An Coimisiún Pleanála

Inspector's Report
PL-501381-KK-26

Development	Livestock shed, machinery storage shed and all associated site works
Location	Kiltown, Castlecomer, Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560560
Applicant(s)	Brennan Farm Partnership C/O Michael Brennan
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Alan & Martina O'Reilly
Observer(s)	None
Date of Site Inspection	14th September 2026
Inspector	Patricia Byrne

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1.0 Site Location and Description

1.1. The appeal site, extending to a stated area of 0.55Ha is located at Kiltown, Castlecomer, Co. Kilkenny. The plot is accessed from a narrow local road, the L-5842, approximately 400m northwest of its junction with the L-1829 Local Primary Road serving Castlecomer, with the town situated approximately 2.5km to the southeast.

1.2. The greenfield plot, which does not contain existing farm buildings or yards, is part of a larger field in pasture. A small stretch of hedgerow and trees is located centrally within the site, and a farm track in gravel runs along the inside face of the roadside hedge, parallel to the public road.

1.3. Double galvanised steel gates are positioned to the roadside boundary serving the entrance to the field, with an area of fill immediately adjacent.

1.4. A recently completed dwelling house (in the ownership of the applicant) is located on the opposite side of the public road to the south-west. A small cluster of residential properties on individual plots is located further to the southwest.

2.0 Proposed Development

2.1. The proposed development concerns the construction of a slatted livestock shed with cattle handling facilities, a machinery storage shed and associated site works.

2.2. The slatted shed, finished with concrete rising walls and steel sheeting, has a principal height to roof ridge of 6.95m, an overall width of 15.95m and depth of 14.8m. The floor plan indicates an internal area of 235sq.m. with a central feeding passage. The structure sits above three slatted tanks, with agitation access at either end extending 1.5m beyond the structure.

2.3. The machinery storage shed has a principal height of 5.4m and is also finished with concrete rising walls and metal sheeting. The structure has a length of 19.2m, a width of 12.2m, and is finished with a concrete floor. The floor area of this structure is given as 220sq.m.

2.4. A handling area/cattle crush is located adjacent the slatted shed.

2.5. A hardcore yard area is to be provided to the north, west and south of the structures, with concrete yards to the southwest and northeast of the slatted unit and to the northeast of the machinery shed.

2.6. The application form states that an existing private well serves the holding, however the exact location of this feature is not detailed on the plans provided.

2.7. Uncontaminated surface water from roofs and yards will be collected and piped directly to soakaways or to land drains. Stormwater from the farm road and entrance will drain to a soakaway positioned to the west of the entrance, with a further soakaway located to the north of the slatted shed.

2.8. Contaminated surface water will be directed to the slatted tanks or to effluent holding tanks.

2.9. Further Information was lodged on the 27th of January 2026 with the response deemed significant requiring revised public notices under Article 35 of the Planning and Development Regulations 2001, as amended. In summary, the response provides:

- An updated site location map detailing the extent of the application site and lands farmed by the applicant.
- Confirmation that the site extends to 0.55Ha (100m v 55m)
- A site location map of lands at Kiltown.
- Confirmation that lands at Moyhora comprise an outfarm, also forming part of the Brennan Farm Partnership. The applicant is one of four family members within the partnership, with the farm to be divided between the sons of the owner. This gives rise to the requirement for a new farmyard/farm buildings. The overall holding comprises 8.99Ha, with a further 8.0Ha at the Moyhora outfarm.
- A revised site layout plan detailing vegetation to be removed and landscape reinstatement.
- Confirmation that roadside boundary was removed contrary to Condition No. 4 of P.A. Reg. Ref. P24/60492 (pertaining to the applicant's dwelling) due to Ash die back. A replacement hedgerow has been sown.
- A Traffic and Transport Assessment

- Site Layout Plan Revision B with site entrance arrangements to serve the appeal site and showing a potential access onto the L-1829.
- A 15m dwell area for vehicles within the agricultural entrance, comprising a compacted unbound granular material with bituminous surfacing. Hedgerows to be benched back and cut to achieve required sight lines.
- A BRE 365 report for SuDs soakaways prepared by Aaron McBennett.
- An Organic Waste Nutrient Management Plan indicating a herd of 42no. cattle requiring slatted storage for 16no. weeks to cater for 168m3 of slurry. The total nitrogen produced is 2730kg (at 170kg of nitrogen per Ha.) giving a minimum requirement of 42 acres or 16.5 Ha. for land spreading. The farm is stated as being 16.99 Ha.in area. Drawings attaching to the Nutrient Management Plan indicate buffer zones for the spreading of organic fertiliser. Lands at Moyhora available for land spreading are also indicated.
- Drawings and Floor Plans of the structures.
- Separate to the request for further information, the applicant sought to address matters of concern raised in the third-party submission.

2.10. Clarification of Further Information was requested on the 23rd of February 2026, with a response lodged on the 6th of April 2026 providing for the following:

- A revised site layout plan and longitudinal Site Section A-A with 90m sightlines within a setback of 3m. Swept path analysis and dwell area was also shown.
- Breakdown of traffic generated by the scheme along the L-1829 based on vehicular type and frequency of use (daily, weekly, monthly and yearly).

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council, by Order dated the 29th of April 2026 GRANTED permission for the development subject to 6 no. conditions.

Conditions of note attached to the Order include the following:

Condition No. 2

Clean stormwater from the proposed development shall be managed within the curtilage of the landholding via suitably sized soakaways designed in accordance with BRE Digest 365 – Soakaway Design as indicated on the revised site layout drawing submitted 27th January 2026. There shall be no discharge to surface waters from the proposed development.

Condition No. 4

The development shall be undertaken and operated in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 and/or any relevant regulations enacted subsequent to the 2022 Regulations but prior to the commencement of the proposed development. In particular the development shall be designed and undertaken so as to minimise the generation of soiled water.

Condition No. 5

All oxidisable and galvanised surfaces of the development (external walls, doors and roofing) shall be painted dark green and the painting shall be maintained and renewed as necessary.

