



An
Bord
Pleanála

Inspector's Report

ABP-321672-25

Development	Demolition of agricultural building, construction of slatted livestock house and all associated site works. Natura Impact Statement submitted with application.
Location	Kilnacranagh, Milltown, Belturbet
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2460057
Applicant(s)	Anthony Leddy
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant(s)	Peter Sweetman Wild Ireland Defence CLG.
Observer(s)	None
Date of Site Inspection	22 nd April 2025
Inspector	Gerard Kellett

Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	8
5.0	Policy Context.....	9
6.0	The Appeal	11
7.0	Assessment	12
8.0	Environmental Impact Assessment.....	16
9.0	Appropriate Assessment.....	16
10.0	Recommendation.....	18
11.0	Reasons and Considerations	18
12.0	Conditions	18

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Screening for Appropriate Assessment

Appendix 3 – Appropriate Assessment

1.0 Site Location and Description

- 1.1. The site is located off the Local Secondary Road L55011-0 in the townland of Kilnacranagh, Milltown, Belturbet, Co. Cavan. The site forms part of an existing farmyard complex, comprising two slatted sheds along the northern boundary and two silage pits along the southern boundary. There is an existing single storey vacant farmhouse which is located at the entrance to the site. The appeal site is relatively flat and is broadly rectangular in shape. The closest dwelling is to the immediate south which is applicants dwelling. The adjoining lands are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary. The stated site area is 0.7 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for:

- a) The demolition of an existing agricultural building (405sqm) and the construction of one number slatted livestock shed (1,100sqm) with underground manure storage (2.4 metres depth) and cubicles, along with all ancillary structures and associated site works.
- b) The proposed shed would broadly measure 30 metres x 34 metres with an overall height at 9.9 metres.
- c) A Natura Impact Statement (NIS) will be submitted to the Planning Authority in connection with the application.

3.0 Planning Authority Decision

3.1. Planning Reports

Requested for Further Information

Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested further information on the 11th of May 2024 as follows:

Item 1: Submit an updated Natura Impact Statement (NIS) which addresses the following:

- a) Submit habitat maps relating to the spread lands at Ashgrove, Drumheriff, Kilnacrannagh and Listiernan
- b) Submit full details of flood risk zones adjacent to and within the spreading sites.
- c) Submit revised mapping to indicate the location of all on-site drains and connectivity to nearby watercourses.
- d) Submit details of groundwater vulnerability maps highlighting the proximity of same to the proposed spread lands.

Item 2: Submit a copy of the fully completed Application Form Part B Farm Development Agricultural Application. This included current stock numbers (i.e. 2024), land details, current/proposed storage facilities and 2024 spread land maps that highlights the land parcels in red and clearly shows the applicant's name, herd number, townland, and total area, of each land parcel that is eligible for land spreading.

Item 3: Detail the whole farmyard including slurry, soiled water and surface water drainage system including the point of discharge for the farm.

Item 4: Detail private wells on a revised map.

Item 5: Detail potable water supplies, watercourses, hedgerows within 100 metres of the development.

Further Information Received

Further information was submitted on 14th of August 2024 as follows:

Item 1: An updated Natura Impact Statement (NIS) detailing habitat maps was submitted relating to the spread lands at Ashgrove, Drumheriff, Kilnacranagh and Listiernan. Details of flood risk zones adjacent to and within the spreading sites. The location of all on-site drains and connectivity to nearby watercourses and details of groundwater vulnerability maps highlighting the proximity of same to the proposed spread lands. Notwithstanding, clarification was sought with regard to the 'Lower River Shannon SAC and the Loop Head SPA' referenced in the NIS in the interest of accuracy.

Item 2: Application Form Part B – Farm Development Agricultural Application submitted via FI. However, the Environment Section of Cavan CC where not satisfied with the detail provided. Clarification was sought on this matter.

Items 3, 4, 5: Details sought and clarification submitted in relation to item 3, 4 and 5 where to the satisfaction of the PA and have been fully addressed.

