



An
Coimisiún
Pleanála

Inspector's Report PL-501429-CK-26

Development	Construction a slatted livestock house adjacent to cubicle house and all associated site works.
Location	Rockhill West, Rockchapel, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	256497
Applicant(s)	John Deely
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Wild Ireland Defence CLG C/O Peter Sweetman
Observer(s)	None
Date of Site Inspection	17 th September 2026
Inspector	Michele Beirne

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1.0 Site Location and Description

- 1.1. The site is located on a farm in a rural area in north County Cork near the county border with County Limerick and County Kerry. It is c1km northeast of Rockchapel village in Cork and c12km from Abbeyfeale in County Limerick. The site is near the end of a narrow cul-de-sac road on the side of a hill. There is a dry store, cubicle house and open slurry pit on the site. The farm dwelling is across the road from these buildings. The site has a stated area of 0.2003 hectares.

2.0 Proposed Development

- 2.1. The proposed development is described as follows:
- Slatted livestock house adjacent to existing cubicle house and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council (CCC) issued notification of a decision to grant permission on the 1st May 2026 subject to 17 conditions. Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 15 and 17 are of note¹:
- Condition 2: Soakpits shall be designed in accordance with SRE Digest 365.
 - Condition 3: Cutting/removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st March and 31st August.
 - Condition 4 and 10: Construction shall be carried out in accordance with good practice in the CIRIA Guidelines Control of Water Pollution from Construction Sites (C532) - Guide to Good Practice.
 - Condition 5: No stockpiling shall take place within 10m of any open drain or watercourse.

¹ Note the decision to grant permission includes duplicate conditions.

- Condition 6 and 11: All over ground tanks containing fuels shall be contained in a waterproof bunded area, the capacity of the bund is to be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water.
- Condition 7 and 12: Clean surface water and run-off from roofs and clean paved areas shall be collected and not be allowed to flow onto any roadway or discharge to soiled water/slurry/effluent areas.
- Condition 8 and 13: All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and/or existing storage facilities. No effluent or slurry shall discharge to any stream, river or watercourse or the public road.
- Condition 9 and 14: All construction work shall be carried out in accordance with current Department of Agriculture Food & Marine Specifications.
- Condition 15: Full visibility shall be made available for 80 metres on either side of the entrance from a point 3 metres back in from the edge of the road carriageway over a height of 1 metres above road level. No structure, boundary or vegetation exceeding 0.9m in height shall be located within the sight distance triangle.
- Condition 17: No dust, mud or debris from the site shall be carried onto or deposited on the public road. Public roads in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase. The developer shall clean any spillages on the public roads arising from the development, as the need arises or when requested to do so by the Planning Authority. Any damage to the public road during construction by machinery or otherwise, the repairs of same shall be carried out by Cork County Council and all costs incurred shall be paid for by the applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial area planners report can be summarised as follows:

- Planning history and policy framework are provided and the third party submission is noted.
- It is noted the applicant operates a small suckler enterprise with a current herd size of 16 cows on a 20 hectare holding.
- The proposed development will not have any negative impact on visual or residential amenity and there is no objection from this perspective.
- The Area Engineer report is noted. There are 3 entrances to the farmyard onto the public road, justification for the need for 3 entrances to access the farmyard will be sought. In the event the 3 entrances are retained, the applicant is to outline proposals to improve sightlines.
- The applicant is to be requested to submit a revised site layout plan identifying a surface water gully and associated pipe work to cater for surface water from the Dry store, to ensure surface water doesn't exit onto the public road and the location of the bored well.
- Based on information furnished regarding livestock numbers and submitted drawings there will be surplus slurry storage capacity on site. This will act as a buffer in times of inclement weather and unfavourable ground conditions which may not be conducive to the spreading of slurry.
- The distance to the well, adjoining dwellings and waterbody are noted including there are no watercourses in the immediate vicinity of the farmyard.
- The Water Framework Directive, Nitrates Action Plan and Nitrates Regulations or GAP Regulations and European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2017 as amended are noted. The applicant will also be required to construct the structure in accordance with DAFM specifications.
- It is noted the Environment Officer's report recommends a grant and considers that the proposed development is a positive development from an

environmental viewpoint, will provide additional livestock accommodation, minimise the generation of livestock manure on site, increase effluent storage and improve the efficiency of the farm and the proposed structures are necessary to meet the requirements of European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2002.