Condition No. 6

a) The access shall have a recessed dwell area for vehicles as indicated on drawings, to avoid interference with the public road when gates are being opened and closed. The agricultural access surface shall comprise compacted unbound granular material (UGM Class A) and finished with a bituminous surfacing over a minimum extent of 5m from the road edge.

b) The applicant shall provide a drainage system for the entrance to ensure that surface water and dirt/debris is prevented from discharging onto the public road. The

existing roadside drainage shall be maintained and shall not be adversely impacted by the proposed development. Existing

road-side drainage shall not be adversely impacted by the proposed development works. The details of the drainage provisions shall be agreed with the Municipal District Office prior to commencement of development works and shall be carried out at the cost of the applicant.

c) The applicant shall setback the road-side boundary behind the sightline line as indicated on the drawings to achieve the required visibility splay. The visibility splay shall be maintained free of vegetation overgrowth. Where fencing is provided within the clear-zone it shall be passively safe and the applicant shall confirm in writing to Kilkenny County Council the type of fencing to be used.

d) The applicant shall agree with the Municipal District Engineer the details of the road/verge reinstatement and finishes between the existing carriageway and the development roadside boundary following the boundary modifications to facilitate sightlines prior to commencement of development works and the works shall be carried out at the cost of the applicant

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the planning authority dated the 23rd of October 2025 culminated in a request for further information. The matters raised are summarised below:

- Exact planning unit is not outlined and appears to form part of a larger holding, including lands at Kiltown and Moyhora which include a further site outlined in red, as well as the location of a site notice which is misleading.
- The applicant was granted permission for a dwelling house opposite the appeal site under P.A. Reg. Ref. P24/60492.
- Matters raised in a third-party submission are summarised.
- Insufficient information provided to demonstrate adequate sight visibility splays.
- Absence of surface water management proposals.

- Hedgerows and trees are not outlined and proposals relating to such features are not detailed.
- Removal of a hedgerow opposite the appeal site is in contravention of Condition No. 4 of P.A. Reg. Ref. P24/60492.
- Further Information was requested in relation to the following matters:
    - Revised site layout plan to define the application site and confirm site area.
    - Site location map to identify lands at Kiltown as well as an overall landholding map.
    - Details of the farming operation and rationale for site selection.
    - Elevational drawings for each structure.
    - Extent of hedgerow to be removed and planting proposals.
    - Traffic and Transport Assessment and examination of alternative access proposals onto the L-1829 which has greater capacity to cater for large agricultural machinery.
    - Management of clean and soiled water.
    - Confirmation of sufficient storage capacity for slurry and farmyard manure in accordance with GAP Regulations and Department of Agriculture, Food and Marine Minimum Agricultural Specifications.

A subsequent report dated 23rd of February 2026 prepared following the submission of significant further information recommended Clarification of Further Information to address outstanding matters relating to Items 7-10. In summary, the report:

- Considered matters raised in a third-party submission following lodgement of Significant Further Information.
- Refers to a revised site layout plan and location map. The site area is 0.55Ha.
- Considers the rationale behind the new farmyard and buildings.
- Notes the hedgerows and trees to be removed/retained, together with intended planting. The revised layout plan was considered acceptable.

- Requests clarification of further information in relation to Item No. 7 (Traffic and Transport Assessment) based on the report of the Roads Department.
- Accepts the rationale for not locating the farm entrance onto the L-1829 given the length of required access road; speed and heavily trafficked nature of the carriageway and traffic movements generated.
- Requests clarification of further information in relation to Item No. 9 concerning sightlines and visibility splays, with survey/topographical surveys required.
- Accepts proposals for the management of clean and spoiled water runoff.
- Refers to sufficient storage capacity to comply with GAP Regulations and Department of Agriculture, Food and Marine standards.
- Refers to the provision of elevational drawings of the proposed structures.

A final planning report dated 27th of April 2026 was prepared following the submission of clarification of further information. The matters raised are summarised below:

- Demonstration of 90m visibility sightlines in the horizontal and vertical planes.
- Dwell area demonstrated and swept path analysis conducted.
- Roadway is stated to be 3.0m-3.3m in width. The development does not constitute exempt development, notwithstanding Article 9 of the Planning and Development Regulations 2001, as amended.
- Report recommends a grant of permission, subject to conditions. The recommendation is broadly reflective of the decision of the planning authority.

3.2.2. **Other Technical Reports**

Road Department/ Road Design

The initial report of the Roads Design Division dated 21st of October 2025 culminated in a request for further information. The matters raised are summarised below:

- Rationale for the scheme and nature of farming enterprise are unclear.

- Absence of a Traffic and Transport Assessment (TTA), including level of traffic generation, existing traffic levels, autotrack analysis and assessment of the local road network.
- Appropriate sightlines and visibility splays are not demonstrated.
- Examination of alternative access arrangements onto the L1829.
- Requirement for construction layout details and dwell area to cater for large agricultural machinery/vehicles.
- Timber post and rail fencing is not considered passively safe.
- A road opening licence is required.

A further report from the Division dated the 17th of February 2026 sought clarification of further information regarding provision of sightlines and visibility splays utilising a topographical survey. Clarification was also sought in relation to auto-track analysis and the quantum of traffic generated by vehicular type/volume. The report is summarised below:

- Sightline drawing is unsatisfactory and does not illustrate 90m sightlines.
- Carriageway verges, boundaries and roadside features are not provided.
- Maintenance of hedgerows below 1.0m is not appropriate to achieve sightlines.
- Auto-track analysis while referenced, is not provided.
- Details of the road/verge reinstatement and finishes following boundary modifications to be agreed with the Municipal District Engineer.

The final report of the Division dated 27th of April 2026 is summarised below:

- Development is acceptable subject to conditions.
- Sightlines and visibility have been assessed in both the horizontal and vertical planes using a topographical survey and are acceptable. Visibility splays to be maintained free of vegetative growth. Fencing within the clear zone to be passively safe. Details of the road/verge reinstatement/finishes to be agreed.
- Specification of finishes to recessed dwell area.

- Prevention of surface water discharge and debris onto the public road.
- Requirement for road opening licence.