Clarification sought on FI

Clarification of items 1 and 2 of the FI was sought by the PA on 29th of August 2024 as follows:

Item 1: Clarification in that of the NIS report submitted, it is noted that the concluding chapter of the report states that: Page 43 of the report has reference to the Lower River Shannon SAC and the Loop Head SPA. In the interests of accuracy, clarification is sought in this regard.

Item 2: Submit “evidence of a reduced stocking rate or evidence of additional lands available for spreading of livestock manures, either by way of ownership, lease or export, to ensure the correct disposal of the excess organic nitrogen generated on the premises. Or Evidence of an application for a 2023/2024 Nitrogen Derogation”.

Response to Clarification of FI

A response to the clarification of the further information was submitted on the 19th of November 2024 as follows:

Item 1: An updated NIS report was submitted which corrected the typographical error. This was deemed acceptable to the PA.

Item 2: A Statement of Organic Nitrogen and Phosphorus was provided which verified that the applicant was below the stocking rate limit of 170Kg N/Ha. This was acceptable to the PA stating given the animal numbers proposed, the development will produce 14764kg of organic nitrogen; with spread lands of 99.95 hectares this gives rise to a loading of 148.00kg of N/ Ha as outlined by the applicant. Therefore, within the statutory 170kg N/Ha limit (European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2022 as indicated by the PA. With regards to storage, from the information submitted there does not appear to be any storage capacity issues as stated by the PA.

Furthermore, the Planner’s Report states that the proposed development will have no significant impact on existing residential amenities. The Planning Authority states an Appropriate Assessment of the planning application was carried out

3.2. Decision

The Planning Authority granted permission on the 11th of December 2024 subject to 9 no. condition(s). Notable conditions include:

No 3: Provides for all mitigation measures outlined in the submitted 'Natura Impact Statement' dated June 2024 shall be fully applied and implemented. Evidence of which shall be submitted to the Planning Authority for written approval.

3.2.1. Other Technical Reports

- Environment Section – No objection subject to conditions following the submission of further information and clarification.

3.3. Prescribed Bodies

- DAU – No comments received
- Inland Fisheries – No comments received

3.4. Third Party Observations

One number third-party submission was made from Wild Ireland Defence CLG, on the application making the following points:

1. Assess Planning Merits: The PA must evaluate the planning merits of the application in accordance with the Planning and Development Act 2000 (as amended) to ensure the proposed development aligns with proper planning and sustainable development of the area.

2. Environmental Impact Assessment: That the Planning Authority must form and record a view on the environmental impacts of the development, considering the Environmental Impact Assessment Report (EIAR) if provided by the applicant, public views, and its own expertise, or screen the development for Environmental Impact Assessment.
3. Responsibilities Under the Habitats Directive: That the Planning Authority act as the competent authority under the Habitats Directive. This includes screening for Appropriate Assessment to determine if the project may have a significant effect on a protected site, requiring a strict standard of complete, precise, and definitive findings to remove all reasonable scientific doubt. Reference made to C-323/17, People Over Wind and Peter Sweetman v Coillte Teoranta and Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014), CJEU Case 258/11.
4. Compliance with the Water Framework Directive: Assess the development for compliance with the requirements of the Water Framework Directive, ensuring activities like grazing or fertiliser application near Natura 2000 sites are appropriately classified and evaluated. References made to cases C-293/17 and C-294/17.

4.0 Planning History

- 4.1. **PA REF: 07/611** – Refers to grant of permission on the 14th of May 2007 to erect a slatted agricultural shed with an underground storage tank and all associated and ancillary works.
- 4.2. **PA REF: 18/481** – Refers to grant of permission on the 8th of October 2019 to demolish an old agricultural building and construct 1 slatted livestock house with underground manure storage and cubicles, along with all ancillary structures and associated site works.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 23 - facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

S.I. No. 113/2022 –European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

The Regulations provide the relevant standards for the collection and disposal of farmyard manure to give effect to Ireland's Nitrates Action Programme for the protection of waters against pollution caused by agricultural sources.

5.2. Development Plan

Cavan County Development Plan 2022 – 2028

Section 12.5 Agriculture

Section 12.5 of the development plan relates to Agriculture. It identifies the importance of the sector to the County's economy, as a catalyst for employment in the County and the wider region.

