



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317398-23

<b>Development</b>	Construction of a 5 bay slatted cattle shed together with all associated site works.
<b>Location</b>	Ardeevin, Castleplunkett, Castlerea, Co. Roscommon.
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	2374
<b>Applicant</b>	Sean Beirne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Wild Ireland Defence CLG.
<b>Observers</b>	DoHLGH
<b>Date of Site Inspection</b>	7 <sup>th</sup> March 2024
<b>Inspector</b>	Ian Campbell

## **1.0 Site Location and Description**

- 1.1. The appeal site is located on the southern side of a local access road (L-65182), which is accessed from the R367, c. 1.7 km east of Castleplunkett, Co. Roscommon. The appeal site is located in a rural area outside of a settlement.
- 1.2. The appeal site is relatively flat, has a stated area of 0.32 Ha. is broadly rectangular in shape and accommodates a cattle shed (stated floor area 324 sqm). Access to the appeal site is via a gated entrance onto the L-65182.
- 1.3. A drainage ditch/field drain bounds the appeal site to the west.
- 1.4. The closest dwellings to the appeal site are located c. 160 metres to the north-west and c. 210 metres to the east.
- 1.5. The adjoining lands are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary. The applicant's landholding is indicated in the particulars submitted as 59.71 Ha.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises;
  - A 5 bay slatted cattle shed (stated floor area c. 387 sqm. with a max. height of c. 6.6 metres).
    - Material finishes to the shed are indicated as a concrete and ventilated sheeting for external walls. The shed has a concrete base.
    - The shed comprises a straw bedded area, a slatted area and a feed passage. An effluent storage tank (300 m<sup>3</sup>/277 m<sup>3</sup> net) is located under the slatted area.
    - The proposed shed is located east of the existing shed.
  - Associated site works.
- 2.2. The planning application was accompanied by the following;
  - Nutrient Management Plan (refers to total grassland area of 59.71 Ha., notes that the farm is not availing of Nitrogen Derogation, and confirms compliance with nitrogen and phosphorus allowances).

### **3.0 Planning Authority Decision**

#### **3.1. Request for Further Information**

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information.

##### **3.1.1. Further Information was requested on the 4<sup>th</sup> of May 2023 as follows:**

Item 1: submit site layout plan indicating container on site, confirm use and planning status of structure, and if applicable timeframe for removal of structure from site.

Item 2: (a) submit details of how farmyard manure and spent silage is to be stored from both existing and proposed shed in accordance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended); and (b) confirm how it proposed to prevent the accumulation of manure in bedding.

Item 3: submit details of all existing and proposed stocking on the farm.

##### **3.1.2. Further information submitted on 15<sup>th</sup> of May 2023:**

Item 1: revised site layout plan submitted. Container is used for the storage of dry materials including tool and animal feed and will be removed when construction begins on the proposed shed.

Item 2: In relation to the storage of farmyard manure, the applicant confirmed that the only animals housed on a solid floored/strawbedded area will be late winter/early spring born suck calves, together with individual cows for a short 2-3 day period at calving time, and therefore relatively little farmyard manure will be produced, and with adequate straw bedding, this farmyard manure will be allowed to accumulate under the animals in the creep area, with excess seepage collected in the adjacent slatted tank. In relation to waste silage, only baled wilted silage/haylage will be used and therefore there will be very little extra waste left over and this will be stored under cover, within the existing slatted shed.