Environment Department

Report of the18th of February 2026 raises no objection subject to conditions including:

- Management of stormwater within the curtilage of the landholding via soakaways in accordance with BRE Digest 365.
- Minimisation of waste production, with removal by an authorised waste contractor and disposal to an authorised recovery/disposal site.
- Compliance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and/or relevant Regulations enacted subsequent to the 2022 Regulations. Minimisation of generated soiled water.
- Control of noise and dust emissions to prevent significant impairment of, or significant interference with, amenities or environment beyond the site.
- Compliance with Department of Agriculture, Food and Marine specifications and standards regarding construction works.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A third-party submission from Alan and Martina O'Reilly raised the following matters:

- Concerns in relation to the validity of the documentation lodged and failure to comply with requirements of the Planning and Development Regulations.
- Inadequacy of sightlines and road safety concerns.

- Inappropriate drainage including management of storm and soiled/contaminated water.
- Site testing or soakaway designs to BRE Digest 365 are not provided. Local knowledge suggests that infiltration in the area is poor.
- Impact on trees, hedgerows and biodiversity.
- Lack of information regarding nutrient management, storage and land spreading. Demonstration of tank suitability to Department of Agriculture specifications and intended animal numbers are required.
- Impact on the receiving road from large machinery given that commercial enterprises are already accommodated.
- Impact on residential amenity.
- Environmental risk to private bored well arising from storage of effluent upgradient of the water supply.

A further observation was submitted following the lodgement of significant further information. The matters raised are summarised and set out below:

- Item No. 1 concerning the provision of a site plan based on a detailed site survey is not complied with.
- No detail of the existing road edge, boundary set back and hedgerow removal.
- Item No. 7 requiring a Traffic and Transport Assessment has not been addressed with relevant detail. Absence of swept path analysis.
- Alternative access arrangements are not fully addressed. Egress onto L-1829 is preferable given the availability of sightlines to facilitate larger machinery.
- Capacity of the slatted tanks is three times the size required. Concern that material will be imported from other locations with no assessment under the Traffic and Transport Assessment or in relation to odour impacts.
- Buffer zones free from slurry spreading as shown in the Nutrient Management Plan should be a condition of planning.
- Third party's water supply was contaminated in 2018 due to land spreading.

4.0 Planning History

There is no planning history associated with the appeal site.

To southwest:

P.A. Reg. Ref. 24/60492 Permission GRANTED to Michael Brennan and Sinead Crone for a two-storey dwelling house, domestic garage, wastewater treatment system and demolition of derelict farm structures.

To southeast:

P.A. Reg. Ref. 031806 Permission GRANTED to Alan and Martina O'Reilly for domestic extensions to an existing dwelling.

P.A. Reg. Ref. 991001 Permission GRANTED to Alan O' Reilly and Martina Collins to construct a new bungalow, septic tank and percolation area.

5.0 Policy Context

5.1 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.

5.2 Development Plan

The Kilkenny City and County Development Plan 2021-2027 is the operative Development Plan for the area and came into effect on the 15th of October 2021.

Volume 1 Written Statement

Chapter 5 Economic Development

Section 5.2.4 Agriculture and Food

The Plan will facilitate and support the development of agriculture and food while ensuring the highest standards of environmental protection in the assessment of planning applications for all development proposals.

Section 5.5.3 Enterprise and Employment in Rural Areas

Rural areas have a vital contribution to make to the achievement of balanced regional development. This involves utilising and developing the economic resources of rural areas, particularly in agriculture and food, tourism, forestry, renewable energy, enterprise and local services, while at the same time capitalising on and drawing strength from vibrant neighbouring urban areas.

Chapter 7 Rural Development

Section 7.2 Agriculture

Agriculture is a vital part of the economic life of the County and is a major driver for sustaining, enhancing and maintaining the rural economy and culture. In recent years agriculture has contributed to the growth in export revenue.

Section 7.7.1 Development Management Requirements

A high standard of design and maintenance will be required in all developments in rural areas. Agriculture developments will be constructed and located so as to ensure that there is no threat of pollution to ground or surface waters. Buildings and structures in visually sensitive areas will be required to:

-be sited as unobtrusively as possible;

-be clustered to form a distinct and unified feature in the landscape;

-utilise suitable materials and colours; and

-utilise native species in screen planting.

Chapter 9 Heritage Culture and the Arts

Section 9.2.5.1 Hedgerows

Section 9.2.12.2 Landscape Character Types

Castlecomer and lands surrounding the town (including the appeal site) are located within the Upland Landscape Character Type.

Chapter 10 Infrastructure and Environment

Section 10.2.4 Light Pollution

Section 10.2.5 Pollution Control Development Management Requirements

Chapter 13 Requirements for Development

Section 13.30.1 Agriculture

Objective: To conserve and protect agricultural land from interference from non-agricultural uses. To prevent development of agricultural land adjacent to development areas.

Permissible Uses: Agriculture, horticulture, public service installations

5.4 Natural Heritage Designations

Natura 2000 Site	Approximate distance from site
River Nore SPA (Site Code 004233)	c. 6.6km
River Barrow and River Nore SAC (Site Code 002162)	c. 1.6km

Lisbigney Bog pNHA (Site Code 000869)	c. 7.7km
River Nore/Abbeyleix Woods Complex pNHA (Site Code 002076)	c.8.3km

6.0 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. Refer to Form 1 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The decision of the Planning Authority is the subject of a Third-Party appeal by Alan and Martina O' Reilly. The issues raised are summarised below:

- Third party's private bored water supply is located in proximity to the development and serves as the property's domestic potable water source.
- Private wells frequently represent the sole potable water supply available. Contamination has serious and potentially irreversible consequences.
- The Groundwater Vulnerability of the site is classified as Extreme. Groundwater flows from northwest to southwest towards the Castlecomer stream. The bored well is down-gradient of the slurry tanks at a distance of approximately 100.5m.
- Potential for contamination of private groundwater supplies. Planning authority has failed to adequately assess environmental and public health impacts.
- Insufficient information provided to demonstrate the development would not adversely affect groundwater quality or domestic water supplies.
- Lack of hydrogeological investigation regarding: Groundwater vulnerability and impact on nearby wells; Subsurface groundwater movement, Pollutant

pathways or contamination risk associated with slurry; Lack of site-specific mitigation measures to protect existing residential water supply.