Section 12.8 Agricultural Buildings and Structures

Section 12.8 contains policies in relation to agricultural development. It states that the provision of well-located structures and facilities necessary for good and

environmentally sound agricultural practice will be supported and that the assessment of such proposals will involve consideration of safe access, visual impact, environmental impact, waste management and the need for the building.

Agricultural Buildings and Structures Development Objectives

ABS 01: Facilitate the development of environmentally sustainable agricultural activities, whereby watercourses, habitats, areas of ecological importance and environmental assets are protected and development does not impinge on the visual amenity of the countryside.

ABS 02: Ensure developments do not impact on archaeological or heritage features of importance.

ABS 03: Require buildings to be of a design, appearance and material specification that is compatible with the protection of rural amenities.

ABS 04: Require an effective means of farm waste management.

5.3. Natural Heritage Designations

The subject site is not located within any Natura 2000 sites. The nearest are:

- Lough Oughter and Associated Loughs (SAC 000007) c1.3 km to the east.
- Lough Oughter Complex (SPA 004049) c1.8 km to the south-east.

The nearest Proposed Natural Heritage Areas are

- pNHA – Lough Oughter and Associated Loughs

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been lodged against the Planning Authority's decision to grant permission. The grounds of appeal can be broadly summarised as follows:

- **Compliance with the Habitats Directive:** The grounds of appeal argues that the development is subject to the Habitats Directive, as indicated by the inclusion of a Natura Impact Statement (NIS) in the application.
- **Requirement for Appropriate Assessment:** The appeal states that An Bord Pleanála must conduct an Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive. It references paragraph 44 of CJEU Case 258/11, which requires the assessment to be complete, precise, and definitive, removing all reasonable scientific doubt about the effects of the proposed works on the protected site.

I note at the PA stage the submission made reference to the Water Framework Directive and Environmental Impact Assessment but is not referenced in the grounds of the appeal.

6.2. Planning Authority Response

Response received dated 7th February 2025 requesting the Board to uphold the decision of the Planning Authority to grant permission.

6.3. Observations

None

7.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the report(s) of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Water Quality Impacts
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The appeal site is located in a rural area of County Cavan where the prevailing land use is agriculture. It is my opinion that the principle of agricultural structures in rural locations is generally acknowledged. The area of the subject development forms part of an established agricultural complex. I am therefore satisfied that the proposal is consistent with use of the immediate context and would be acceptable in principle.
- 7.1.2. In that context, I have had regard to the relevant provisions of the Cavan Development Plan 2022–2028, in particular section 12.8 (Agricultural Buildings and Structures), which supports the provision of well-located agriculture structures and facilities necessary for good and environmentally sound agricultural practice.
- 7.1.3. I consider that the proposed agricultural shed is modest in scale and the general design and external materials are in keeping with the design of the other agricultural buildings on site. I consider the proposal development would read as a limited extension to the existing farm complex. I am satisfied that the subject site and surrounding area can absorb the scale, form and massing of the proposed shed

development and that it will integrate into the receiving environment without detrimental or adverse impact to the visual amenity of the area in accordance with section 12.8 (Agricultural Buildings and Structures) of the plan.

7.2. Water Quality Impacts

- 7.2.1. The Third-Party Appeal contends that the Planning Authority failed to carry out an Appropriate Assessment in accordance with legal requirements, which stipulate that such an assessment cannot have any lacunae and must contain complete, precise, and definitive findings and conclusions. I consider this concern to relate primarily to potential water quality impacts associated with the proposed development. The applicant references the Water Framework Directive (WFD) in support of the proposal, specifically regarding the maintenance of water quality. I refer the Board to my key findings in the Appropriate Assessment (AA) section of this report for further detail on water quality protection. The purpose of the WFD is to ensure that no activity results in the deterioration of the ecological status of any water body, and that proposed developments do not impede the achievement of the environmental objectives set for 2027.
- 7.2.2. The appeal site lies within the Erne Hydrometric Area (36), Catchment (36), Sub-Catchment (030), and Sub-Basin (080) (source: EPA website). While there are no drains or streams immediately adjacent to the site, EPA mapping and the submitted Natura Impact Statement (NIS) identify the Rogary Stream approximately 236 metres to the north-east. This stream flows from Uragh Lough and eventually joins the River Erne and the Lough Oughter SAC. The identified land-spreading areas also lie within proximity to this stream and other local hydrological features. All spreadlands fall within the Erne catchment.
- 7.2.3. I note the EPA website refers to the Rogary Stream and nearby watercourses have been assigned a "moderate" ecological status. Under the WFD, this is deemed

