



An
Coimisiún
Pleanála

Inspector's Report PL-500918-KY-26

Development	Planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed.
Location	Kilcolman, Miltown, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2560678
Applicant(s)	James Murphy
Type of Application	Permission and Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Michael and Marie Slattery
Observer(s)	None
Date of Site Inspection	25 th May 2026
Inspector	Lorraine Dockery

1.0 Site Location and Description

- 1.1 The subject site, which has a stated area of 0.66 hectares, is located within the development boundary of Milltown, Co. Kerry. The site is largely under grass and animals were grazing thereon at the time of my site visit. The site contains an existing cattle shed and dry storage area. It also contains a storage shed and dung pit, both of which are proposed to be retained under this current appeal. The stated floor area of existing buildings on site is 318.4m².
- 1.2 The site is accessed from the Kilcolman estate access road. Residential properties, including that of the appellants, are located to the east and south of the site.

2.0 Proposed Development

- 2.1 The proposed development, comprises the following:
- planning permission for a new calving shed (65.1m²) and seepage tank (6m³) and
 - retention permission for a dung pit and a storage shed (171.4m²)

In terms of water supply, there is an existing connection to the public mains with surface water disposal to a soakpit.

3.0 Planning Authority Decision

3.1 Decision

GRANT permission, subject to 8 no. conditions

Further Information was requested by the planning authority in relation to farmyard manure management namely storage capacity, report demonstrating compliance with EU and national legislation and noise/odour management details.

Further Information, deemed to be significant by the planning authority, was received on 22/12/2025 and 13/01/2026.

3.2 **Planning Authority Reports**

3.2.1 Planning Reports

Planner's Report- Reflects decision of planning authority, grant of permission recommended

3.2.2 Other Technical Reports

Environment Section- No objections, subject to conditions (dated 10/09/2025).
Second report requested Further Information in relation to farmyard manure management relating to storage capacity, report demonstrating compliance with EU and national legislation and noise/odour management details (dated 23/09/2025).
Further report (dated 05/02/2026) states that there are no objections, subject to conditions.

Environmental Assessment Unit- Considered that the development concerned would not have required AA (no realistic or meaningful pathway for significant impact on the environment). Considered that the development concerned would not have required either an EIA or an EIA determination (no real significant effects on the environment arising from the development) (dated 23/09/2025)

County Archaeologist- No mitigation is required (12/08/2025)

3.3 **Prescribed Bodies**

None

3.4 **Third Party Observations**

Two observations were received by the planning authority objecting to the proposed development which raised matters similar to those contained in the observation received.

A submission in support of the proposal from residents in 14 and 15 Kilcolman stating that applicant keeps grounds in impeccable condition, is respectful to neighbours and never has there been an issue with noise or pollution. A submission from Fionan Crowley also supports the subject application. A submission from Abbey Veterinary outlines need for proposed development (health and safety and animal welfare grounds).

4.0 Planning History

ABP 08.124037 (3697/00)

Permission GRANTED for retention of extension to existing cattle shed for dry floor storage, subject to 3 no. conditions

Condition No. 1: The building proposed to be retained shall be used for dry floor storage only and shall not be used for the housing of cattle

10424- permission GRANTED for an agricultural entrance to farmland

ABP-320408-24 and ABP-316933-23

Confirm the determination of the local authority relating to inclusion of the land on the residential zoned land tax final map 2024.

5.0 Policy Context

5.1 National Planning Policy

- Project Ireland 2040 – National Planning Framework (revised 2025) and National Development Plan 2021-2030
- Development Management: Guidelines for Planning Authorities 2007
- Sixth Nitrates Action Programme (2026-2028)
- Regional Spatial & Economic Strategy for the Southern Region
- Water Action Plan 2024, A River Basin Management Plan for Ireland (Department of Housing, Local Government and Heritage)
- 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

Other Guidance

- European Commission’s Farming for Natura 2000: Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)
- European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. No. 393/2022) (as amended).