Item 3: In relation to stocking density on the farm, 2 tables (existing and proposed) have been submitted indicating details of stock numbers, waste produced, waste storage capacity and land spreading area. In relation to a given 18-20 week period,

the existing shed is indicated as accommodating 18 no. suckler cows, 5 no. store cattle and 30 no. weanlings, resulting in c.232 m<sup>3</sup> of effluent. Existing storage capacity is indicated as 374 m<sup>3</sup>. In relation to a given 18-20 week period, the proposed shed is indicated as accommodating 30 no. suckler cows and 22 no. calves, resulting in c.189 m<sup>3</sup> of effluent. Proposed storage capacity in the new shed is indicated as 277 m<sup>3</sup> (based on the Nutrient Management Plan I note that this is a net storage figure). The applicant indicates a surplus storage capacity of 230 m<sup>3</sup> (i.e. total storage capacity between both sheds of 374 m<sup>3</sup> + 277 m<sup>3</sup> = 651 m<sup>3</sup>, less effluent from existing shed i.e. c. 232 m<sup>3</sup>, less effluent from proposed shed i.e. c. 189 m<sup>3</sup>).

The applicant notes that there is a slight change in the stock numbers to be held on the farm, in that some extra weanlings will be held over the winter.

### 3.2. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 9<sup>th</sup> of June 2023 subject to 7 no. conditions. The following conditions are of note;

**C2** – provides that;

- (a) the number of animals to be accommodated in the development shall not exceed that for which adequate slurry storage capacity is provided in accordance with S.I. No. 31 of 2014, European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (as amended);
- (b) Provision shall be made to collect all soiled water, effluent from dungsteads, farmyard manure pits and silage pits;
- (c) Any storage tanks on site shall be maintained and managed so as to prevent run-off or seepage, directly or indirectly into surface and ground waters. The capacity of the storage tanks shall equal or exceed the capacity required to store all livestock effluent produced on the holding during the 18-week storage period. Provision shall also be made for adequate storage capacity likely to be required during periods of adverse weather conditions when the application of organic fertiliser to land is precluded;

- (d) The overall maximum fertilisation rates for nitrogen (i.e. organic and chemical fertilisers combined) shall not be greater than 170kg per hectare unless a derogation has been granted by the Department of Agriculture, Food & the Marine.
- (e) Organic fertiliser and farmyard manure shall only be spread on the areas submitted with this planning application. The spreading of fertiliser and / or manure in any other area is prohibited unless such spreading has first been approved in writing by the Planning Authority;
- (f) All spreading of organic fertilisers associated with this development shall be in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (as amended);
- (g) Soil analysis testing shall be carried out for all lands proposed for use or being used for land-spreading of waste generated by the existing and proposed development.
- (h) Waste shall not be disposed of by open burning. Wastes shall be recycled/reused where possible or otherwise shall be disposed of to a licensed landfill site. All wastes and by-products shall be stored in a designated and controlled area(s) prior to collection by an approved agent.

**C3** – concerns the storage and application of organic fertilizer or soiled water.

**C5** – requires installation of inspection manholes.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- 3.3.2. The first report of the Planning Officer generally reflects the issues raised in the request for Further Information. The report notes that the proposal is acceptable in terms of visual impact and will not give rise to any significant impacts on residential amenity. The proposal is also considered acceptable from the perspective of traffic safety. The report notes that spent silage and farmyard manure was observed being stored adjacent to the existing shed on the site with no proper effluent control or collection system.

Request for Further Information recommended.

- 3.3.3. The second report of the Planning Officer notes that the applicant's response to the Further Information request is acceptable.
- 3.3.4. The report of the Planning Officer recommends that permission is GRANTED consistent with the Notification of Decision which issued.
- 3.3.5. Other Technical Reports

Environment Department – **initial** report notes that spent silage and farmyard manure was observed being stored adjacent to the existing farmyard with no proper effluent control or collection system in place; that details of a dungstead/farmyard manure pit for the collection and storage of spent silage and bedding has not been submitted; that requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended apply; that the nutrient management plan is unclear in relation to livestock details; that clarification should be sought as to how the applicant proposes to store farmyard manure and spent silage arising from the housing of livestock, and that details should be sought in relation to how bedding is to be managed to avoid the accumulation of manure.

