

An
Coimisiún
Pleanála

**Commission Order
PL-500653-DL**

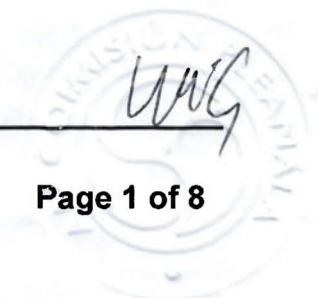
Planning and Development Act 2000, as amended

Planning Authority: Donegal County Council

Planning Register Reference Number: 25/60550

Appeal by Mary Nolan against the decision made on the 19th day of December, 2025 by Donegal County Council to grant subject to conditions a permission to the Minister for Agriculture, Food and the Marine in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new transfer to laboratory building, installation of a proprietary wastewater treatment system, enclosed yard, new gates, access roadway, modification to existing farm entrance, plus associated site works, all adjacent to the existing farmyard at Tops Farm, Tops, Raphoe, Lifford Po, County Donegal.

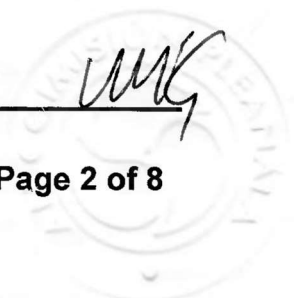


Decision

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 regards to the established pattern of development in the area, and the policy framework provided by the Donegal County Development Plan 2024-2030, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the character of the existing Department of Agriculture, Food and the Marine farm and laboratory at this location, would not have an adverse impact on the visual amenities of the area or the archaeology of the area, and would not impact on any European Sites. The proposed development 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 planning application, as revised by the further plans and particulars received by the planning authority on the 28th day of November, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall not be open to the public and shall be by appointment only between the hours of 10am and 12pm Mondays to Fridays. The proposed development shall not be open on weekends or public holidays.

Reason: In the interest of clarity and the protection of the amenity of the area.

3.
 - (a) The proposed development shall only receive recently deceased carcasses (within 24 hours) and samples referred for investigation by a veterinary practitioner.
 - (b) At no stage shall any animal carcass be offloaded or handled outside of the building.

(c) No animal carcass shall be sampled, opened, dissected or autopsied on the subject site.

Reason: In the interest of clarity and the protection of the amenity of the area.

4. The wash down tank and wheel wash shall be suitably sized and shall be monitored and managed by staff of the Department of Agriculture Food and the Marine. Where disinfectants are used, the wash down tank and wheel wash sumps/tanks shall be emptied and disposed of by an appropriately licensed waste handling company to the satisfaction of the planning authority.

Reason: To ensure that contaminated water does not discharge to ground or surface water.

5. No development shall commence on the site until such time as full details have been agreed with the planning authority, and all works shall be completed by the developer to the satisfaction of the planning authority. Such details shall include:

(a) A storm water drainage plan and storm water management plan.

(b) Details of the appropriately licensed waste handling company employed to empty and dispose of disinfectants within the wash down area and wheel wash.

Reason: In the interest of the protection of the natural environment, public health and the proper planning and sustainable development of the area.

6. (a) Effluent disposal from the staff facilities on site shall be in accordance with the Site Characterisation Form and the Site Suitability Report and the requirements of the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021.
- (b) The developer shall enter into a maintenance contract with the manufacturer/supplier of the wastewater treatment system to ensure satisfactory performance at all times.
- (c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million euro) stating that the wastewater treatment system has been installed in accordance with the EPA guidelines.

Reason: To avoid pollution and to ensure the proper servicing of the proposed development.

7. Prior to commencement of development, the developer shall ensure that permanent visibility splays of 50 metres in each direction to the nearside road edge at a point 2.4 metres back from the road edge at the location of the vehicular entrance where the private road adjoins the local road L-6244-1 are provided. Visibility in the vertical plane shall be measured from a driver's eye-height of 1.05 metres and two metres positioned at the set-back distance in the direct access to an object height of between 0.26 metres and 1.05 metres. Vision splays shall be calculated and provided as set out in Figure 16.2, Chapter 16 of the County Donegal Development Plan 2024-2030.

Reason: In the interest of traffic safety.

8. Prior to commencement of development and/ or occupation of the building, as applicable, a final Road Safety Audit(s) and/or Quality Audit(s) of the proposed development, including the main entrance, internal road and path layouts, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic and pedestrian safety.

9. (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the visual amenities of the area.

10. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Testing Report shall be implemented in full.

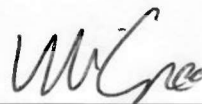
- (b) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Prior to commencement of development, all previously identified archaeological features and deposits shall be conserved by record (full excavation) prior to any ground works under the terms of an agreed Method Statement agreed by the Department. All topsoil stripping associated with the archaeological monitoring shall be carried out using a toothless flat grading bucket only.
- (c) Should further archaeological material be found during the course of construction works, the works on site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

12. 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.



Liam McGree

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



Dated this 19th day of MAY 2026.