure designed specifically for the project to bypass AA.
- A letter from Teagasc, dated 11<sup>th</sup> March 2026, is also provided, which notes that the development represents an upgrade of existing facilities and only a modest increase in cow numbers. The farm will continue to operate well below its maximum carrying capacity ensuring that stocking rates remain sustainable and consistent with best agricultural practice.
- Additional slurry capacity will facilitate improved management practices by allowing greater flexibility in the timing, location and rate of slurry application. It will ensure that applications can be aligned with suitable soil and weather conditions, thereby reducing the risk of nutrient loss and minimising potential environmental impacts.

- The Teagasc National Slurry Storage Monitoring Programme indicates that higher slurry storage will be required on dairy farms increasing from 20-25% from the current 0.33m<sup>3</sup> of slurry storage per cow per week requirement to 0.4m<sup>3</sup>. The upgrading of facilities will be in line with the 6<sup>th</sup> Nitrates Action Plan for Ireland.
- It is respectfully requested that the Commission upholds the decision of the PA.

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

The PA did not issue a response to the grounds of appeal.

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Impact on Water Quality
- Archaeology

### **Impact on Water Quality**

8.2. I note that the appellant's primary concern relates to the activity of land spreading on water quality. I note that such concerns relate to both the Habitats Directive and Water Framework Directive (WFD), which I have addressed within Sections 9 and 10 of this report.

8.3. The Commission should note that land spreading is the spreading of organic waste onto or into land to improve soil health. Whilst the activity does not form part of this planning application, it is a controlled activity, regulated by the Department of Agriculture, Food and the Marine (DAFM) and local authorities through the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (herein referred to as "*the GAP regulations*"). These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the

provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil.

- 8.4. I note that the proposed development does include for activities and structures that will generate and hold such organic waste. The agricultural shed will accommodate an increase in the number of dairy cows accommodated onsite from 63 to 100. The applicant's landholding amounts to 56.16 hectares and is shown in blue on the submitted drawings. This increase in the herd will result in organic nitrogen production of 194.3kg N/ha which is below the 220 kg n/ha maximum stocking rate for nitrates derogation holdings. I note that the underground slurry and soiled water storage tanks have been sized to cater for a surplus of slurry storage above the requirements set out in the GAP regulations 2022. The submitted drawings stipulate that the detailed design of the structures will be in accordance with the DAFM minimum specifications. Clean surface water from the roof of the shed will be directed to a soakaway to the northeast of the farmyard.
- 8.5. Having reviewed the Environmental Protection Agency (EPA) GIS mapping tool<sup>1</sup> and having inspected the site, I note that there are no watercourses within or adjoining the site of the proposed development. The nearest watercourse is the Morningstar river which is located approximately 270 metres north of the site. Additionally, having reviewed the Office of Public Works (OPW) Flood Mapping tool<sup>2</sup> (*Mid-range future scenario layer*), I note that the site is not located within an area at risk of fluvial or coastal flooding. Moreover, I have reviewed the Geological Survey Ireland (GSI) Groundwater Data Ireland Viewer<sup>3</sup> and note that the site is underlain by Till derived from limestone subsoil which is classed as of moderate permeability. The aquifer underlying the site is classed as a locally important aquifer.
- 8.6. Having regard to the above, the Commission should note that I have no concerns with the impact of the proposed development on water quality. It is a legal requirement for the applicant to provide storage facilities in accordance with the GAP regulations 2022 in terms of capacity and prevention of seepage. All structures will be designed in

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<sup>1</sup> <https://gis.epa.ie/EPAMaps/Water>

<sup>2</sup> <https://www.floodinfo.ie/map/floodmaps/#>

<sup>3</sup> <https://gsi.geodata.gov.ie/portal/apps/webappviewer/index.html?id=d333a8a9b6ab44378411fc0d973db4ef> (All

Accessed 12<sup>th</sup> May 2026)

accordance with DAFM specifications. I also consider the proposals to be an enhancement to the current slurry management measures onsite. Therefore, subject to my assessment below, I consider that the proposed development would be in accordance with objectives ECON O35(a) (Rural Development), ECON O36 (Agricultural Developments) and IN O20(b) (Agricultural Waste) of the Limerick Development Plan 2022-2028.