**Second** report recommends attachment of planning conditions in relation to the collection, storage and spreading of all organic fertilisers and effluent control.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

The report of the Planning Officer refers to 1 no. observation having been received in relation to the planning application. The observation refers to the Planning Authority's requirements, specifically to determine whether the proposal is in accordance with the proper planning and sustainable development of the area; whether likely environmental impacts will arise from the proposal; the requirements of the Habitats Directive; and also the Water Framework Directive. The observation notes that Appropriate Assessment is required noting the proximity of Mullygollan Turlough SAC.

## 4.0 Planning History

There is no recent relevant planning history associated with the appeal site.

## 5.0 Policy Context

### 5.1. National Policy

### 5.2. National Planning Framework

- 5.2.1. National Policy Objective 23 - facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

### 5.3. S.I. No. 113/2022 –European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022

- 5.3.1. The Regulations provide the relevant standards for the collection and disposal of farm yard manure to give effect to Ireland's Nitrates Action Programme for the protection of waters against pollution caused by agricultural sources.

### 5.4. Development Plan

- 5.4.1. The Roscommon County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Roscommon County Development Plan 2022-2028.

- 5.4.2 The provisions of the Roscommon County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Section 12.20 (Agricultural Development)

### 5.5. Natural Heritage Designations

- Mullygollan Turlough pNHA (Site Code 000612) – c. 990 metres north-east.

- Mullygollan Turlough SAC (Site Code 000612) – c. 1km north-east.
- Castleplunkett Turlough pNHA (Site Code 000598) – c. 890 metres west.
- Brierfield Turlough pNHA (Site Code 000594) – c. 620 metres east.

## 5.6. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore is not subject to EIA requirements. See Form 1 (attached).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision to grant permission. The grounds for appeal can be summarised as follows;

- On the basis of the Planning Authority's conclusion that "there could be a potential indirect impact" an Appropriate Assessment is required. The legal case for screening is found in AG Sharpston in the opinion to 259/11 to Sweetman & Others v An Bord Pleanála

*"it follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect."*

- This is implemented into Irish law by Finlay Geoghegan J. in Kelly -v- An Bord Pleanála [2014] IEHC 400 (25 July 2014) at "26. *There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s. 1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process which is well explained by Advocate General Sharpston in Case C-*



258/11 *Sweetman* at paras 47-49: "47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect."

- The threshold that any decision to grant permission must pass in this context is explained in paragraph 44 of CJEU Case 258/11 - *"So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."*
- The conditions attached to the grant of planning permission include that -
  - (e) *Organic fertiliser and farmyard manure shall only be spread on the areas submitted with this planning application. The spreading of fertiliser and / or manure in any other area is prohibited unless such spreading has first been approved in writing by the Planning Authority.*

The Planning Authority does not have the right in law to amend this condition without an Appropriate Assessment.

and

(f) *All spreading of organic fertilisers associated with this development shall be in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (as amended);*

This condition is not mitigation of the responsibilities of the Planning Authority under the Habitats Directive, as explained by the Courts of Justice of the European Union in Cases C-293/17 and C-294/17.

The Court (Second Chamber) ruled that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the grazing of cattle and the application of fertilisers on the surface of land

or below its surface in the vicinity of Natura 2000 sites may be classified as a 'project' within the meaning of that provision, even if those activities, in so far as they are not a physical intervention in the natural surroundings, do not constitute a 'project' within the meaning of Article 1(2)(a) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

The Planning Authority did not have regard to the law quoted above.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

An observation was received from the Department of Housing, Local Government and Heritage. The observation notes;

- the site is situated c. 1 km south-west of the Mullygollan Turlough SAC and pNHA, c. 630 metres west of the Brierfield Turlough pNHA and c. 860 metres north-east of the Castleplunket Turlough pNHA.
- habitat loss would appear not to be significant ecologically.
- emissions from the development during the operational phase have the potential to be the cause of pollution of ground and/or surface waters.
- it is surprising that, Roscommon County Council having identified a potential indirect impact on a Natura 2000 site, did not apply the precautionary principle and carry out an Appropriate Assessment, which would allow for cumulative impacts of other potential sources of water pollution (both existing and proposed) to be considered, along with those of the proposed development, at the catchment or sub-catchment level.
- the site is almost surrounded by turloughs therefore groundwater flow is important in the area. Roscommon County Council appear to have taken little notice of the two proposed Natural Heritage Area turloughs, both of which are closer to the site than Mullygollan Turlough SAC.