5.2 Local Planning Policy

Development Plan

Kerry County Development Plan 2022-2028 applies

Chapter 2 Climate Change and Achieving a Sustainable Future includes the following objective:

Objective KCDP 2-9: Promote the development of a more sustainable agri-sector, having regard to the measures and environmental objectives of the forthcoming ‘Common Agricultural Policy Strategy for Ireland, Ag Climatise 2020 – the National Climate & Air roadmap for the agriculture sector’.

Objective KCDP 9-39: Support and facilitate the thematic objectives outlined in “Our Rural Futures”, rural development policy 2021-2025, to strengthen economic activity and employment in rural areas.

Objective KCDP 9-53: Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan.

Objective KCDP 9-55: Facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Objective KCDP 9-56: Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

Section 1.3.6 (Vol. 6) Non-Conforming Uses

Many uses exist in locations where they do not conform to designated use zoning objectives set out for that area and are normally long-term established uses that have developed over time. When extension to, or improvements of premises accommodating these uses are proposed, each shall be considered on its merits and permission may be granted where it can be shown that the proposal does not adversely affect amenities in the vicinity and is compatible with the proper planning and sustainable development of the area.

Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 applies

Milltown is designated as a District Town.

Zoning: R1: New/Proposed Residential, the objective for which is to 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'

The site abuts a residential zoning- R2- Existing residential development to the east and west and zoning C2.1 Industrial/Enterprise/Employment to the north.

'Agriculture' is not listed in Table 2.6 Zoning Matrix

Note:

I highlight to An Coimisiún that the statutory public consultation on the proposed material alterations to **Variation No. 3 of the Kerry County Development Plan 2022–2028** relating specifically to the **Castleisland–Corca Dhuibhne Municipal District Settlement Plan** closed on April 10th 2026. It is intended that the Proposed Variation No. 3 – Castleisland-Corca Dhuibhne Municipal District Settlements' Plan, will replace the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027. The subject site is located within the boundary of this draft Settlement Plan. The zoning of the site remains unchanged in this draft Settlement Plan.

5.3 Natural Heritage Designations

The subject site is not located within any designated natural heritage site. The nearest sites are Castlemaine Harbour SAC (Site Code: 000343) and Castlemaine Harbour SPA (Site Code: 004029)- approximately 1.8km distant.

5.4 EIA Screening

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.

5.5 AA Screening

5.5.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

5.5.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and size of the proposed development
- Distance to the nearest European site
- AA Screening of the planning authority
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same;

5.6 Water Framework Directive

The proposed development comprises a modest extension of farm buildings, within an existing farmyard complex

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.

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.

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal was received which may be summarised as follows:

- Attached to boundary wall at rear of their property
- Noise and smell are affecting quality of their home life and they are unable to sit in their backyard
- Any expansion will exacerbate current issues
- Condition of previous ACP decision stipulating that shed be used for dry storage only is not being adhered to
- Sheds are located within the town boundary; surrounding lands have been zoned residential in Variation No. 3 of Kerry County Development Plan
- Site not suitable for farm expansion and will negatively affect the future development of the lands; proximity of proposal to existing and future housing
- Photographs included with submission

6.2 Applicant Response

N/A

6.3 Planning Authority Response

None

6.4 Observations

None

6.5 Further Responses

None

7.0 Assessment

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

- Principle of proposed development
- Impacts on residential amenity
- Other Matters

7.2 Principle of proposed development

7.2.1 The proposal is located within an established farm complex, within the settlement boundary of Milltown, Co. Kerry. The site is zoned Objective R1: New/Proposed Residential in the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, the objective for which is to 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure'. Agriculture is not referenced within Table 2.6 Zoning Matrix.

7.2.2 The zoning objective remains unchanged in the Variation No. 3 of the Kerry County Development Plan 2022–2028 relating specifically to the Castleisland–Corca Dhuibhne Municipal District Settlement Plan.