### **Archaeology**

- 8.7. The third-party appellant has also expressed concerns regarding the location of the site within the buffer zone of a recorded monument. It is contended that detailed archaeological surveys should be undertaken to ensure no negative impact on heritage assets.
- 8.8. Having reviewed the National Monument Service Historic Environment Viewer<sup>4</sup>, I note that recorded monument LI040-102---- is located east of the existing farmyard and is described as an earthwork with no surface remaining visible. The buffer zone for the monument partially traverses the northeast corner of the existing slurry lagoon which I note is proposed to be demolished. I also note the PA's archaeologist report outlined that the monument was not located within the site boundary, however, the buffer would be along the edge of the site. Having regard to this, the nature of the development and to the location of the proposed agricultural shed outside of such buffer zone, I have no significant concerns with the impact of the proposed development on archaeological heritage.

### **Other Issues**

- 8.9. I note that the third-party appellant highlights concerns with the adequacy of the submitted drawings in terms of the absence of pipe infrastructure to the underground slurry and soiled water storage tanks as well as the absence of land spreading maps as part of the application. Firstly, the Commission should note that I am satisfied with the level of information provided on the submitted drawings for the purposes of determining this planning application. As stated above, and as outlined on the

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<sup>4</sup> <https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8>  
(Accessed 12<sup>th</sup> May 2026)

submitted drawings, all structures will be designed in accordance with DAFM specifications.

- 8.10. Secondly, with regards to land spreading maps, I note that such maps are not an Article 22 requirement under the Planning and Development Regulations 2001, as amended. Notwithstanding this, the applicant has shown his 56.16 hectare landholding in blue within the submitted site location map. Having regard to the requirement for the applicant to legally adhere to the GAP regulations 2022, I am satisfied with the level of information submitted with the application.

## 9.0 **Appropriate Assessment (AA) Screening**

- 9.1. The subject site is located approximately 7.5km south of Glen Bog SAC (Site Code 001430). The Commission should note that the third-party appellant has raised concerns with the activity of land spreading on European sites via hydrological and hydrogeological pathways. It is stated that reliance on the GAP Regulations to exclude any likely significant effect constitutes a measure intended to avoid or reduce the harmful effects of a plan or project on a European site.

- 9.2. I refer the Commission to Appendix 2 of this report. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development, individually or in-combination with other plans or projects, would not be likely to give rise to significant effects on any European site in view of the conservation objectives of the sites, and is therefore, excluded from further consideration. Appropriate assessment is not required. This determination is based on:

- To the small scale nature of the construction and demolition works and their location within an existing agricultural farmyard with no hydrological connection to any European site.
- To the structures being constructed in accordance with DAFM specifications.
- To the 7.5km distance between the subject site and Glen Bog SAC and level of intervening lands regarding other potential ecological pathways.
- To the extent of the applicant's landholding and to the normal practice of spreading of slurry on such lands as fertiliser during the operational phase. No

in-combination/cumulative effects arise as all lands to be used for land spreading are governed by the GAP regulations. These regulations apply to all lands and are not considered a mitigation measure.

- Taking into account the screening determination by the PA.

## 10.0 Water Framework Directive (WFD) Screening

- 10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the European Union Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Water Action Plan 2024. I refer the Commission to Appendix 3 in this regard.
- 10.2. The receiving water environment has been identified and assessed. The site is underlain by the Hospital groundwater waterbody (IE\_SH\_G\_107) which is of 'Good' status and 'not at risk' of not achieving the WFD objective. The nearest surface waterbody to the site is Morningstar river (IE\_SH\_24M020400), which is located approximately 270 metres north of the site, which is of 'Good' status and 'not at risk' of not achieving the WFD objective.
- 10.3. Having regard to the nature, scale and location of the proposed development, and the mitigation measures incorporated into the design and to be conditioned, it is concluded that the proposed development will not result in deterioration of the ecological, chemical or quantitative status of any relevant surface water or groundwater body, increase the pollutant loading or alter the hydrological regime of any receiving watercourse or prevent or impede achievement of environmental objectives under the Water Action Plan 2024. The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

## 11.0 Recommendation

My recommendation to the Commission is that permission should be **Granted**, subject to conditions, for the reasons and considerations set out below.