- given the sensitive nature of the general area, it would be advisable that an Environmental Impact Assessment screening be carried out.
- a detailed hydrological/hydrogeological study is required to determine the flows from the site of the proposed development, and from any lands on which it is proposed to dispose of/spread the waste from the proposed development, in order that the potential for negative impacts on local wetland sites can be properly assessed.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal and observation and having inspected the site, I consider that the main issues for consideration are;

- Water Quality
- Appropriate Assessment.
- Issues Arising

### **7.2. Water Quality**

7.2.1. The proposed development entails the construction of a cattle shed within the curtilage of an existing farm yead, adjacent to an existing cattle shed. The base of the proposed shed structure is formed by a concrete base. A concrete tank situated beneath the slatted area of the proposed will capture effluent. The applicant notes in the response to the Planning Authority's request for Further Information that the proposal results in a slight change in the stock numbers to be held on the farm, and that some extra weanlings will be held over the winter. The applicant has provided a breakdown of effluent generation and storage capacity on the site and notes that the proposed development results in 189 m<sup>3</sup> of effluent, and that there will be surplus storage capacity (of 230 m<sup>3</sup>) within the site/between both sheds to cater for the proposal. The applicant intimates that effluent generated from the proposed development is to be land spread. I note however that land spreading does not form part of the current planning application/appeal.

7.2.2. I have reviewed floodinfo.ie and note that the appeal site is not indicated as being subject to flooding. Geological Survey Ireland (GSI) mapping indicates that the appeal site is underlain by limestone bedrock and that the area has a 'High' Groundwater Vulnerability. The bedrock aquifer type is 'Regionally Important Aquifer - Karstified (conduit)'. Noting the characteristic of the appeal site and proximity to turloughs, and noting their respective designations, i.e. pNHA and SAC, I consider that the appeal site could be vulnerable to groundwater pollution.

7.2.3. It is stated that the proposed development will result in relatively little farmyard manure, and in relation to waste silage that only baled wilted silage/haylage will be used and therefore there will be very little extra waste left over and this will be stored under cover, within the existing slatted shed. The site plan submitted indicates that clean water from the roof gutters will be directed to an existing field drain via an underground pipe. The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022, as amended, sets out a general obligation to ensure that the capacity of storage facilities for livestock manure and other organic fertilisers, soiled water and effluents from dung sheds, farmyard manure pits, silage pits or silage clamps on a holding shall be adequate to provide for the storage of all such substances as are likely to require storage on the holding for such period as are required in the regulations in order to avoid pollution. I note that the applicant will be required to construct and operate the development in accordance with the specifications set out in these regulations. Subject to compliance with these requirements, I am satisfied that the proposed development would not give rise to groundwater pollution.

### **7.3. Appropriate Assessment (Screening)**

#### **7.3.1. Description of the project**

7.3.2. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The proposed development comprises the construction of a new agricultural slatted shed (387 sqm) and all associated site works. An effluent storage tank (300 m<sup>3</sup>/277 m<sup>3</sup> net) is located under the slatted area and will collect effluent from the cattle shed. The proposed shed is

indicated as accommodating 30 no. suckler cows and 22 no. calves. c.189 m<sup>3</sup> of effluent will be generated by the proposed shed. A concrete tank situated beneath the slatted area of the proposed will capture effluent. There will be surplus storage capacity (of 230 m<sup>3</sup>) within the site/between both sheds to cater for the proposal. Roof drainage from the proposed slatted shed is to be directed to an existing field drain via an underground pipe.

