

An
Coimisiún
Pleanála

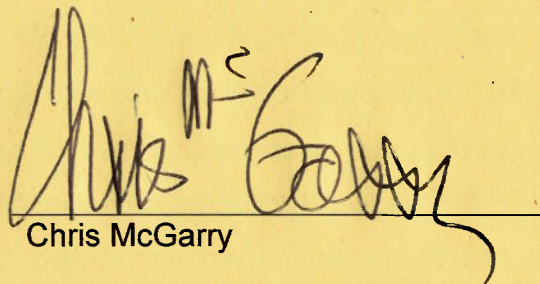
Direction
CD-022082-26
ABP-320725-24

The submissions on this file and the Inspector's reports were considered at meetings held on 31/03/2025, 29/05/2025, 04/12/2025, 11/02/2026 and 31/03/2026.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:



Chris McGarry

Date: 10/04/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the modest nature, scale and extent of the development for which retention permission is sought, to the location of the development within an established agricultural holding, to the pattern of development in the area, to the relevant provisions of the development plan which support agricultural development, to the details submitted with the application and appeal and the submissions made by the third party, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would not be seriously injurious to the amenity of the area, including the amenity of adjoining properties, would not be prejudicial to public health, would be acceptable in terms of

impact on the environment, including management of water, and would constitute an appropriate form of agricultural development at this rural location. The development for which retention permission is sought would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted and shared the opinion of the inspector that *'there is little likelihood of the development impacting on public health if the soiled water collection system is implemented as proposed and I reach that conclusion as the scale of the development would not generate significant quantities of waste and the aquifer underneath does not produce significant quantities of groundwater'*. The sole recommended reason for refusal related to a concern regarding absence of clarity regarding the presence and location of potable wells in the area. This issue itself arose from the commentary of the third party, to the effect that a potable well was located on their landholding close to the location of the development for which retention permission was sought. As this was the only source of argument that such a well existed (the applicant reported otherwise) the Commission determined that in the interests of natural justice and to protect the integrity of the planning system, the third party should be given the opportunity to provide measurable evidence of the location of the referenced well, so as to underpin their stated argument. Having considered the response of the third party received by date 10/03/2026, the Commission noted that no such measurable evidence was provided. In this context, the Commission determined that a full weighting should be given to the totality of evidence available on file including the submissions of the applicant and the reports of the planning authority and the submissions of the third party. On the basis of the information on file, the Commission concluded that there is no evidence that a potable well exists in proximity to the development for which retention permission is sought. In this regard it therefore determined that a grant of retention permission would be appropriate by reference to the full available detail on file.

Conditions

ADD IN

NORMAL CONDITION No. 1

2. 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) all uncontaminated roof water 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.
 - (b) all run off from the dungstead shall be channelled via the soiled water drainage channel and collection system and storage tank as set out in the application documentation. No soiled waters or slurry shall discharge or be allowed to discharge to any surface water drainage system, stream, watercourse or to the public road.

Reason: In the interest of environmental protection and public health.

ADD IN SECTION 48 CONDITION.