- The Commission should note that agricultural developments are exempted from development contributions as per Section 7 of the Development Contribution Scheme 2025-2031.<sup>5</sup>

## 12.0 Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2026, to the location of the proposed development within an established farmyard and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse effect on water quality or archaeology. Accordingly, it is considered that the proposed development would comply with Objectives ECON O35(a) (Rural Development), ECON O36 (Agricultural Developments), EH O15 (Ground Water, Surface Water Protection and River Basin Management Plans), EH O17 (Water Quality) and IN O20(b) (Agricultural Waste) of the Limerick Development Plan 2022-2028 and would therefore be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

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

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<sup>5</sup> <https://www.limerick.ie/sites/default/files/media/documents/2025-09/development-contribution-scheme-2025-2031.pdf> (Accessed 12th May 2026)

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 2022 (S.I. No. 393/2022) (as amended).

(b) Where slurry or manure generated by the 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 2022 (S.I. No. 393/2022) (as amended).

(c) 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 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.

3. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

**Reason:** In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

4. 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.

**Reason:** In the interest of public health.

5. The building shall be used for agricultural and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

6. A minimum 20 metre buffer shall be maintained from recorded monument LI040102 and within it no deep-rooted planting, landscaping, soil disturbance or subsequent exempted development shall occur.

**Reason:** To ensure the proposal does not disturb the adjacent recorded monument.

#### Declaration

*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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Gary Farrelly

Planning Inspector

12<sup>th</sup> May 2026

### Appendix 1: EIA Pre-Screening

<b>Case Reference</b>	PL500818-LK-26
<b>Proposed Development Summary</b>	Demolition of slurry lagoon and construction of agricultural shed and underground slurry/soiled water storage tanks
<b>Development Address</b>	Ballinvana, Elton, Knocklong, County Limerick
<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.
<p><i>(For the purposes of the Directive, "Project" means:</i></p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<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. EIA is mandatory.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory.**

Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2) If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**

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

Date: 12<sup>th</sup> May 2026

## Appendix 2: AA Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Case Reference Number:</b> PL-500818-LK-26	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	<p>The project involves the demolition of a slurry lagoon and the construction of an agricultural shed together with underground slurry and soiled water storage tanks.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is located within a rural area within an existing farmyard. The nearest surface waterbody is located approximately 270 metres north of the site. This flows in a north/northeast direction where it eventually joins the River Maigue approximately 22km downstream. The River Maigue includes the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) further downstream. The Glen Bog SAC (Site Code 001430) is located approximately 7.5km north of the site. There are no surface waterbodies within the subject site.</p> <p>The site is underlain by Till derived from limestone subsoil which is classed as of moderate permeability (<i>Geological Survey Ireland Groundwater Data Ireland Viewer</i>). The aquifer underlying the site of the farmyard is classed as a locally important aquifer.</p> <p>The project involves the construction of underground slurry and soiled water storage tanks to hold the organic waste generated as a result of the operation of the proposed development. These tanks will be constructed in accordance with DAFM specifications.</p>
<b>Screening report</b>	<i>None submitted</i>
<b>Natura Impact Statement</b>	<i>None submitted</i>

<b>Relevant submissions</b>	The third-party appellant has raised concerns with the operational impact of the proposed development on European sites in terms of land spreading via hydrological and hydrogeological pathways. It is stated that reliance on the GAP Regulations to exclude any likely significant effect constitutes a measure intended to avoid or reduce the harmful effects of a plan or project on a European site.
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

Whilst I note that the PA included a total of 4 no. European sites in its initial screening consideration, I consider that there is no such ecological justification for such a wide consideration of sites. Therefore, I have only included the sites with any possible ecological connection or pathway in this screening determination.