- Planning authority has failed to apply the precautionary principle in circumstances where there is a scientific uncertainty regarding ground water impact and where no hydrogeological evidence was provided.
- The site is elevated with a high-water table. The trial hole recorded groundwater at approximately 1.6m bgl. The tanks are 2.4m in depth and as such, the tank base will be within the water table.
- Decision of the planning authority relies on Condition No. 4 requiring compliance with European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and that the development is designed so as to minimise the generation of soiled water. The condition is generic and fails to address site specific environmental vulnerabilities.
- Effluent storage tanks have a stated capacity of 620m3 which is disproportionate to the number of cattle and exceeds farm requirements.
- Reliance upon future compliance with agricultural regulations does not remove the planning authority's obligation to fully assess environmental effects prior to granting permission.
- Inadequate drainage details provided.
- Impact on hedgerows and biodiversity.
- Road safety and traffic impacts associated with heavy agricultural vehicles.
- Impact on residential amenity arising from odour, noise, lighting and traffic.
- The Commission is requested to overturn the decision or at a minimum, request a detailed hydrogeological and groundwater risk assessment; Require comprehensive drainage and contamination protection proposals; Assess if the development can be accommodated without unacceptable risk to water supplies and environmental receptors; Require that tanks are designed and supervised by an appropriately experienced and insured chartered engineer and tested to demonstrate water tightness in accordance with BS8007 or similar. Certification to be provided to the planning authority prior to operation

7.2. Applicant Response

The First Party's response to the appeal is summarised and set out below:

- The applicant is a young farmer with a qualification in agriculture. He purchased 20 acres in Kiltown in 2023 and in 2024 was granted permission for a dwelling.
- The farmyard will be located close to the dwelling house.
- The response to the planning authority's request for further information has addressed the concerns of the applicant.
- The slatted tank will be constructed to a high standard and TAMS grant funded with inspection by officials from the Department of Agriculture. The tank is fully sealed with no possibility of leakage, designed with 350mm walls, exceeds standards and provides for a 50% stronger wall.
- Soiled water is directed to a tank with excess capacity allowing flexibility in relation to spreading. Clean water will drain to soak pits.
- The capacity of the tank negates further building.
- Tank size and buildings fulfil all criteria in relation to exempted development.
- No hydrogeological assessment is required.
- Land spreading will be conducted during appropriate times and using low emissions slurry equipment with buffer zones adhered to.
- Development gives rise to minimal traffic impact.
- Minimal odour, noise and lighting impacts arise given that the site is screened and separated by 100m from the closest dwelling house.
- If permission is refused, cattle will be outwintered with run-off in wet conditions and potential for health and safety concerns when loading/unloading cattle in the absence of a yard or crush.

7.3. Planning Authority Response

The Planning Authority's response is summarised and set out below:

- A detailed agricultural report was provided to confirm sufficiency of slurry storage capacity and farmyard manure in accordance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 and Department of Agriculture, Food and the Marine Minimum Agricultural Specifications.
- In relation to the sizing of the slatted tank, the planning authority took into consideration current agricultural exemptions under the Planning and Development Regulations, 2001.
- A triple tank is recommended by the Department of Agriculture and Marine and is similar in cost to 2 no. single bay tanks.
- Compliance required with Department of Agriculture specifications and standards and with European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2023.
- Reference to reports received from the Roads Design and Environment Divisions which were taken into account in the assessment.

7.4. **Observations**

None on file.

8.0 Assessment

8.1. This is a Third-Party appeal against the decision of Kilkenny County Council to Grant Permission in respect of P.A. Reg. Ref. 2560560. I am satisfied, having examined the details of the application and all other documentation on file, having visited the site, and having regard to local, regional and national planning policies and guidance, that the main issues for consideration relate to the following:

- Principle of Development
- Storage and Disposal of Waste and Protection of Private Water Supplies.
- Impact on Amenities
- Impact on Hedgerows and Biodiversity

- Access and Road Traffic Safety

8.2. Principle of Development

8.2.1. Documentation provided as part of the application sets out the rationale for the new farmyard and buildings on this greenfield plot. The first party Michael Brennan, is a partner in the Brennan Farm Partnership comprising his father and brothers and states that the aim of such partnerships is to assist financially and practically in the transition of farms from one generation to the next. In this regard, the wider farm holding (referred to as the outfarm at Moyhora) will, in the long term, be divided between three sons, with the applicant farming the subject lands, extending to 8.99Ha with an additional 8 Ha / 20 acres at the outfarm. The townland of Moyhora is located northeast of Kiltown and as such, the proposed farming enterprise is in proximity to the established farm.

8.2.2. The applicant intends to operate a beef cattle farming enterprise and was permitted a dwelling house under P.A. Reg. Ref P24/60492, directly opposite the site.

8.2.3. The Kilkenny City and County Development Plan 2021-2027 seeks under Section 5.2.4 to facilitate and support the development of agriculture and food while ensuring the highest standards of environmental protection in the assessment of planning applications for all development proposals. Also, Section 13.30.1 of Chapter 13 refers to lands zoned agriculture, where the objective seeks *'to conserve and protect agricultural land from interference from non-agricultural uses. To prevent development of agricultural land adjacent to development areas*'. Permissible uses are listed as agriculture, horticulture and public service installations.

8.2.4. While specific operational concerns raised in the third-party appeal are examined in the following sections, I am satisfied given the nature of the proposal, that the development is in accordance with the Kilkenny City and County Development Plan which broadly supports the agricultural sector, and where such uses are permitted in principle under the Agriculture land use zoning objective. I am of the opinion that the development, comprising a beef farming enterprise and specifically the construction

of a slatted livestock shed, cattle handing facilities with machinery storage shed and associated site works is acceptable in principle.

8.3. Storage and Disposal of Waste and Protection of Private Water Supplies

8.3.1. In responding to the planning authority's further information request, Christoper Kinghan and Associates, acting on behalf of the applicant, submitted a Nutrient Management Plan and associated Desktop Study. The documentation indicates that under the National Action Programme, the Nitrates Directive locates Co. Kilkenny in Zone A, requiring a minimum of 16 no. weeks storage. The maximum livestock capacity of the shed is 7 no. suckler cows per pen with 6 no. pens giving a maximum occupation of 42 no. cows requiring a stated168m3 of effluent storage.