inadequate, as all water bodies are required to achieve "good" status by 2027. The EPA has identified agriculture as the principal pressure on these watercourses. However, I note the application site lies within the Clones Groundwater Body, which is classified as having "good" overall status.

- 7.2.4. The proposed development entails the demolition of an existing agricultural shed (405m²) and the construction of a new slatted livestock shed (1,110m²) incorporating underground effluent storage and cubicles, within the curtilage of an existing farmyard. The shed is intended to modernise the farm's infrastructure and improve animal housing and manure management, in line with sustainable farming practices. Effluent generated within the slatted area will be collected in an underground tank. The applicant has confirmed that livestock numbers will not increase as a result of this development. This is supported by documentation submitted in response to the Clarification of Further Information request, which demonstrates that the current stocking rate of 148 kg N/ha remains below the statutory threshold of 170 kg N/ha.
- 7.2.5. In term of surface water runoff from the proposed development will discharge to a ditch located along the southwestern boundary. A dedicated surface water drainage system is shown on the revised Site Layout Plan, ensuring that uncontaminated water from roofs and clean areas is managed separately from effluent, in accordance with Department of Agriculture and Food specifications (S129 – Farmyard Drainage).
- 7.2.6. The proposed land-spreading areas have also been assessed in terms of groundwater vulnerability. The application site is classified as having low to moderate vulnerability, while mapped spreadlands range from low to high. Neither the site nor its spreadlands lie within a Source Protection Area. The EPA's Groundwater Protection Response Matrix categorises land-spreading in areas of moderate to high vulnerability as R1, indicating acceptability subject to good agricultural practice. No land-spreading is proposed in areas of extreme groundwater vulnerability.

- 7.2.7. The proposal involves the land-spreading of organic manures such as slurry or fertiliser across 99.95 hectares of agricultural land. This complies with the statutory organic nitrogen loading limit of 170 kg N/ha, as set out in the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2022 and is acceptable. The development must be constructed and operated in accordance with these regulations. Land-spreading is regulated under S.I. No. 113/2022 – European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- 7.2.8. Having regard to the foregoing, I am satisfied that the risk to surface or groundwater bodies either during construction or operation is negligible, provided mitigation measures are implemented. During construction, silt traps and scheduling of works during dry weather periods will help prevent sedimentation and pollution. During operation, slurry application will be subject to the controls established by the Good Agricultural Practice for Protection of Waters Regulations 2022.
- 7.2.9. Accordingly, I conclude based on objective evidence that the proposed development will not result in the deterioration of any water body (rivers, lakes, groundwater, transitional or coastal) nor jeopardise achievement of WFD objectives. Further assessment in this regard is therefore unnecessary. I note that livestock numbers will remain within the 170 kg N/ha limit and the application of slurry from the proposed shed will remain regulated under S.I. No. 113/2022 (as amended).
- 7.2.10. Potential risks to water quality during the construction and operational phases of the proposed shed and effluent tanks are also addressed in the Appropriate Assessment Determination (see Appendices 2 & 3). Mitigation measures outlined in the NIS must be strictly adhered to in order to prevent pollution and safeguard nearby watercourses and designated Natura 2000 sites. Subject to these controls, I am satisfied that the proposed development will not give rise to water pollution.

7.3. Environmental Impact Assessment

- 7.3.1. I note the third-party submission to the PA raised concerns with regard to Environmental Impact Assessment. Please refer to section 8.0. Environmental Impact Assessment Screening where I have addressed EIA.

7.4. Appropriate Assessment

- 7.4.1. The grounds of the appeal states that An Bord Pleanála must conduct an Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive. Please refer to section 9.0 where I have addressed AA.