- The proposed development will not result in water pollution or a deterioration in water quality subject to compliance with these Regulations, DAFM specifications and conditions required by the Environmental Officer.
- The Ecology report is noted, the proposal does not require a Stage 2 AA and it is concluded the proposed project does not pose a risk of significant effects on the integrity of any Natura 2000 site for the following reasons:
 - There is no spatial overlap between the proposed development site and any Natura 2000 site,
 - No direct loss, alteration or fragmentation of habitats will occur within any Natura 2000 site,
 - There is no risk of surface water emissions associated with the proposed development,
 - Given the small scale of the proposed development, no impact on the qualifying interests of the SPA, SAC or any other Natura 2000 site is predicted to occur during the construction or operational phase,
 - No potential for in-combination effects have been identified.
- The proposal is for a type of development that is not identified as a project for the purposes of EIA.
- The site is in flood zone C in the SFRA of the Development Plan.
- No levies are required for agricultural development.

The area planners report on further information received can be summarised as follows:

- The applicant has outlined that the southern entrance is required to access for slurry spreading as the public road is narrow turning movements require this

entrance. The middle entrance is the only access to the machinery shed. The northern entrance is the only access to the Farmyard.

- A proposal to cut back vegetation and lower the boundary ditch to 1m to facilitate 80m sightlines is provided.
- The revised site layout outlines measures to ensure that surface water does not exit onto the public road, surface water management from the dry store and the location of the bored well on site.
- Revised drawings have been provided with more floorspace (now 366.4m³) and more slurry capacity.
- Notices advertising significant further information were received.
- Unsolicited further information was received correcting an error on the internal length of the tank.
- The Area engineer is satisfied with proposals subject to conditions.
- Environment Section states the additional slurry storage capacity is a positive development, provides buffer capacity and recommends grant.
- Ecology Section has no further comments.
- Recommendation to grant subject to conditions.

3.2.2. Other Technical Reports

Area Engineer:

- No objection subject to conditions relating to sightlines and visibility, surface water and drainage management, dust/mud control during construction and protection of public roads.
- This report is after an initial report requesting clarification on the need for 3 entrances, proposals to improve sightlines, surface water management measures and seeking details on the location of the well.

Environment:

- Two reports on further information state no objection and to refer to initial report for conditions. The second report dated 29th April 2026 notes the increase in the tank provides additional slurry storage capacity and is a

positive development from an environmental view as it will provide buffer capacity during extended winter housing periods.

- These reports are after an initial report which stated no objection subject to conditions relating to ground tanks, surface water management, that no effluent or slurry shall discharge to a waterbody or public road and construction shall be in accordance with DAFM specifications.

Ecology:

- No further comment, refer to previous report for conditions.
- This report is after an initial report which includes the following:
 - No direct hydrological connection from the site to the SAC or the SPA.
 - The nearest water channel is a tributary of the River Feale, 470m east of the site (this is a small tributary – flows north to south) and main river Feale is 365m south of site (flows east to west).
 - It is proposed to dig a soakpit to drain surface water to the surrounding soil.
 - It is noted the area is in a White Flag zone, which indicates a Subbasin where agriculture is not identified as a significant pressure and measures to 'Protect' water quality are appropriate.
 - No habitat of significance is noted on site.
 - Immediate area is intensively farmed.
 - Screening for AA assessment made and determination made Stage 2 AA not required (reasons outlined in Section 3.2.1 initial planner's report).
 - No objection subject to conditions relating to cutting of trees, hedgerows and vegetation, soakpits design, restrictions on stockpiling and that construction activities are carried out in accordance with good practice.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. **Third Party Observations**

3.4.1. One third party observation was made to the Planning Authority from the appellant. It relates to the Planning Authority's legal tasks in dealing with the planning application:

- Assessing the application in accordance with the P&D Act.
- Requirement to form and record a view as to the environmental impacts of the development or to screen for EIA.
- AA screening.
- Compliance with the requirements of the WFD.

4.0 **Planning History**

4.1.1. Recent planning history on landholding

- PA. Ref: 15/6808. Permission granted in 2016 for extension for use as separate dwelling and modifications to existing dwelling.