8.3.2. A herd of this size is stated to require 42 acres or 16.5 hectares for the purposes of land spreading. This quantum is achieved as part of the applicant's wider holding. The usable volume of the slatted tanks is stated as 551m3, and while a larger capacity triple tank system (as proposed under the application) is provided; the applicant states that such arrangements are recommended by the Department and are considered more cost-effective than two single tanks either side of a passage. While capacity exceeds the quantum of slurry generated, I do not share the concerns of the third party as raised in the application, that this suggests material will be imported from other locations or that such matters require examination under a Traffic and Transport Assessment and/or under odour management arrangements. Also, while I note the additional storage capacity, it does not follow that such additional headroom would be fully utilised and would offer additional flexibility in the storage and management of waste arising on site. Notwithstanding, the farm enterprise would be required to operate in line with its Nutrient Management Plan. I would suggest therefore, that the provision of additional storage/capacity demonstrates good agricultural practice.

8.3.3. The planning authority's Environment Department noted no objection to the development subject to conditions, including that the development should be undertaken and operated in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022

and/or any relevant regulations. No objection is raised within the report to the provision of additional capacity over and above that necessitated by the stock numbers.

8.3.4. Lands available for land spreading together with prescribed buffer zones are detailed within the Nutrient Management Plan.

8.3.5. There are no water courses on or immediately adjacent the appeal site, with the closest being the Castlecomer Stream_010 (Ref IE_SWE_15C010100) c. 300m to the southwest. I refer to the Soakaway Design Report prepared by Aaron McBennett B.Sc. Env. Sc. indicating that all uncontaminated surface waters will discharge to soakaways or to land drains. Contaminated surface water i.e. soiled yard water will be directed to slatted/effluent holding tanks. A Drawing entitled *'Site Layout Showing Soakaway Test Location'* contained within the report, indicates the location of SuDs percolation trenching to the north of the structures and to further SuDs features to the west of the access road [clean water drainage indicated with blue dashed lines]. As such, all soiled water and slurry [indicated by broken/dotted red lines] will be directed to storage tanks which are subject to the requirements and specifications of the GAP Regulations.

8.3.6. I am of the view that the management of clean and contaminated surface water run-off from the facility has been satisfactorily demonstrated.

8.3.7. I refer to concerns raised in the appeal as to the generic nature of Condition No. 4 which requires compliance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and that the development is required to minimise generation of soiled water. In relation to land spreading, the scope of the application relates to the works within the red line boundary and in this regard, the Commission should note that the carrying out of land spreading does not form part of the application description and this process is regulated by SI No. 588/2025– European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended (GAP Regulations). These Regulations are for the purposes of preventing water pollution and provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected *inter alia* 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. Only lands where the limitations can be met can be used for the purposes of land spreading. An Coimisiún Pleanála is not the competent authority for the control of land spreading, and the applicant is legally obliged to adhere to the GAP Regulations 2025 when undertaking land spreading.

8.3.8. The Soakaway Design Report prepared by Aaron McBennett and lodged with the planning authority on the 27th of January 2026, includes a trail hole log detailing the presence of the ground water table at 1.60m BGL. The proposed slatted tanks are specified to have a depth of 2.4m. As such, the structures, with a stated usable volume of 551m3, will be located within the level of the water table. No site-specific design or construction criteria is provided to demonstrate how this matter will be addressed during constructure or thereafter.

8.3.9. I refer the Commission to the expert report prepared by Mr. Emmet Smyth, Inspectorate Senior Environmental Scientist in Appendix 3. The report refers to the depth of the tanks vis-à-vis the water table as indicated in the documentation provided. The report finds that there is potential for structural and flotation concerns when the tanks are empty in the absence of proposals to permanently lower the water table local to the tank. The report also notes that the proposed slatted tanks are to be designed in accordance with Department of Agriculture, Food and the Marine Minimum specification document S123 which specifies the design and layout of Bovine livestock units and reinforced tanks. Regarding issues pertaining to an elevated water table, S123 stipulates that water table levels are to be checked by excavation of 2 holes deeper than the depth of the tank proposed with the recording of the water table after 48 hours. Where this is above the base of the tank there is the potential for structural and flotation issues. The water table shall be permanently lowered by providing field drainpipes with porous fill around the tank at floor level, connected to an outlet drain. Any springs within the floor area of the tank shall be piped to this drain system under floor hardcore. Where this cannot be carried out a revised location will be required.

8.3.10. While the application has established the presence of the ground water table at 1.60m BGL, no measures have been provided to address this matter and details/

methodologies to lower the water table within the area proposed to accommodate the storage facilities have not been demonstrated.

8.3.11. Data from GSI mapping indicates that the site is located within an area of extreme groundwater vulnerability. The Commission is referred to concerns raised in the appeal that in failing to require a hydrogeological investigation, the planning authority has not adequately assessed the environmental and public health impacts of the development, and that the information provided is considered to be insufficient to demonstrate the scheme would not adversely affect groundwater quality, or domestic water supplies. It is contended that a site-specific hydrogeological assessment of groundwater vulnerability is required with assessment of impacts on private wells, subsurface groundwater movements, pollutant pathways and analysis of contamination risk associated with slurry storage/handling.

8.3.12. The appellant's private domestic well is stated to be approximately 100.5m downgradient to the southeast of the proposed slatted tanks. I note also the appellant's observation to the planning authority (lodged 9th February 2026 on foot of the response to significant further information) which stated that the domestic water supply was contaminated in 2018 due to land spreading.

8.3.13. A further domestic well, permitted under Reg. Ref. P.A. 24/60492 to serve the applicant's dwelling house is located immediately opposite (southwest) of the appeal site. The bore well is estimated from the plans provided at that time as being between circa. 45m-50m from the slatted tanks. Furthermore, the water supply for the appeal site is stated in the application form to be sourced from an existing well. The location of this feature is not indicated.

8.3.14. As indicated, the proposed slatted units are to be designed in accordance with Department of Agriculture, Food and the Marine minimum specification document S123 which specifies the design and layout of Bovine livestock units and reinforced tanks. I refer to the Technical Note of the Senior Environmental Scientist which states that the specification document requires the site to be carefully chosen and as a general guide, a storage facility for silage effluent/slurry/soiled water should be located not less than 50m from any waterbody in the case of a new farmyard. The minimum

distance between a storage facility and a public / private water supply source either surface or ground shall be 60m for new farmyards and this may be reduced to not less than 30m for existing farmyards subject to hydro-geological survey. However, in vulnerable situations, this distance shall be increased up to 300m. In this regard, it is necessary that all wells located within 300m of the slatted storage units should be identified given the extreme vulnerability of the groundwater within the area, and the separation distances between these supplies and the slatted tanks indicated.

