



An  
Bord  
Pleanála

## Board Order ABP-320821-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Tipperary County Council**

**Planning Register Reference Number: 24/60535**

**Appeal** by Gerard Costello care of J. Brendan Quigley and Company of Borrisokane, County Tipperary against the decision made on the 19<sup>th</sup> day of August, 2024 by Tipperary County Council to grant subject to conditions a permission to Gary and Marian Tooher care of McLoughney Surveying Group of Ballynamire, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new farm building to accommodate a new milking parlour, dairy, livestock handling facilities, livestock collection area with an underground slatted soiled water storage tank, livestock housing with cubicles and two underground slatted slurry storage tanks, calving pens with solid concrete floors, livestock separation pens with solid concrete floors and external meal silo, all completed with associated site works. Construction of a new farmyard manure storage pit completed with associated site works. Decommissioning, emptying and removal from site of the existing septic tank system and percolation area associated with a derelict dwellinghouse on site completed with associated site works, all at Ballyoughter, Rathcabbin, Roscrea, County Tipperary.

## Decision

**GRANT permission for the 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 provisions of the Tipperary County Development Plan 2022-2028, the location of the proposed development within open countryside and within the confines of an existing farm yard, and having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of properties or farm activities in the vicinity, would be acceptable in terms of amenity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 received by the planning authority on the 1<sup>st</sup> day of July, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

**Reason:** In the interest of environmental protection.

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 2022, as amended), or to a slatted tank. Drainage details in this regard 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 environmental protection and public health.

4. 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.

5. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or ground waterbody either at construction or operational phase, the planning authority and Inland Fisheries Ireland shall be notified by the developer as soon as is practicable. A copy of the clean-up plan shall be submitted by the developer to the planning authority.

**Reason:** In the interest of public health.

6. The building shall be used for agricultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

**Reason:** In the interest of orderly development and the amenities of the area.

7. 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.

  
MaryRose McGovern

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

Dated this 22 day of January 2025.