8.0 Environmental Impact Assessment

- 8.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

9.0 Appropriate Assessment

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Lough Oughter and Associated Loughs SAC 000007 and Lough Oughter Complex SPA 004049 in view of the conservation objectives of a number of qualifying interest features of those sites.

9.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required. Refer to Appendix 2 – Screening for Appropriate Assessment.

9.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Oughter and Associated Loughs (SAC 000007) and the Lough Oughter Complex (SPA 004049) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

9.4. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Lough Oughter and Associated Loughs (SAC 000007) and the Lough Oughter Complex (SPA 004049) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.

Refer to Appendix 3 – Appropriate Assessment

10.0 Recommendation

10.1. I recommend that permission should be GRANTED for the reasons and considerations as set out below.

11.0 Reasons and Considerations

11.1. The proposed development of a slatted shed is supported by the provisions of the Cavan County Development Plan 2022 – 2028, in particular Section 12.8, which supports the provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice. It is considered that, subject to conditions outlined below, the proposed development would not seriously injury the visual or residential amenity of the area, would not be likely to have a significant effect on European sites, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

	Reason: To protect the integrity of European Sites.
3.	Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of visual amenity.
4.	Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the Planning Authority for such works and services. In this regard - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways. (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the Planning Authority, 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 2022, as amended shall be strictly adhered to. Reason: In the interest of public health.
5.	All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

	Reason: In the interest of public health.
6.	All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road. Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.
7.	All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road. Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.
8.	a. All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the site boundary. b. The effluent storage tanks must be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks. c. The livestock shed must be constructed in accordance with the minimum specification document issued by the Department of Agriculture,

	Food and the Marine, S101 Minimum Specification for Agricultural Buildings. d. All new buildings must be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2022. Reason: In the interest of public health.
9.	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 2022 (S.I. No. 393/2022) (as amended). Where slurry or manure generated by the proposed development is moved to other locations, details of such movements are to be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. No. 393/2022) (as amended). Where a slurry or manure is removed by a third party, by agreement, to be landspread 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.
10.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of

	the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
--	--

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gerard Kellett
Planning Inspector
29th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321672-25		
Proposed Development Summary	Demolition of agricultural building, construction of slatted livestock house and all associated site works		
Development Address	Kilnacranagh, Milltown, Belturbet, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√	Alteration/extension to the existing dwelling is not specified as a Class of Development as per the regulations	No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes			

Inspector: _____ Date: _____

Appendix 2 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Description of the project and local site characteristics Case File: ABP-321672-25				
Brief description of project	Demolition of agricultural building, construction of slatted livestock house and all associated site works			
Brief description of development site characteristics and potential impact mechanisms	It is proposed to demolish an agricultural building (405sqm) and the construction of one number slatted livestock shed (1,100sqm) with underground manure storage (2.4 metres depth) and cubicles. The proposed shed would broadly measure 30 metres x 34 metres with an overall height at 9.9 metres. A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant. The Lough Oughter and Associated Loughs SAC is c1.3 km to the east			
Screening report	Yes (Prepared by Noleen Mc Loughlin)			
Natura Impact Statement	Yes			
Relevant submissions	The Development Applications Unit has been consulted on behalf of the Department of Housing, Local Government and Heritage (DHLGH) however no comments have been received to date.			
Identification of relevant European sites using the Source-pathway-receptor model Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I have only included those sites with any possible ecological connection or pathway in this screening determination.				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening Y/N
Lough Oughter and Associated	Natural eutrophic lakes with Magnopotamion or	1.3km east of the application Site	Indirect (proximity and via drainage channel)	Y

Loughs SAC 000007	Hydrocharition-type vegetation Bog woodland Otter <i>Lutra lutra</i> https://www.npws.ie/			
Lough Oughter Complex SPA 004049	Great Crested Grebe (<i>Podiceps cristatus</i>) Whooper Swan (<i>Cygnus cygnus</i>) Wigeon (<i>Anas penelope</i>) Wetlands & Waterbirds https://www.npws.ie/	1.8km south- east of the Application Site	Indirect (proximity and via drainage channel)	Y

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

The likely effects of the proposed agricultural development at Kilnacranagh, Milltown, Belturbet, Co. Cavan, are primarily related to potential impacts on water quality and the surrounding environment. These effects are categorised as follows:

Sources of impact and likely significant effects are detailed in the Table below.

Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Oughter and Associated Loughs SAC 000007	Indirect pathway to SAC Deterioration of water quality in designated areas arising from	Pollution Risks: Site preparation and construction

	pollution to surface water or ground water during site preparation and construction. Deterioration of water quality in designated areas arising from pollution to surface water or ground water during the operation of the site. Deterioration in water quality in designated areas arising from the inappropriate land-spreading of the slurry / fertiliser.	activities, such as demolition, excavation, and pouring concrete, could lead to pollution of local watercourses with silt, oil, cement, and other contaminants. This could negatively affect the habitats and species in the Lough Oughter. Impact on Protected Species: Reduced water quality could harm aquatic habitats and species, including otters and bird species dependent on the SAC. Surface Water Run-Off: Oil or slurry-contaminated surface water run-off from the farmyard could pollute local watercourses. Eutrophication Risks: Inappropriate land-spreading of manure could lead to nutrient enrichment of water bodies, causing eutrophication, algal blooms, fish kills, and loss of biodiversity. Spread lands are located upstream or adjacent to sensitive habitats, increasing the risk of water pollution affecting the SAC/SPA.
--	---	--

	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Lough Oughter Complex SPA 004049	As above	Disturbance during construction. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability. Birds: Deterioration in water quality could indirectly affect bird species listed as Qualifying Interests (QIs) of the SPA by impacting the ecosystems they depend on.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Lough Oughter and Associated Loughs SAC 000007 and Lough Oughter Complex SPA 004049.		

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 objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the **Lough Oughter and Associated Loughs SAC 000007 and Lough Oughter Complex SPA 004049** in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

Appendix 3 – Appropriate Assessment

Lough Oughter and Associated Loughs (SAC 000007):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction and during the operation of the site.
- (ii) Deterioration in water quality in designated areas arising from the inappropriate land-spreading of the slurry / fertiliser.

See section 4.2 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) NIS SECTION 6 of NIS
Natural Eutrophic Lakes with Magnopotamion & Hydrocharition-type Vegetation	Maintain favourable conservation condition	Site preparation and construction activities, such as demolition, excavation, and pouring concrete, could lead to pollution of local watercourses with silt, oil, cement, and other contaminants. Slurry-contaminated surface water run-off from the farmyard could pollute local watercourses. Inappropriate land-spreading of manure could lead to nutrient enrichment of water	Pre-Construction and General Construction: Application of industry standard controls. Best practice pollution control measures: Any constructional run-off from the site towards watercourses or gullies that surround the site should be intercepted as it is vital that there is no deterioration in water quality in any of the water courses that surround the site. The collected waste/water/foul effluent will be spread on the

		bodies, causing eutrophication, algal blooms, fish kills, and loss of biodiversity.	agricultural fields within the associated landholding in accordance with standard agricultural protocols regarding environmental protection including application of chemical fertiliser prohibited from 15th September to 26th January.
Bog woodland	Maintain favourable conservation condition	The proposed development will not give rise to any loss or fragmentation of any bog woodland habitats, and there is no ecological connectivity between the application site and this woodland habitat within the SAC.	Spreading of cattle slurry prohibited from Mid-October to Mid-January. Cattle slurry not to be spread within 5m of any watercourse. Weather conditions to be considered to prevent nutrient runoff.
Otter <i>Lutra lutra</i>	Maintain favourable conservation condition	Reduced water quality could harm aquatic habitats and species, including otters.	

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction and during the operation of the site.

Deterioration of Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where contaminated surface water reaches the drainage ditch. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality. Furthermore, the submitted NIS makes reference to the Water Framework Directive (WFD) where all water bodies must achieve good status by 2027.

The application site is within the Erne Hydrometric Area (36), Catchment (36), Sub-Catchment (030) and Sub-Basin (080). There are no drains or streams immediately within or adjacent to the application site itself; however, the Rogary Stream is 236m north-east of the site, whilst tributaries of this stream are closer. This stream flows out of Uragh Lough and it

flows in a convoluted direction until it joins the River Erne and the Lough Oughter system. In addition, the lands identified for the receipt of manure are also adjacent to this stream, as well as other water features in the locality. All lands identified for land-spreading are within the Erne catchment.