8.3.15. Having regard to the foregoing, the location of the site within an area of Extreme Groundwater Vulnerability; the level of the water table relative to the slatted tanks and having regard to the scheme's proximity to private water supplies, I am concerned that insufficient information has been provided to demonstrate that the development would not give rise to a risk of pollution to private water supplies or to groundwaters.

8.4. Impact on Amenities

8.4.1. The development relates to a cattle farming enterprise in a rural agricultural area which is to be built in proximity to the dwelling house of the applicant. Visually, the structures are low profile in design and are set back from the public road. Given the nature of the facility concerned, I am not of the view that the proposal gives rise to impacts not commonly associated with such a facility in a rural, agricultural environment, particularly in relation to odour and animal noise. Where external lighting of yard areas is proposed, suitable cowling could be applied to light fittings so as to prevent light spillage beyond the yard areas. In terms of landscape character, I note the location of the application site within the Upland Landscape Character Type. Furthermore, the site is not located within or adjacent to Landscape Sensitivity markers identified within Figure 9.2 of 9.3 of the Plan. I am satisfied that impacts on the character of the area accruing from the structures would largely be restricted to the site. Given the limited scale, height and positioning of these structures, I am of the opinion that negative impacts on the character of the wider area would not arise.

8.5. Impact on Hedgerows and Biodiversity

8.5.1. I note concerns raised in the appeal regarding impacts on hedgerow and biodiversity. While the removal of a section of hedgerow to facilitate sight visibility splays would result in a short-term impact, I am otherwise satisfied that the reinstatement of a new hedgerow behind the required splays would not result in longer term negative impacts on amenities. Furthermore, the overall loss of biodiversity as a result of the works would be short term in nature, pending establishment of replacement planting. The applicant refers in the application to the removal of a hedgerow fronting his dwelling house on the opposite side of the road due to Ash Die-back. Accordingly, a planning condition specifying the use of appropriate native tree and hedging species would be appropriate if the Commission is minded to grant permission.

8.6. Access and Road Traffic Safety

8.6.1. I refer to concerns raised relating to road safety and traffic impacts arising from heavy agricultural vehicles associated with the development. Having visited the site, I observed that the local road is narrow, one car width and is bounded by hedgerows either side. The carriage way was observed to be lightly trafficked with a limited number of access points serving residential dwellings to the south. Appropriate sightlines to serve the proposed site entrance have been demonstrated to the satisfaction of the Roads Design Division, with 90m visibility splays in both directions. A dwell area allowing larger vehicles is also provided.

8.6.2. Given the operational speed limit of the carriageway, it is considered that such arrangements are acceptable. I would agree with the approach of the planning authority that while feasible, a new access onto the L-1829 Local Primary Road, would necessitate the construction of an extensive access road and the generation of additional traffic movements.

8.6.3. While construction traffic levels would give rise to an increase in vehicular movements over a temporary period, once constructed I do not believe that the development would result in a significant increase in traffic generation**.** The response to the request for clarification of further information provides in tabular form a breakdown of vehicular

type and frequency of traffic movements associated with the enterprise on a daily, monthly and weekly basis. Such traffic movements as arise, are limited in frequency, and I am of the view could be accommodated on the local road network without negative impact on the surrounding area.

9.0 Appropriate Assessment Screening

9.1. 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 the River Barrow and River Nore SAC (Site Code 002162) or on the River Nore SPA (Site Code 004233) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- 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.

10.0 Water Framework Directive

10.1. The appeal site is located c. 300m from the Castlecomer Stream_010 IE_SWE_15C010100 to the southwest. The underlying ground water body is the Ballingarry IE_SE_G_009. The site is within the Nore Water Framework Directive Catchment ID15.

10.2. The development comprises the construction of a slatted shed and machinery shed. Risk to private bore wells and ground waters was raised in the planning appeal.

10.3. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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.

10.4. Having considered the nature, and location of the project, I am not satisfied that it can be eliminated from further assessment because of the location of the appeal site in an area of Extreme Groundwater Vulnerability, the location of the slatted tanks vis-a-vis the prevailing local water table and given the proximity of the scheme upgradient of private bored water supplies.

11.0 Recommendation

It recommended that permission is refused.

12.0 Reasons and Considerations

Having regard to the location of the development, which includes a livestock shed and associated slatted tanks, in an area of extreme ground water vulnerability; the position of the slatted tanks relative to established groundwater levels and location relative to private bored well water supplies, the Commission is not satisfied, in the absence of a hydrological report by a suitably qualified expert, that the proposed development would not give rise to a serious risk of pollution to private water supplies and to groundwaters. The proposed development would, therefore, be prejudicial to public health and contrary to proper planning and sustainable development.

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.

P Byrne
Planning Inspector.

1st October 2026.

Appendix 1: EIA Pre-Screening

Case Reference	PL-501381-KK-26
Proposed Development Summary	Livestock shed, machinery storage shed and all associated site works.
Development Address	Kiltown, Castlecomer Co. Kilkenny.
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ 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**
☒ 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.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____

Appendix 2: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501381-KK-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Construction of a livestock shed, a machinery storage shed and all associated site works. The slatted shed has a principal height of 6.95m and an internal area of 235sq.m. above three slatted tanks. The machinery storage shed has a principal height of 5.4m and an internal floor area of 220sq.m. A handling area/cattle crush is located adjacent the slatted shed and a hardcore yard provided to the north, west and south of the structures.
Brief description of development site characteristics and potential impact mechanisms	Permission is sought for the construction of a slatted livestock shed, a machinery storage shed and all associated site works. The site area is 0.55Ha River Nore SPA (Site Code 00423) is located approximately 6.6km from the appeal site. The River Barrow and River Nore SAC (Site Code 002162) is approximately 1.6km from the site. The appeal site is 300m from the Castlecomer Stream_010 IE_SWE_15C010100 to the southwest. The underlying ground water body is the Ballingarry IE_SE_G_009. The site is within the Nore ID 15 Water Framework Directive Catchment.
Screening report	No