5.0 **Policy Context**

5.1. **Development Plan**

Cork County Development Plan 2022-2028

5.1.1. Chapter 8 Economic Development

- EC: 8-15 Agriculture and Farm Diversification includes 'Encourage the development of sustainable agriculture and related infrastructure including farm buildings'.

5.1.2. Chapter 11 Water Management

- WM 11-1: EU Water Framework Directive and the River Basin Management Plan includes:
 - a) Protect and improve the County's water resources and ensure that development permitted meets the requirements of the River Basin

Management Plan and does not contravene the objectives of the EU Water Framework Directive.

b) Promote compliance with the River Basin Management Plan and associated environmental standards and objectives set out in the European Communities (Environmental Objectives) Surface Water Regulations, 2009 and the European Communities (Environmental Objectives) Groundwater Regulations, 2010, to prevent deterioration; restore good status; reduce chemical pollution, and achieve water related protected areas objectives in rivers, lakes, groundwater, estuaries and coastal waters (as applicable).

c) Secure the objectives and facilitate the implementation of the associated Programme of Measures of the River Basin Management Plan 2018-2021 and any successor plan for ground, surface, estuarine, coastal and transitional waters in the Plan area as part of the implementation of the EU Water Framework Directive.

d) Support an integrated and collaborative approach to local catchment management in order to assist in the implementation of the River Basin Management Plan.

e) In acknowledgement of the sustained pressures on ecological status being experienced in Blue Dot catchment waterbodies, additional measures, as deemed necessary to protect and restore these waterbodies to high status may be required for development permitted in such catchments. Measures may include, but are not limited to, a water management plan (including the construction phase), tertiary treatment and appropriate SUDs measures.

g) Development may only proceed where appropriate wastewater treatment is available which meets the requirements of environmental legislation, the Water Framework Directive and the requirements of the Habitats Directive.

- WM 11-6: Protection from Agricultural Pollution states 'Protect the County's waters from agricultural pollution in accordance with the Nitrates Directive (91/676/EEC) through the implementation of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 605 of 2017) or any future revised / additional requirements and ensuring that all agricultural development shall comply with those Regulations.'

5.1.3. Chapter 15 Biodiversity and Environment

- BE 15-2: Protect sites, habitats and species includes:

a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements. Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.

b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.

c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.

d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development

e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.

5.2. **Natural Heritage Designations**

- 5.2.1. The closest European sites are Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) located c50m north of the site. The Lower River Shannon SAC (002165) is located c300m south of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A third party appeal was lodged by the appellant regarding the decision to grant permission. It is summarised as follows:
- The planning authority failed to place on the online planning portal file (referred to by the appellant as the public file) the planner's report, Appropriate Assessment screening, Water Framework Directive assessment or other environmental reports necessary to understand the legal and scientific basis for the decision.
 - The application itself failed to identify impacts on protected sites despite the immediate adjacency of the SAC and SPA.
 - No landspreading lands were identified. No hydrological pathway assessment appears to have been undertaken. No Water Framework Directive deterioration assessment has been disclosed. No cumulative nutrient loading assessment has been made available.
 - The competent authority lacked the complete, precise and definitive findings required under Article 6(3) of the Habitats Directive and failed to discharge its obligations under Article 4 of the Water Framework Directive.

- Conditions do not displace the requirement for assessment.
- The decision should be set aside and permission refused.
- In the alternative, the Commission should require the planning authority to furnish the complete planning file, and request further information including environmental reports, Appropriate Assessment screening documents, planner's reports, and should permit additional submissions following disclosure of those materials.
- The Commission should further require substantial further information including identification and mapping of all slurry landspreading lands, hydrological pathway analysis, groundwater vulnerability assessment and a quantified Water Framework Directive deterioration assessment before any lawful determination can be made.

7.2. **Applicant Response**

None.

7.3. **Planning Authority Response**

- 7.3.1. The Planning Authority stated all relevant issues have been covered in the technical reports forwarded to the Commission. The Planning Authority has no further comment to make in the matter.

7.4. **Observations**

- 7.4.1. None.

7.5. **Prescribed Bodies**

- 7.5.1. None.