I note the EPA has defined the ecological status of the Rogary Stream and the other watercourses that are close to the application site and its spreadlands as moderate. The application site is also within the Clones Groundwater Body and the overall status of this groundwater body is good.

The proposed land-spreading areas were also assessed in terms of their groundwater vulnerability. The groundwater vulnerability of the application site itself is noted to range from low-moderate, whilst that of the mapped spreadlands varies from low to high. The site and its spreadlands are not located in a Source Protection Area and the Groundwater Protection Response Matrix for Land-spreading is therefore noted as R1 in the areas of moderate to high vulnerability (source EPA). This means that land-spreading is acceptable in these areas subject to normal good practice. There is no land-spreading proposed in any area of extreme groundwater vulnerability or where bedrock occurs at the surface. The location of the application site and spread lands in relation to groundwater vulnerability is shown in Figure 5 page 21 of the submitted NIS.

Mitigation measures and conditions

See Section 6 of NIS

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), supervision by an Ecological Clerk of works, application of specific mitigation measures and monitoring effectiveness of measures. Detail is provided on sediment control, concrete and hydrocarbon control, an emergency response plan and general biosecurity measures. Measures include:

- Site preparation and construction must be confined to the development site only and it must adhere to all the mitigation measures outlined in this NIS. Work areas should be kept to the minimum area required to carry out the proposed works and the area should be clearly marked out in advance of the proposed works.

- The site engineer and the contractors must be made aware of the ecological sensitivity of the site and its connection to the Lough Oughter and Associated Loughs SAC / SPA.
- The construction and operation of the proposed development must comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. 113 of 2022).
- Guidelines within the Department of Agriculture's Explanatory Handbook for Good Agricultural Practice Regulations must also be followed.
- Manure, slurry and soiled water storage facilities should be constructed to Department of Agriculture, Food and The Marine specifications. They should be certified by an engineer before use and inspected regularly.
- Management of construction pollutants in terms of standard and best practice (CIRIA, storage, fuelling, management of machinery, concrete management) and IFI guidance
- Silt and hydrocarbon interceptor at surface water discharge points.
- Best practice concrete / aggregate management measures must also be employed on site.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in the submitted NIS.

(ii) Deterioration in water quality in designated areas arising from the inappropriate land-spreading of the slurry / fertiliser.

As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for Natural Eutrophic Lakes with Magnopotamion & Hydrocharition-type Vegetation, Bog woodland and Otter Lutra lutra.

In order to avoid any reductions in water quality within the catchment as a whole, all organic fertilisers must be used in accordance with S.I. 113 of 2022 European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022).

Mitigation measures and conditions

See Section 6 of NIS

- During operation, the site layout plan indicates there no be no soiled water run-off into any local drain or watercourse.
- Manure should only be spread in accordance with the Nutrient Management Plan for the farm and in accordance with S.I. 113 of 2022.
- No land-spreading is within any designated site. Figure 6 of the NIS provides a map of the spread lands and the SAC / SPA and field parcels within the Lough Oughter SAC / SPA which are be excluded.
- Manure should not be spread in areas of extreme vulnerability or where bedrock occurs at the surface. Manure should not be spread in areas of extreme groundwater vulnerability unless a consistent minimum thickness of 1m of soil and subsoil is demonstrated according to the Geological Survey Ireland Response Matrix for Land spreading.
- The amount of livestock manure applied in any year to land on a holding, together with that deposited to land by livestock, shall not exceed an amount containing 170 kg nitrogen per hectare. This was confirmed by the applicant in the further information receive by the PA.
- Avoidance measures include a protective buffer zones in areas identified for land-spreading, a minimum buffer zone of 10m for any main river channels and 5m for smaller watercourses should be adhered to at all times during the application of effluent. Buffer zones to be increased depending on the gradient of the land. In addition, when the waterbody is with 1km upstream of a water dependent designated site (SAC / SPA) the buffer for a river would be increased to 20m while a stream should be increased to 10m
- Manure should not be applied within 3m of open field drains or ditches in accordance with Good Agricultural Practice for Protection of Water 2017 S.I. 605 of 2017.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in the NIS.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The NIS identifies one other development in the Kilnacranagh townland within the last five years (Planning File Ref: 21/500), which was a domestic development screened for Appropriate Assessment. No significant in-combination effects are expected from this development.