	Kilkenny Co. Co. screened out the requirement for Appropriate Assessment.
Natura Impact Statement	No
Relevant submissions	The appeal states that the precautionary principle should be applied given there is a scientific uncertainty regarding ground water impacts and where no hydrogeological evidence was provided

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

European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
River Nore SPA (Site Code 004233)	Kingfisher (Alcedo atthis) [A229]	**6.6km**	No direct hydrological/ecological link between the appeal site and River Nore SPA. Possible indirect surfacewater run-off during the construction process and disturbance impacts. Possible run-off from the development post construction during its operation.	**Y**

River Barrow and River Nore SAC (Site Code 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030]	**1.6km**	No direct hydrological/ecological link between the appeal site and River Barrow and River Nore SAC. Possible indirect surfacewater run-off during the construction process and disturbance impacts. Possible run-off from the development post construction during its operation.	**Y**

	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera			

	(Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
AA Screening matrix				
Site name	**Possibility of significant effects (alone) in view of the conservation objectives of the site***			

Qualifying interests		
	Impacts	**Effects**
Site 1 **River Nore SPA (Site Code 004233)**	**Direct** **None** **Indirect** Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.	The development would not require significant excavations, save for limited groundworks associated with the construction of the slatted shed. I consider that best practice construction measures will serve to protect groundwater. At construction stage, it is considered that standard surface/soiled water management best practice construction measures would be sufficient to prevent the possibility of silt, sediment, soils, hydrocarbons and other construction pollutants entering the European site. Similarly, during the operational stage, I consider that the design features proposed, including the collection of soiled and surface waters will be directed to the underground slurry storage tanks and soakpits respectively within the appeal site boundaries and would be sufficient to manage soiled/surface water generated by the development. The nature, scale and extent of the proposed works, the absence of a direct hydrological/ecological link, the implementation of standard construction techniques and distance from receiving features connected with the SPA make it highly unlikely that the proposed

		development could generate impacts of a magnitude that could affect species within the SPA for the QI's listed.
Site 2: River Barrow and River Nore SAC (Site Code 002162)	**Direct:** None **Indirect** Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.	The development would not require significant excavations, save for limited groundworks associated with the construction of the slatted shed. I consider that best practice construction measures will serve to protect groundwater. At construction stage, it is considered that standard surface/soiled water management best practice construction measures would be sufficient to prevent the possibility of silt, sediment, soils, hydrocarbons and other construction pollutants entering the European site. Similarly, during the operational stage, I consider that the design features proposed including the collection of soiled and surface waters will be directed to the underground slurry storage tanks and soakpit respectively within the appeal site boundaries and would be sufficient to manage soiled/surface water generated by the development. The nature, scale and extent of the proposed works, the absence of a direct hydrological/ecological link, the implementation of standard construction techniques and distance from receiving features connected with the SAC make it highly unlikely that the proposed development could generate impacts of a

		magnitude that could affect species within the SAC for the QI's listed.
	Likelihood of significant effects from proposed development (alone) **No**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? **No**	

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

I conclude that the proposed development (alone) would not result in likely significant effects on the River Barrow and River Nore SAC (Site Code 002162) or on the River Nore SPA (Site Code 004233). 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

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 Barrow and River Nore SAC (Site Code 002162) or on the River Nore SPA (Site Code 004233) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
This determination is based on:

- Nature and scope of the works- small scale nature of the development.

- Separation distance from the nearest water bodies and lack of hydrological / ecological connections.
- Taking into consideration the report of the Environment Department of the planning authority.
- Taking into consideration the Appropriate Assessment Screening of the planning authority.

Appendix 3: Technical Note

Prepared by Emmet Smyth Inspectorate Senior Environmental Scientist

An Coimisiún Pleanála

Technical Note
PL-501381-KK-26

To: **Patricia Byrne, Planning Inspector**

From: **Emmet Smyth, Senior Environmental Scientist**

Re: **PL-501381-KK-26**

Date: **25th September 2026**

Development Description:

The proposed development is as follows; the construction of a new farm complex comprising a slatted livestock shed with cattle handling facilities and a machinery storage shed at Kiltown, Castlecomer Co. Kilkenny.

Scope of this technical note:

This technical note will address the concerns regarding the elevated water-table, extreme vulnerability rating and proximity to private water supplies and the potential risk to public health and groundwaters.

Issues raised:

Concerns raised with regard to the absence of a site-specific hydrogeological assessment regarding groundwater movement, pollutant pathways and contamination risk potential

associated with the development issues and the potential contamination of local groundwater supplies, with the appellants private domestic supply located c.100 metres Southeast and downgradient from the subject development.

Site Location from a hydrogeological context:

The subject development site is located at between 190 and 200 metres above sea level; groundwater flows can be inferred from this given that groundwater flows tend to flow at right angles to the contour lines. The nearest surface water (Castlecomer Stream_010) feature is located c.300metres to the Southwest and is of good status and not deemed to be at risk of attaining Water Framework directive Objectives. The site is rated with an extreme vulnerability rating telling us that the likelihood of contamination of groundwater is extreme with rock at or near the surface. The soils mapped at the site are lithosols and regosols with bedrock outcrop and sub-crop across the site. The recharge coefficient across the site is 85%, this means of the 572mm/per annum of rainfall, 487mm/per annum that falls at the site will recharge to groundwaters. The aquifer underlain the site is a poor aquifer which is generally unproductive.

Slatted Unit & construction requirements:

The proposed slatted units, as mentioned in the application are to be designed in accordance with the Department of Agriculture Food and the Marine Minimum specification document S123 which specifies the design and the layout of Bovine livestock units and reinforced tanks.

The specification requires that the site be carefully chosen and as a general guide, a storage facility for silage effluent/slurry/soiled water should be located not less than 50m from any waterbody in the case of a new farmyard, which is the case here. The minimum distance between a storage facility and a public/private water supply source, either surface or ground, shall be 60m for new farmyards and this may be reduced to not less than 30m for existing farmyards subject to a hydro-geological survey. However, in vulnerable situations this distance **shall** be increased up to 300m. The subject site, as referenced earlier is located within

an area of extreme vulnerability so an increased separation will be required. This specification document amongst others, are referenced in the European Union (good Agricultural Practice for protection of waters) Regulations 2025, as amended, under Article 7(2)(b) requiring that storage facilities being provided on a holding on or after 31 March 2009 shall comply with such construction specifications for those facilities as may be approved from time to time by the Minister for Agriculture, Food and the Marine.