8.0 **Assessment**

- 8.1. Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, the reports 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:

- Appropriate Assessment Screening and Water Framework Directive Assessment.
- Other matters

8.2. Appropriate Assessment Screening and Water Framework Directive Assessment.

- 8.2.1. I note the narrow grounds of the appeal, which is concerned with the Appropriate Assessment of the development and the potential for impacts on the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) and the Lower River Shannon SAC (002165) and the Water Framework Directive.
- 8.2.2. The appellant states the planning authority failed to place the planner's report, Appropriate Assessment screening, Water Framework Directive assessment or other environmental reports on the online planning portal file and questions to Appropriate Assessment screening and Water Framework Directive assessment. They state the decision should be refused or the Commission should require the planning authority to furnish the complete file and should permit additional submissions following disclosure of those materials. The Commission should further require substantial further information including identification and mapping of all slurry land spreading lands, hydrological pathway analysis, groundwater vulnerability assessment and a quantified Water Framework Directive before any determination can be made.
- 8.2.3. I note the appellant states reports were not available on the online planning portal and submitted as an appendix a list of documents available. It is unclear when this list of documents was printed though the appeal was received on the 27th May 2026. The file before me however has not been submitted as a digital copy and all the planners and technical reports, which include assessments in relation to Appropriate Assessment and the Water Framework Directive, have all been received on the file before the Commission. I also note the requirements of Section 38 of the Planning and Development Act 2000 as amended that states documents which include a copy of any report prepared by

or for the planning authority in relation to the planning application 'shall be made available by the authority within 3 working days by placing the documents on its website, and may also make available such documents both in electronic form and for inspection and purchase by members of the public during office hours'. I am not aware that the public would have been precluded from obtaining documents in electronic form or from seeing the public file in the Council office and I note this matter did not preclude the appellant from making an appeal on similar issues raised at planning application stage - Appropriate Assessment screening and compliance with the requirements of the Water Framework Directive. In addition, I have reviewed the physical file before me with the online portal, I note that all the planners reports and technical reports are online when carrying out my assessment. This aside, I am satisfied that all documents are on the file before me and that the proposed development can be considered on its merits.

- 8.2.4. With regard Appropriate Assessment screening, I note the planner's reports incorporate the findings of the Ecology and Environment sections technical assessments and the Local Authority concludes the proposal does not require a Stage 2 Appropriate Assessment. I also note the Environment and Ecology Sections did not object to the proposed development subject to conditions and that the proposed development was considered a positive development from an environmental viewpoint. Nevertheless, I have undertaken a screening exercise for Appropriate Assessment and have concluded 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 Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) or the Lower River Shannon SAC (002165) in view of the conservation objectives of these sites and they are therefore excluded from further consideration. See Section 9 and Appendix 2 for further details.
- 8.2.5. The Water Framework Directive aims to improve water quality and applies to all water bodies. In their various reports, the planning authority assessed the application in relation to the Water Framework Directive, noted no direct hydrological connection from the site to the SAC or the SPA and that the area is in a White Flag zone, which indicates a Subbasin where agriculture is not

identified as a significant pressure and measures to 'Protect' water quality are appropriate. Nevertheless, I have addressed the Water Framework Directive in Section 10 and Appendix 3 of this report.

- 8.2.6. The appellant refers to the identification and mapping of all slurry landspreading lands. I note the proposed slatted livestock house replaces an open slurry pit, the applicant operates a small suckler enterprise with a current herd size of 16 cows on a 20 hectare holding and the scope of the application relates to works within the red site boundary. Revised drawings at further information stage indicate a proposed floorspace of 366.4m³ (initially 237m³) with a slurry storage tank below the ground floor of the shed. With regard landspreading, the Commission should note that the carrying out of land spreading does not form part of the application description and that 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. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision to 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.
- 8.2.7. There are also no water courses on or immediately adjacent the appeal site, with the closest being the River Feale (FEALE_010 IE_SH_23F010020) c. 300 metres to the south and a stream c470m west of the farmyard, which is a tributary of the River Feale. Revised drawings in response to further information detail measures to ensure that surface water does not exit onto the public road, surface water management from an existing dry store on site and the location of the well on the farm upgradient and away from 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 the GAP Regulations. The proposed surface

water collection network connects to a soakpit on site. I am satisfied that the applicant has submitted adequate information of how waste will be managed and disposed of and it has been demonstrated that adequate waste storage will be available on site to meet generated demand. I note that based on information furnished regarding livestock numbers and submitted drawings, there will be surplus slurry storage capacity on site. I concur with the Environment sections assessment that this provides beneficial storage capacity and will provide buffer capacity during any extended winter housing periods.