7.2.3 I note Section 1.3.6 (Vol. 6) Non-Conforming Uses of the County Development Plan 2022 which notes that many uses exist in locations where they do not conform to designated use zoning objectives set out for that area and are normally long-term established uses that have developed over time. When extension to, or improvements of premises accommodating these uses are proposed, each shall be

considered on its merits and permission may be granted where it can be shown that the proposal does not adversely affect amenities in the vicinity and is compatible with the proper planning and sustainable development of the area. I consider that given the existing zoning objective for the site, the proposed use could be described as a non-conforming use in this context. It is however a long-established use at this location. The matter of adversely affecting amenities in the vicinity is dealt with in the following section.

- 7.2.4 From the information before me, it appears that these lands have been farmed for a significant period of time and there is a well-established use of the lands for agricultural purposes. Given the established nature of the farm at this location, I consider that the principle of the proposal is acceptable at this location.

7.3 Impacts on Residential Amenity

- 7.3.1 The main issue of concern raised in the third-party appeal submission relates to impacts on residential amenity as a result of the existing structures for retention, together with concerns that these impacts will be exacerbated as a result of the proposed development. These concerns relate specifically to noise and odour.
- 7.3.2 Matters raised in relation to enforcement or non-compliance with conditions are outside the remit of this appeal- a matter for the enforcement section of the planning authority.
- 7.3.3 I note that permission was granted on appeal (under ABP 08.124037) for retention of extension to existing cattle shed for dry floor storage, subject to 3 no. conditions with Condition No. 1 stating that the building proposed to be retained shall be used for dry floor storage only and shall not be used for the housing of cattle.
- 7.3.4 I note the existing development along the boundary wall with the residential properties to the east. Photographs showing the existing development have been included in the appeal submission and I refer An Coimisiún to same. I highlight that the new development, namely proposed new calving shed and dung pit will be removed from the boundary wall with these properties. The only additional development along the boundary wall with the neighbouring property will be a storage shed (for retention) (marked 3 on submitted drawings). The existing permitted dry storage area (marked 1 on submitted drawings) and cattle shed

(marked 2 on submitted drawings) are existing and the dry storage area has the benefit of a grant of permission dating back to 2008 from ABP.

- 7.3.5 It is stated by the first party in the response to Further Information to the planning authority that fresh bedding/straw is provided daily with 10kg of lime added to help reduce odours.
- 7.3.6 In terms of noise, during the normal course of events, works are carried out between 9.00am and 16.00 hrs with no machinery stored on the farm. The only regular use of machinery is twice a week when new bales of fodder are transported to the cattle. Feeding the cattle and moving straw/manure is done by hand. Farmyard manure is spread by a combination of hand and machinery once a year. Letters of support for the proposal were submitted from neighbouring properties. There is no plan to keep more animals or expand the farm operation if permission is granted. The proposed new shed is required for animal welfare reasons, allowing the applicant have a separate area to isolate animals for illness or calving.
- 7.3.7 In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties and I acknowledge the concerns raised by the appellants in their submission. I note the planning authority have not raised concerns in this regard. I note the location of the proposed works and the information provided on file in relation to the use of the farm and the stated need for the proposed development. The proposed works will not increase activity on the farm over and above that existing. I note the well-established use of the lands for farming at this location. I note the rear garden length of the properties to the east and the distance of their original rear elevation from the subject development (in excess of 50m from rear elevation of existing dwellings). I also note Development Plan policy which supports agricultural developments and the modernisation of farm holdings, in accordance with good practices. Objective KCDP 9-55 seeks to facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity. Objective KCDP 9-56 seeks to ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters

Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

7.3.8 Having regard to all of the above, I consider that impacts on residential amenity would not be so great as to warrant a refusal of permission.

7.4 Other Matters

7.4.1 No changes are proposed to the site entrance or access road, and I am satisfied that the proposed development would not result in any significant additional traffic.

