

An
Bord
Pleanála

Board Order
ABP-313417-22

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: 21590

Appeal by Padraig Nally of 3 Pinewood Close, Roscommon Road, Athlone, County Westmeath against the decision made on the 1st day of April, 2022 by Roscommon County Council to grant subject to conditions a permission to Margaret Kennedy care of Tobin Consulting Engineers of Fairgreen House, Fairgreen Road, Galway.

Proposed Development: Cattle pen and crush together with roadside parking area, land access gate and boundary walls at Slevinagee, Antogher Road, Roscommon Town, County Roscommon. The proposed development was revised by further public notices received by the planning authority on the 11th day of March, 2022.

Decision

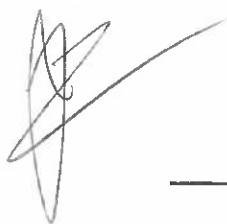
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the reports on file, it is considered that the proposal would not compromise the receiving environment, particularly the River Jiggy, subject to a buffer zone being created and compliance with the conditions set out below. In coming to its determination, the Board considered the policy objectives of the Roscommon County Development Plan 2022-2028, (including NH 10.19 and NH 10.20) as well as the nature of the proposed development being an agricultural structure subject to infrequent use. The Board also considered that the proposed development would not adversely affect the nearby protected structure, nor would it impinge on any future proposals regarding access to the historic burial ground. The Board was satisfied that, subject to compliance with the conditions set out below, the developer could fully comply with best agricultural practices in relation to the provision and ongoing management of a cattle crush and pen.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the following aspects –

- (a) the removal of the western stone wall to fully facilitate the buffer zone,
- (b) the distance of the proposed soakpits/drains from adjacent watercourses, and
- (c) the establishment of a 10 metre riparian buffer grassed zone.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of February, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A silt barrier shall be retained along the length of the western site boundary along the banks of the River Jiggy for one calendar year from the date of this Order or until the works associated with the Roscommon Town Main Drainage Scheme are completed, whichever is the sooner.

Reason: To preserve the water quality of the River Jiggy.

3. A stock-proof fence shall be maintained along the River Jiggy at a distance of 1.5 metres from the bank of the river.

Reason: In the interest of public health and to preserve the water quality of the River Jiggy.

4. The area between the western boundary wall and the River Jiggy shall be grassed and seeded, once the hardcore is removed from this area upon completion of the works associated with the Roscommon Town Main Drainage Scheme.



Reason: To preserve the water quality of the River Jiggy.

5. Prior to commencement of development, the riparian zone at the banks of the River Jiggy shall be reinstated and a 10 metre buffer zone shall be established from the top of the river bank slope. The stone wall proposed in the western portion of the site shall be omitted in order to facilitate the buffer zone. The buffer zone shall be free of cultivated gardens, fencing and buildings.

Reason: To preserve the water quality of the River Jiggy.

6. The proposed pen and crush area shall be used for the loading, unloading and routine veterinary care of livestock only. It shall not be used for the provision of supplementary feeding, hay, silage, meal or mineral supplements to livestock.

Reason: In the interest of orderly development.

7. Inspection manholes shall be installed on all surface water collection systems/pipelines prior to their discharge point to all soakpit(s).

Reason: In the interests of public health and amenity.

8. The proposed pen holding and crush areas shall be cleaned down after each use to prevent the accumulation of organic fertilisers. All organic fertilisers arising as a result shall be collected, stored and land spread in accordance with the provisions of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017 and any subsequent amendments of these Regulations.

Reason: In the interests of public health and amenity.



9. All surface water run-off from this development shall be collected and disposed of within the site to specifically designed soakpits/drains or adjacent watercourses. In particular, no such water run-off shall be allowed to flow onto the public road or adjoining properties.

Reason: In the interests of orderly development and public safety.

10. Existing road drainage shall not be impaired by the proposed development of the access and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. The developer shall be responsible for the cost of any repairs to the public road deemed necessary as a result of any damage done to this road, to facilitate the development hereby granted.

Reason: To prevent damage to the public road in the interest of traffic safety.



Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 28TH day of July 2023.