<b>European Site (code)</b>	<b>Qualifying interests</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections</b>	<b>Consider further in screening Y/N</b>
Glen Bog SAC (001430)	<ul style="list-style-type: none"> <li>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> </ul>	7.5km north	No hydrological connection Potential hydrogeological connection Connection via air	No. Due to significant distance from the site and construction of structures in accordance with DAFM specifications.
Lower River Shannon SAC (002165)	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	26km northwest	None due to separation distance. The Morningstar river, located 270 metres north of site, is hydrologically	No. Site of the proposed development is not hydrologically connected to Morningstar river.

			connected to the designated site approximately 39km downstream.	
<b>Likelihood of significant effects from proposed development (alone):</b>	No			
<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	<p>No. The spreading of organic fertilisers is managed under the GAP regulations 2022. 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 2022, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development. I consider that the GAP regulations for the control of land spreading is 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.</p>			
<b>Step 3: Conclude if the proposed development could result in likely significant effects on a European site</b>				
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Glen Bog SAC or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.</p>				

### Appendix 3: Water Framework Directive (WFD) Screening

Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	PL-500818-LK-26	<b>Townland, Address</b>	Ballinvana, Elton, Knocklong, County Limerick
<b>Description of project</b>		The project involves the demolition of an existing slurry lagoon and the construction of an agricultural shed together with the construction of underground slatted slurry storage tanks and a underground soiled water storage tank.	
<b>Brief site description, relevant to WFD Screening</b>		<p>The site comprises of an existing established farmyard within a rural setting. The applicant's total landholding amounts to 56.16 hectares. The site (and landholding) is underlain by Till derived from limestone subsoil which is classed as of moderate permeability (<i>Geological Survey Ireland Groundwater Data Ireland Viewer</i><sup>6</sup>). The aquifer underlying the site of the farmyard and the applicant's landholding to the west and north of the farmyard is classed as a locally important aquifer. The applicant's landholding to the south of the farmyard is classed as a karstified regionally important aquifer.</p> <p>The nearest watercourse is the Morningstar river approximately 270 metres north of the farmyard and which flows through the applicant's landholding.</p>	
<b>Proposed surface water details</b>		Clean surface water from the roof of the proposed agricultural shed will be directed to a soakaway to the northeast of the site via an open storm water channel. Soiled water within	

<sup>6</sup> <https://gsi.geodata.gov.ie/portal/apps/webappviewer/index.html?id=d333a8a9b6ab44378411fc0d973db4ef> (Accessed 12<sup>th</sup> May 2026)

	the proposed handling facilities will be directed to an underground slatted soiled water storage tank (150.79m <sup>3</sup> ).
<b>Proposed water supply source &amp; available capacity</b>	The farmyard is served by an existing well on the western boundary of the site.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	<i>Not applicable</i>

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

<b>Identified water body</b>	<b>Water body name(s) (code)</b>	<b>WFD Status (2019-2024)</b>	<b>Risk of not achieving WFD Objective</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>	<b>Mitigation Measures proposed</b>	<b>Is mitigation sufficient? Will there be any residual impacts?</b>
1. Groundwater Waterbody	Hospital (IE_SH_G_107)	Good	Not at Risk	None identified	The farmyard and the landholding to the north/west is underlain by this waterbody. There is potential for surface water discharges to groundwater. Potential for seepage of slurry	Clean surface water to be directed to soakaways.  Soiled water and slurry to be managed in underground storage tanks. Structures to be constructed in	Yes, to be conditioned.  No residual impact

					and soiled water to groundwater.	accordance with DAFM specifications and requirements of GAP regulations 2022.	
<p><b>Cumulative Impact of land spreading</b></p> <p>Whilst the activity of land spreading does not form of the planning application, the cumulative effect of this activity on waterbodies is considered below in the context of surface waterbodies that traverse the applicant's landholding and other groundwater waterbodies that underly the applicant's landholding.</p>							
2. Groundwater Waterbody	North Kilmallock (IE_SH_G_193) South of the farmyard, within applicants landholding	Good	At Risk	Agriculture	Slurry and soiled water disposed of through land spreading	Requirements of GAP regulations 2022 <i>(To clarify, this is not a mitigation measure in the context of the Habitats Directive)</i>	Yes, to be conditioned. No residual impact.
3. River Waterbody	Morningstar_030 (IE_SH_24M020400) North of the farmyard, within the applicant's landholding.	Good	Not at Risk	None identified			
4. River Waterbody	Morningstar_050 (IE_SH_24M0200600) Approximately 7km downstream	Moderate	At Risk	Hydromorphology Urban runoff			