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for **Lough Oughter and Associated Loughs (SAC 000007)**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the **Lough Oughter and Associated Loughs (SAC 000007)**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Lough Oughter Complex (SPA 004049):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction and during the operation of the site.**
- (iii) Deterioration in water quality in designated areas arising from the inappropriate land-spreading of the slurry / fertiliser.**

See section 4.2 of the NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) NIS SECTION 6 of NIS
Great Crested Grebe (Podiceps cristatus)	Maintain favourable conservation condition Long term population trend stable or increasing	The proposed development will not lead to any direct impacts or effects upon the bird species that are listed as QIs of this SPA. There will be no direct loss or fragmentation of their habitats within the SPA. However, any deterioration in water quality in the local watercourses surrounding the site or its spread lands could indirectly affect these bird species and the habitats and ecosystems that they depend on	Pre-Construction and General Construction: Application of industry standard controls. Best practice pollution control measures: Any constructional run-off from the site towards watercourses or gullies that surround the site should be intercepted as it is vital that there is no deterioration in water quality in any of the water courses that surround the site. The collected cattle slurry will be spread on the agricultural fields within the associated landholding in accordance with standard agricultural

		Site preparation and construction activities, such as demolition, excavation, and pouring concrete, could lead to pollution of local watercourses with silt, oil, cement, and other contaminants. Slurry-contaminated surface water run-off from the farmyard could pollute local watercourses. Inappropriate land-spreading of manure could lead to nutrient enrichment of water bodies, causing eutrophication, algal blooms, fish kills, and loss of biodiversity.	protocols regarding environmental protection including application of chemical fertiliser prohibited from 15th September to 26th January. Spreading of cattle slurry prohibited from Mid-October to Mid-January. Cattle slurry not to be spread within 5m of any watercourse. Weather conditions to be considered to prevent nutrient runoff.
Whooper Swan (Cygnus cygnus)	Maintain favourable conservation condition Long term population trend stable or increasing	The proposed development will not give rise to any loss or fragmentation of any bog woodland habitats, and there is no ecological connectivity between the application site and this woodland habitat within the SAC.	

Wigeon (Anas penelope)	Maintain favourable conservation condition	Reduced water quality could harm aquatic habitats and species.	
Wetlands & Waterbirds	Maintain favourable conservation condition	Reduced water quality could harm aquatic habitats and species.	

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction.

As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for the Great Crested Grebe (*Podiceps cristatus*), Whooper Swan (*Cygnus cygnus*), Wigeon (*Anas penelope*) and Wetlands & Waterbirds.

Mitigation measures and conditions

See Section 6 of NIS

As above

I am satisfied that the preventative measures as outlined above for the SAC which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in the submitted NIS.

(ii) Deterioration in water quality in designated areas arising from the inappropriate land-spreading of the slurry / fertiliser.

As above for SAC. Maintenance of good water quality is an attribute required to maintain favourable conservation condition for the Great Crested Grebe (*Podiceps cristatus*), Whooper Swan (*Cygnus cygnus*), Wigeon (*Anas penelope*) and Wetlands & Waterbirds.

Mitigation measures and conditions

See Section 6 of NIS

As above

I am satisfied that the preventative measures as outlined above for the SAC which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in the NIS.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The NIS identifies one other development in the Kilnacranagh townland within the last five years (Planning File Ref: 21/500), which was a domestic development screened for Appropriate Assessment. No significant in-combination effects are expected from this development.

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for **Lough Oughter Complex (SPA 004049)**. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the **Lough Oughter Complex (SPA 004049)**. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the **Lough Oughter and Associated Loughs (SAC 000007) and the Lough Oughter Complex (SPA 004049)** in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the **Lough Oughter and Associated Loughs (SAC 000007) and the Lough Oughter Complex (SPA 004049)** can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure application of these measures.