

An
Coimisiún
Pleanála

Commission Order
ABP-322231-25

Planning and Development Act 2000, as amended

Planning Authority: Roscommon County Council

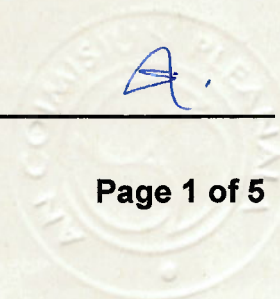
Planning Register Reference Number: 2460341

Appeal by Eamonn Mitchell of Peake, Ballinagare, Castlerea, County Roscommon against the decision made on the 13th day of March, 2025 by Roscommon County Council to grant permission, subject to conditions, to Hubert Maxwell of Gortnagoyne, Ballinagare, Castlerea, County Roscommon in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to construct agricultural shed for straw storage together with all associated site works at Gortnagoyne, Ballinagare, Castlerea, County Roscommon as revised by further public notices received by the planning authority on the 10th day of December, 2024.

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 condition(s) set out below.



Reasons and Considerations

Having regard to National Policy Framework (2025) Objective 30, the provisions set out in Section 12.20 (Agricultural Development) of the Roscommon County Development Plan 2022-2028, the established agricultural use of the site and its location within a rural area, the character and pattern of development in the area, and the scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously detract from the amenities of the area, and would be acceptable in terms of effluent storage and disposal proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by the planning authority on the 19th day of November 2024 and the 17th day of February 2025, 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. The buildings shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or for the housing of animals 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.

3. 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 existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. The farmyard and all sheds housing animals shall be maintained in accordance with the specifications as issued by the Department of Agriculture, Farming and the Marine and referenced in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended. The slatted sheds on site shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the Planning Authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended, and shall provide, but not be limited to, the following:
 - (a) Details of the number and types of animals to be housed.

- (b) Arrangements for the cleansing of the buildings and structures (and the public road where relevant).

Reason: In order to avoid pollution and to protect residential amenity

- 5. 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. Prior to the commencement of development, the developer shall submit details for the disposal of surface and soiled water from the site for the written agreement of the planning authority. In this regard -

- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways. Only clean, uncontaminated storm water shall be discharged to the soakpits.
- (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 environmental protection and public health.

6. 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 Coimisiún 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.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this ^{8th} day of August 2025