The subject site is located 1 km south-west of Mullygollan Turlough SAC (Site Code 000612). A drainage ditch/field drain runs along the western boundary of the site. Based on the EPA website this ditch does not connect to Mullygollan Turlough SAC. The appeal site is not indicated as being subject to flooding. The appeal site is underlain by limestone bedrock and the area has a 'High' Groundwater Vulnerability. The bedrock aquifer type is 'Regionally Important Aquifer - Karstified (conduit)'.

I note the grounds of the third-party appeal which states that the possibility of an indirect impact arising from the proposed development, as indicated by the Planning Authority, generates the need for an Appropriate Assessment for the purposes of Article 6(3). The appeal submission also refers to case law in relation to the requirement for assessments carried out under Article 6(3) of the Habitats Directive not having lacunae, containing complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Additionally, an observation from the Department of Housing, Local Government and Heritage notes that emissions from the development during the operational phase have the potential to cause pollution of ground and/or surface waters, that an Appropriate Assessment would allow for cumulative impacts of other potential sources of to be considered, and that a detailed hydrological/hydrogeological study is required to determine the flows from the site of the proposed development.

### 7.3.3. Potential Impact Mechanisms

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following are considered to be the relevant potential impact mechanisms:

- The uncontrolled release of pollutants to ground water (e.g. run-off, silt, fuel, oils, concrete etc.) during the construction of the proposed shed and slurry tank and subsequent impacts on water quality sensitive habitats of Mullygollan Turlough SAC (Site Code 000612).
- Potential for the release of effluent generated by the proposal at operational stage to ground water and subsequent impacts on water quality sensitive habitats of Mullygollan Turlough SAC (Site Code 000612).

While there is no apparent direct surface water hydrological connection to Mullygollan Turlough SAC, noting the prevalence of turloughs in the vicinity of the appeal site, the underlying limestone bedrock and the bedrock aquifer type i.e. 'Regionally Important Aquifer - Karstified (conduit)' there is a potential pathway between the appeal site and Mullygollan Turlough SAC via ground water.

European Sites at Risk from proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Indirect groundwater pollution	Infiltration to groundwater	Mullygollan Turlough SAC (Site Code 000612) <sup>1</sup>	Turloughs [3180]

#### 7.3.4 Likely Significant Effects on European Sites (alone)

The proposal would not require significant excavations, save for limited groundworks associated with the construction of the shed. At construction stage, standard best practice construction measures will prevent pollutants entering groundwater. Even if these standard construction measures should not be implemented or should they fail to work as intended, the potential indirect hydrological link represents a weak ecological connection given the distance to Mullygollan Turlough SAC (i.e. c. 1km at its closest point). As such, should any pollutants enter groundwater they will be subject to dilution and dispersion, rendering any significant impacts on water quality within

<sup>1</sup> The Conservation Objective for Mullygollan Turlough SAC can be found at [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000612.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000612.pdf)

Mullygollan Turlough SAC unlikely. At operational stage, effluent generated within the slatted shed is directed to the underground tank. I note that this will be designed in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, as amended. I note that the best practice measures that would be adhered to at construction stage, and the relevant regulations and standard conditions that will be required to be adhered to at operational stage, are not mitigation measures intended to reduce or avoid any harmful effect on any Natura 2000 site and would be employed by any competent operator, notwithstanding any proximity to any Natura 2000 site. I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying interest of Mullygollan Turlough SAC.

#### 7.3.5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

There are no records on Roscommon County Council's planning portal of any proposed or permitted projects that could result in impacts in combination with the proposed development. There is no evidence on file of any plans that could impact in combination with the proposed development. I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of Mullygollan Turlough SAC or any European sites. No further assessment is required for the project.

#### 7.3.6. Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- The nature and extent of the proposed development.
- Distance from European Sites.
- The weakness of connectivity between the development site and European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

#### **7.4. Issues Arising**

7.4.1. Development Contributions – the adopted Roscommon County Council Development Contribution Scheme provides that agricultural development with an area of 0 - 750 sqm incurs a contribution of €0. As the stated floor area of the proposed cattle shed is 387 sqm I submit to the Board that a condition requiring the payment of a development contribution is not required in this instance.