7.4.2 I note that the proposed development is setback from the public road and does not lie within a designated Visually Sensitive Area or affect any view or prospect listed in the Development Plan. I am therefore satisfied that the proposed development would not have adverse impacts on the visual or scenic amenity of the area. However, given the residential zoning of the surrounding lands and their possible future development potential, I consider that a condition be attached to any grant of permission, relating to screening of the proposed development from the surrounding countryside, similar to Condition No. 7 attached by the planning authority.

7.4.3 I further note that there are no Recorded Monuments or Protected Structures in proximity to the site, and it does not lie within an Archaeological Landscape as designated in the Development Plan.

8.0 Recommendation

8.1 I recommend a GRANT of permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the development within an established agricultural farmyard, and the proposed development's compliance with the Kerry County Development Plan 2022-2028, specifically Objectives KCDP 9-55 and KCDP 9-56, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenity of the area and would be acceptable in terms of public health, traffic and environmental

sustainability. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further information received by the planning authority on the 22/12/2025 and 13/01/2026, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Within six months of the date of this Order, the applicant shall agree in writing details of screening of the proposed development with native deciduous planting</p> <p>Reason: In the interests of visual amenity</p>
3.	<p>All external finishes shall harmonise with the existing agricultural structures on site.</p> <p>Reason: In the interests of visual amenity</p>
4.	<p>All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.</p> <p>Reason: In the interest of ensuring the protection of water quality in the</p>

	receiving environment.
5.	<p>Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:</p> <p>(a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p> <p>(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(c) All separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended, shall be strictly adhered to.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.</p> <p>Reason: In the interest of public health.</p>
7.	<p>(a) All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an</p>

	<p>authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the re-use of excavated uncontaminated soil and other naturally occurring material within the site boundary.</p> <p>(b) The effluent storage tanks shall be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks.</p> <p>(c) The livestock sheds shall be constructed in accordance with the minimum specification document issued by the Department of Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings.</p> <p>(d) All new buildings shall be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2021.</p> <p>Reason: In the interest of public health.</p>
8.	<p>All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.</p> <p>Reason: In the interest of public health.</p>
9.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.</p> <p>Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.</p>

10.	The proposed development shall be designed, sited and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.1 113 of 2022). Reason: in the interest of public health and residential amenity
11.	The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources. Reason: in the interest of environmental protection

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

29th May 2026

Appendix 1- Form 1 - EIA Pre-Screening

Case Reference	PL-500918-KY-26
Proposed Development Summary	Planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed.
Development Address	Kilcolman, Miltown, Co. Kerry
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> 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?	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Lorraine Dockery **Date:** 29/05/2026

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>See section 2.0 above</p> <p>I have considered the proposed development and associated site works at Milltown, Co. Kerry in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>A detailed description of the proposed development is presented in Section 2 of my report. In summary, the subject site is located within the settlement of Milltown, Co. Kerry, within the defined settlement boundary. It has a stated area of 0.66 hectares. The site is located on an existing farm. The proposal provides for planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed.</p>
Brief description of development site characteristics and potential impact mechanisms	The nearest designated sites are Castlemaine Harbour SAC (Site Code: 000343) and Castlemaine Harbour SPA (Site Code: 004029)- both approximately 1.8km distant.
Screening report	No. Kerry County Council screened out the need for AA.
Natura Impact Statement	No

Relevant submissions	<p>The planning authority have not raised concerns in this regard. The Environmental Assessment Unit considered that the development concerned would not have required AA (no realistic or meaningful pathway for significant impact on the environment).</p> <p>The NPWS have not raised concerns in this regard- no report received.</p> <p>Third- party submission does not raise concerns regarding impacts of proposed development on designated sites and their Qualifying Interests.</p>

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

The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The nearest designated sites are:

- Castlemaine Harbour SAC (Site Code: 000343) and
- Castlemaine Harbour SPA (Site Code: 004029)- both approximately 1.8km distant.