Regarding issues pertaining to elevated water table the following direction is stipulated under S123 and states that water table levels are to be checked by the excavation of 2 holes deeper that the depth of the tank proposed and recording of the water table after 48 hours. Where this is above the base of the tank there is the potential for structural and floatation issues. The water table shall be permanently lowered by providing field drainpipes with porous fill around the tank at floor level connected to an outlet drain. Any springs within the floor area of the tank shall be piped to this drain system under floor hardcore. Where this cannot be carried out a revised location will be required.

The application of the aforementioned requirements to this development:

The applicant would be required to show all wells located within 300 metres of the slatted storage units given the extreme vulnerability of the groundwaters within the area, detailing separation distances to the slatted storage units. In addition, the applicant would be required to provide a hydrogeological assessment given the purported proximity of domestic supplies to the subject development within 300 metres of the subject development.

A BRE 365 soakaway design report submitted in support of the application has indicated groundwater levels at 1600mm below existing ground levels. Given that the depth of the tanks are 2400mm deep there is the potential for structural and floatation problems when the tank is empty in the absence of any proposals to permanently lower the water table local to the tank. The applicant would be required to submit concise details and methodologies of

the proposal to lower the water table within the area proposed to accommodate the slatted storage facilities.

Conclusion:

It would appear that the aforementioned details have not been provided for within the application documentation and as such there is insufficient information to allow for a full assessment of the potential impacts on groundwaters from the development as described.

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Coimisiun Pleanála	**PL-501381-26**	**Townland, address**	Kiltown Castlecomer Co. Kilkenny
Description of project		The proposed development concerns the construction of a livestock shed, a machinery storage shed and all associated site works. The slatted shed has an internal area of 235sq.m. The structure sits above three slatted tanks with agitation access at either end extending 1.5m beyond ethe structure. The machinery storage shed has a floor area of 220sq.m. A handling area/cattle crush is located adjacent the slatted shed.	
Brief site description, relevant to WFD Screening,		The site, extending to a stated area of 0.55Ha is located at Kiltown, Castlecomer Co. Kilkenny. The plot is accessed from a narrow local road, the L-5842, approximately 400m northwest of its junction with the L-1829 Local Primary Road serving Castlecomer. The town is c. 2.5km to the southeast. The appeal site is a greenfield in nature and does not contain an existing farmyard or buildings. The surrounding lands are in pasture.	
Proposed surface water details		Uncontaminated surface water from roofs and yards will be collected and piped directly to soakaways. Stormwater from the farm road and entrance will drain to a soakaway positioned to the west of the entrance with a further soakaway located to the north of the site. Contaminated surface water will be directed to slatted tanks or to effluent holding tanks.	

Proposed water supply source & available capacity	Water supply is indicated to be via a private well (location not specified)
Proposed wastewater treatment system & available capacity, other issues	All soiled water and slurry will be directed to storage tanks which are subject to the requirements and specifications as set out in SI No. 588/2025– European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended (GAP Regulations). An Organic Waste Nutrient Management Plan indicates a herd of 42no. cattle requiring storage capacity for 16 no. weeks to cater for 168m3 of slurry. The total nitrogen produced will be 2730 kg. (at 170kg of nitrogen per Ha) giving a requirement for 42 acres (or 16. 5 Ha.) minimum for land spreading. The farm is stated to be 16.99Ha.in area. Drawings attaching to the Nutrient Management Plan indicate buffer zones for the spreading of organic fertiliser. Lands at Moyhora, within wider family farm ownership are available for land spreading.
Others?	Not applicable

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

The underlying ground water body is the. The site is within the Nore ID 15 Water Framework Directive Area.

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

				risk, review, not at risk		
River Waterbody	c.300m	Castlecomer Stream_010 IE_SWE_15C010100 to the south-west	Good	Not at Risk		Proposed surface water collection network connects to a soakpit to the northeastern corner of the site. All soiled water and slurry will be directed to storage tanks which are subject to the requirements and specifications as set out in SI No. 588/2025– European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended (GAP Regulations). Groundwater vulnerability within the area is classified as extreme. The water table is determined to be at 1.68m bgl vis-à-vis the slatted tanks which will have a finished base at 2.4m below ground level.

						The appeal site is upgradient of private groundwater wells within 100.5m
Groundwater Waterbody		Ballingarry IE_SE_G_009	Good groundwater status	Not at Risk		Water arising on site can seep into the groundwater particularly during the construction phase when the bare soil is exposed.

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.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
2.	River	Castlecomer Stream_010 IE_SWE_15C010 100	No hydrological link		None Standard Construction Practice	no	Screened out
3.	Ground	Ballingarry IE_SE_G_009	Drainage to groundwater	Hydrocarbons /Cement products spillages	None Standard Construction	no	Screened out

				discharging into groundwaters	Practice		
OPERATIONAL PHASE							
5.	Surface	Castlecomer Stream_010 IE_SWE_15C010100	Slurry collected in designated tanks and stored prior to discharge. Land spreading is regulated by SI No. 588/2025– European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended (GAP Regulations)	None	Adherence to GAP Regulations	Yes	Groundwater vulnerability within the area is classified as extreme. The water table is determined to be at 1.68m bgl vis-à-vis the slatted tanks which will have a finished base at 2.4m below ground level. The appeal site is upgradient of private groundwater wells within 100.5m
5.	Ground	Ballingarry IE_SE_G_009	Slurry collected in designated tanks and stored prior to discharge. Land spreading is regulated by SI No. 588/2025– European Union (Good Agricultural Practice	None	Adherence to GAP Regulations	Yes	Groundwater vulnerability within the area is classified as extreme. Ground water is determined to be at 1.68m bgl vis-à-vis the slatted tanks which will have a finished base at 2.4m below ground level.

			for Protection of Waters) Regulations 2025, as amended (GAP Regulations)				The appeal site is upgradient of private groundwater wells within 100.5m
DECOMMISSIONING PHASE							
6.	N/A						