7.4.2. Conditions - the Notification of Decision to Grant Permission issued by Roscommon County Council includes a number of specific planning conditions, specifically -

**C2** – provides that;

- (a) the number of animals to be accommodated in the development shall not exceed that for which adequate slurry storage capacity is provided in accordance with S.I. No. 31 of 2014, European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (as amended);
- (b) Provision shall be made to collect all soiled water, effluent from dungsteads, farmyard manure pits and silage pits;
- (c) Any storage tanks on site shall be maintained and managed so as to prevent run-off or seepage, directly or indirectly into surface and ground waters. The capacity of the storage tanks shall equal or exceed the capacity required to store all livestock effluent produced on the holding during the 18-week storage period. Provision shall also be made for adequate storage capacity likely to be required during periods of adverse weather conditions when the application of organic fertiliser to land is precluded;
- (d) The overall maximum fertilisation rates for nitrogen (i.e. organic and chemical fertilisers combined) shall not be greater than 170kg per hectare unless a derogation has been granted by the Department of Agriculture, Food & the Marine.



- (e) Organic fertiliser and farmyard manure shall only be spread on the areas submitted with this planning application. The spreading of fertiliser and / or manure in any other area is prohibited unless such spreading has first been approved in writing by the Planning Authority;
- (f) All spreading of organic fertilisers associated with this development shall be in accordance with the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2014 (as amended);
- (g) Soil analysis testing shall be carried out for all lands proposed for use or being used for land-spreading of waste generated by the existing and proposed development.
- (h) Waste shall not be disposed of by open burning. Wastes shall be recycled/reused where possible or otherwise shall be disposed of to a licensed landfill site. All wastes and by-products shall be stored in a designated and controlled area(s) prior to collection by an approved agent.

I recommend that the Board's standard condition for agricultural structures, which is more succinct, is included should the Board grant permission for the proposed development. I note that C2 (d), (e), (f) and (g) relate to land spreading which does not form part of the proposed development.

**C3** – concerns the storage and application of organic fertilizer or soiled water.

I do not recommend that this condition is included should the Board grant permission for the proposed development, noting that it relates to land spreading which does not form part of the proposed development.

**C5** – requires installation of inspection manholes.

I recommend that the Board's standard condition (i.e. that 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' is included should the Board grant permission for the proposed development. This condition would provide for this specific requirement to be met.

## 8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development should be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to:

- (a) The location of the proposed development within an established farmyard and the agricultural activities carried out thereon,
- (b) The nature and scale of the proposed development, and
- (c) The provisions of the Roscommon County Development Plan 2022-2028,

it is considered that subject to compliance with the conditions set out below, the proposed development would not have a significant impact on water quality or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

1.	<p>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 15<sup>th</sup> day of May 2023. 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>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 -</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p>

	<p>(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.</p> <p>(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.</p> <p><b>Reason:</b> In the interest of environmental protection and public health.</p>
3.	<p>The slatted shed shall be constructed 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 shed 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:</p> <ul style="list-style-type: none"> <li>(i) Details of the number and types of animals to be housed.</li> <li>(ii) Arrangements for the cleansing of the buildings and structures (and the public road where relevant).</li> </ul> <p><b>Reason:</b> In order to avoid pollution and to protect residential amenity.</p>
4.	<p>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</p>

	<p>discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Ian Campbell  
Planning Inspector

12<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317398-23		
<b>Proposed Development Summary</b>	Construction of slatted cattle shed with associated site works.		
<b>Development Address</b>	Ardeevin Townland, Castleplunkett, Castlerea, Co. Roscommon.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		X	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		X	Not of Class specified in Part 2, Sch. 5
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 12<sup>th</sup> September 2024