These are considered to be the only European sites are potentially with a zone of influence of the proposed development.

European Site (Code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening Y/N
Castlemaine Harbour SAC (Site Code: 000343)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140]	1.8km	N No spatial overlap	N The contained nature of the site (defined site)

<p><u>Conservation Objective</u></p> <p>Maintain or restore the favourable conservation condition of the species and habitats listed as QI/SCI for this SAC</p>	<p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p>		<p>No pathway from subject site</p>	<p>boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p>
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	<p>Lutra lutra (Otter) [1355]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p><u>Castlemaine Harbour SAC National Parks & Wildlife Service (2011)</u></p>			
<p>Castlemaine Harbour SPA</p> <p>(Site Code: 004029)</p> <p><u>Conservation Objective</u></p> <p>Maintain the favourable conservation condition of the species and habitats listed as QI/SCI for this SPA</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p>	1.8km	<p>N</p> <p>No spatial overlap identified</p> <p>No likely pathway from subject site</p>	<p>N</p> <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the QIs listed.</p>

	<p>Chough (Pyrrhocorax pyrrhocorax) [A346] Wigeon (Mareca penelope) [A855] Wetland and Waterbirds [A999] <u>Castlemaine Harbour SPA National Parks & Wildlife Service</u> (2011)</p>			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Castlemaine Harbour SAC (Site Code: 000343)	<p>Direct:</p> <p>None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Loss of grassland/agricultural land</p> <p>Indirect:</p> <p>None. No hydrological pathways</p>	<p>The project is not directly connected with or necessary to the management of this European Site.</p> <p>Possibility of significant effects can be ruled out without further analysis and assessment.</p>	
Castlemaine Harbour SPA (Site Code: 004029)	<p>Direct:</p> <p>None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Indirect:</p> <p>None. No hydrological pathways</p>	<p>The project is not directly connected with or necessary to the management of this European Site.</p> <p>Possibility of significant effects can be ruled out without further analysis and assessment.</p>	

	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Further Commentary / discussion		
<p>The information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment screening of the proposed development.</p> <p>I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.</p>		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>Based on the information provided, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development does not have the potential to result in significant effects on Castlemaine Harbour SAC (Site Code: 000343) and Castlemaine Harbour SPA (Site Code: 004029).</p> <p>I therefore consider that it is possible to exclude the possibility that proposed development alone would result significant effects on Castlemaine Harbour SAC (Site Code: 000343) and Castlemaine Harbour SPA (Site Code: 004029). An appropriate assessment is not required on the basis of the possible effects of the project. Further assessment of in-combination with other plans and projects is not required at screening stage.</p>		
Screening Determination		

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development would not result in significant effects on the on **Castlemaine Harbour SAC (Site Code: 000343)** and **Castlemaine Harbour SPA (Site Code: 004029)** in view of the conservation objectives of a number of qualifying interest features of these sites.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is not required.

Inspector: Lorraine Dockery **Date:** 29/05/2026

Appendix 4- WFD Screening			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500918-KY-26	Townland Address	Kilcolman, Miltown, Co. Kerry
Description of project		Planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed.	
Brief site description, relevant to WFD Screening,		Planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed. Stream located to NE of site	
Proposed surface water details		Discharge to soakpit	
Proposed water supply source & available capacity		Existing connection to public mains	
Proposed wastewater treatment system & available capacity, other issues		N/A	
Others?			

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

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	MAINE_050 IE_SW_22M010800	Moderate	Review	None	Drainage.	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.
Groundwater	Castlemaine IE_SW_G_026	Good	Not At Risk	None	Potential for stormwater discharges to groundwater	Standard mitigation measures included in CEMP by condition	Mitigation sufficient. No residual impacts predicted.

Inspector: Lorraine Dockery **Date:** 29/05/2026