- 8.2.8. A number of conditions by the planning authority directly or indirectly addressed water quality, pollution prevention and biodiversity protection and I note the appellant states conditions do not displace the requirement for environmental assessment. Along with an environmental assessment, I consider it reasonable to include conditions to ensure proposals accord with objectives of the Development Plan. I recommend they are included should the Commission be minded to grant permission, to ensure the satisfactory disposal of waste, in the interest of public health, to protect biodiversity and to prevent pollution.

8.3. **Other matters**

- 8.3.1. I note the Cork County Development Plan 2022-2028 is generally supportive of sustainable agriculture and related infrastructure including farm buildings (Objective EC: 8-15 Agriculture and Farm Diversification). The site is located within an existing farmyard in a rural area where the predominant land use is agriculture. I am satisfied that the agricultural proposal is consistent with the nature of development on the site and the use is acceptable in principle.
- 8.3.2. The proposal includes 3 entrances from the farmyard onto the public road. At further information stage, clarification was sought on the need for 3 entrances and for proposals to improve sightlines. The applicant stated the entrances were required due to the narrow road and for turning movements, proposals were submitted where vegetation would be cut back and the boundary ditch will be lowered to facilitate 80m sightlines. I note the proposed development would not result in any significant additional traffic and given that access is onto a narrow cul-de-sac road, I consider the proposal to be acceptable. I note the

area engineer recommended a grant subject to conditions relating to sightlines and visibility, dust/mud control measures during construction and the protection of public roads. I consider these conditions appropriate in the interest of traffic safety and orderly development and recommend they are incorporated should the Commission be minded to granting permission.

- 8.3.3. I consider that the proposed development, a typical agricultural building in an existing farmyard, would not have adverse impacts on the visual or scenic amenity of the area. External finishes complement the existing farm buildings and the site does not lie within a designated High Value Landscape Area or affect any view or prospect listed in the Development Plan.
- 8.3.4. The nearest third party dwelling is c38m to the east. Given the nature of the proposed development, a slatted livestock shed adjacent to an existing cubicle house in an existing established farmyard, there would be no significant impacts on neighbouring residential amenity .
- 8.3.5. I note there are no recorded monuments or protected structures in proximity to the site.
- 8.3.6. I note no contribution was sought by Cork County Council in the decision to grant permission.

9.0 AA Screening

- 9.1.1. 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 Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) or the Lower River Shannon SAC (002165) in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- The nature and extent of the proposed development within a well established farm;

- The distance from European Sites;
- The lack of a direct pathway to any designated site;
- The weakness of connectivity between the development and European Sites; and,
- Compliance with the GAP Regulations and associated standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

10.0 Water Framework Directive

- 10.1.1. The proposed development comprises of the construction of a slatted livestock house with an underground slurry storage tank within an existing farmyard complex and as part of an established farm holding. The proposed development is adjacent to an existing cubicle house and replaces an open slurry pit. The site is located c300m north of the River Feale (FEALE_010 IE_SH_23F010020) and over the Abbeyfeale groundwater waterbody (IE_SH_G_001 A).
- 10.1.2. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The small scale and nature of the development in an existing farmyard.
 - Separation distance from the nearest water bodies and lack of hydrological connections.
 - Taking into consideration the Environment and Ecology reports of the planning authority.

10.1.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. See Appendix 3 which contains a WFD Impact Assessment Stage 1 Screening.

11.0 Recommendation

11.1. I recommend that planning permission be granted, subject to conditions, for the reasons and considerations as set out below.

12.0 Reasons and Considerations

12.1. Having regard to the nature and scale of the development within an established agricultural farmyard, and the proposed development's compliance with the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual 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.

13.0 Conditions

1	The development shall be carried out in accordance with the plans and particulars submitted to the planning authority, as amended by the Further Information plans and particulars submitted to the planning authority on 05/03/2026 and 8/4/2026, except as may be otherwise required by the following conditions. Reason: To clarify the plans and particulars for which permission is granted.
2	The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European

	Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, as amended. The landspreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development details showing how the applicant intends to comply with this requirement shall be submitted to and agreed in writing with the Planning Authority. Reason: In order to avoid pollution
3	Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, 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. (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2025, as amended shall be strictly adhered to. Reason: In the interest of environmental protection and public health.
4	(a) A management schedule for the operation of the slatted shed shall be submitted to the planning authority, prior to the housing of animals in the facility. (b). The management schedule shall comply with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2025 , or, if superseded by subsequent regulations. (c) The management schedule shall provide for: • the number, age and types of animals to be housed,

	• arrangements for the disposal of slurry • arrangements for the storage and disposal of manure and • the cleansing of buildings and structures, including the public road, where relevant. Reason: In order to prevent pollution and in the interest of amenity.
5	a) Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended). (b) Where slurry or manure generated by the proposed development is moved to other locations, details of such movements are to be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025) (as amended). (c) Where a slurry or manure is removed by a third party, by agreement, to be land spread elsewhere, details of such an agreement (to include name of third party, lands to be spread, amounts of material) should be furnished to the local authority in which said lands are located. Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.
6	All soiled waters and slurry generated by the proposed development 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. Reason: In the interest of public health and traffic safety.
7	No stockpiling shall take place within 10m of any open drain or watercourse. Reason: To protect biodiversity and water quality.
8	Full visibility shall be made available for 80 metres on either side of the entrance from a point 3 metres back in from the edge of the road carriageway over a height of 1 metres above road level. No structure, boundary or

	vegetation exceeding 0.9m in height shall be located within the sight distance triangle. Reason: In the interest of traffic safety.
9	No dust, mud or debris from the site shall be carried onto or deposited on the public road. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan. This shall provide measures to ensure there is no impact on the public road or public roads in the vicinity of the site and measures for the off-site disposal of construction waste. Reason: In the interest of road safety and orderly development.
10	Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st August. Reason: To protect biodiversity.

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.”

Michele Beirne
Planning Inspector

30th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501429-CK-26
Proposed Development Summary	Construction a slatted livestock house adjacent to cubicle house and all associated site works.
Development Address	Rockhill West, Rockchapel, Co. Cork.
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.
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	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold
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 ☐	Screening Determination required (Complete Form 3) [Delete if not relevant]
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3) [Delete if not relevant]

Inspector: _____ Date: _____

Appendix 2: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501429-CK-26	
Step 1: Description of the project and local site characteristics Normal planning appeal. Slatted shed, Rockchapel, County Cork See section 1.1 of Inspectors Report	
Brief description of project	The proposed development comprises a slatted livestock house adjacent to an existing cubicle house. It is to incorporate easy feed cubicles, straw bedded area and underground slurry storage tank with external agitation and ancillary external concrete and associated ancillary site works. All effluent will be discharged into the underground slurry tank. The site is located within an existing farmyard, on an existing farm.
Brief description of development site characteristics and potential impact mechanisms	Permission is sought to construct a slatted livestock house adjacent to an existing cubicle house. The area of the application site is stated as 0.2003 hectares and concerns an existing farmyard. There is a dry store, cubicle house and open slurry pit on site. The proposal replaces the open slurry pit. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The closest European sites are Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) located c50m north of the site and the Lower River Shannon SAC (002165) located c300m south of the site. There is theoretical potential that construction related sediment could make its way to the SPA and SAC.

	The River Feale is c300m to the south of the farmyard. There is a stream c470m west of the farmyard, which is a tributary of the River Feale.			
Screening report	No. Cork County Council screened out the need for AA.			
Natura Impact Statement	No			
Relevant submissions	See sections 3.4 and 7.1 of report.			
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
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161)	Hen Harrier (Circus cyaneus) [A082] CO004161.pdf 23 Sep 2022	C50m north of the site	No direct connection Possible indirect	Y
Lower River Shannon SAC (002165)	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130]	c300m south of the site	No direct connection Possible indirect surface water/groundwater	Y

	Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]			
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	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]			
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	Site specific cons obj			
	07 August 2012			
² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species				
³ if no connections: N				
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
Qualifying interests				
		Impacts	Effects	
Site name Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) QI list Hen Harrier (Circus cyaneus) [A082]		Direct: None Indirect: Localized, temporary, low magnitude impacts from noise, dust and construction related emissions	The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. No significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site. Conservation objectives would not be undermined.	
		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	
Site name Lower River Shannon SAC (002165) QI list Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310]	Direct: None Indirect: Localized, temporary, low magnitude impacts from noise, dust and construction related emissions, disturbance impacts. Possible run-off to surface water / groundwater during construction At operation stage slurry will be spread on land as a fertilizer. This is normal practice	The nature extent and scale of the proposed slatted livestock house, the established agricultural use on the site, the absence of any direct hydrological link to the SAC, the implementation of standard construction management techniques, and the distance from 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 listed Qualifying Interests. No significant effects anticipated due to compliance with the GAP 2025 Regulations as amended. Conservation objectives would not be undermined.

Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] 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] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099]		
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Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]		
	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	
Further Commentary / discussion The proposed development replaces an open slurry pit. Effluent from the proposed slatted livestock house will be collected via an underground slurry tank. The carrying out of land spreading does not form part of the description of development and the application red line boundary is restricted to the extent of the farmyard. Details of lands in the ownership/control of the applicant are provided. The spreading of organic fertilisers is managed under the GAP Regulations 2025, as amended by further Regulations in 2026. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the provision of buffers from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2025, as amended, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development.		
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 Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) or the Lower River Shannon SAC (002165). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) or the Lower River Shannon SAC (002165) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and extent of the proposed development within a well established farm;
- The distance from European Sites;
- The lack of a direct pathway to any designated site;
- The weakness of connectivity between the development and European Sites; and,
- Compliance with the GAP Regulations and associated standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.

Appendix 3: WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-501429-CK-26	Townland, address	Rockhill West, Rockchapel, Co. Cork.
Description of project		Permission is sought to construct a slatted livestock house adjacent to a cubicle house and all associated site works. The slatted livestock house is 366.4m ³ as outlined in revised drawings received 8/4/26 and replaces an open slurry pit. The area of the application site is stated as 0.2003 hectares and concerns an existing farmyard.	
Brief site description, relevant to WFD Screening,		Farmyard is on a locally elevated site, at the c270metre contour line. The nearest water body is the River Feale (FEALE_010 IE_SH_23F010020) c. 300 metres to the south. There is a stream c470m west of the farmyard, which is a tributary of the River Feale. The groundwater vulnerability is designated as High Vulnerability by the Geological Survey of Ireland. The EPA map notes the Soil Information System National Soils Map classifies the soil type as Kilrush Association, a surface water gley with poorly drained mineral soil. The subsoil is a till type, with a clayey texture.	
Proposed surface water details		Contaminated run-off to slurry tank. Clean water to soakpit.	
Proposed water supply source & available capacity		Private well on farm, not on subject site and c.45m uphill from proposed development.	

Proposed wastewater treatment system & available capacity, other issues			All effluent will be directed to storage tank 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).			
Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	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)
River waterbody	C300m	FEALE_010 IE_SH_23F0100 20	Good	Not at risk	None identified	Not hydrologically connected to surface watercourse.
Groundwater Waterbody	Underlying the site	Abbeyfeale IE_SH_G_001	Good	Not at risk	None identified	Via groundwater
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	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface: site clearance and construction	FEALE_010 IE_SH_23F01 0020	Indirect impact via potential hydrological pathway via field drains and surface run off, and then into Feale River	Water pollution from construction run off (silt, concrete, oil spillages)	Use of standard construction practices	No	Screen out
2.	Ground: site clearance and construction	Abbeyfeale IE-SH-G-001	Indirect impact via potential hydrological pathway	Water pollution from construction run off (silt, concrete, oil spillages)	Use of standard construction practices	No	Screen out
OPERATIONAL PHASE							
3.	Surface: Surface Water Run-Off	FEALE_010 IE_SH_23F01 0020	Indirect impact via potential hydrological pathway via field drains	None	None	No	Screen out

4.	Ground: surface water run off	Abbeyfeale IE-SH-G-001	Indirect impact via potential hydrological pathway via soakaway	Ground water pollution	Use of standard construction practices	No	Screen out
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A