



An  
Coimisiún  
Pleanála

## Inspector's Report

**ABP-322230-25**

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<b>Development</b>	Retention: Change of use of existing straw storage shed to straw-bedded shed and revisions to design of straw bedded shed granted under PD/21/188.
<b>Location</b>	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon.
<b>Planning Authority</b>	Roscommon County Council.
<b>Planning Authority Reg. Ref.</b>	2460511
<b>Applicant(s)</b>	Hubert Mitchel.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant Retention Permission.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eamonn Mitchell.
<b>Observer(s)</b>	None.

**Date of Site Inspection**

1<sup>st</sup> July 2025.

**Inspector**

Kathy Tuck.

## 1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.1.451ha, is located at Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon. The subject site is situated approximately c.12km to the north of the Castlerea Town Centre.
- 1.2. The subject site comprises of a large farmyard which comprises of a number of agricultural structures on stie. Access to the farmyard is provided from the N5 National Primary Route which abuts the northern boundary of the site. The remaining boundary of the site are shared with agricultural lands.

## 2.0 Proposed Development

- 2.1. This is an application seeking retention permission for the change of use of the existing straw storage shed to a straw bedded shed; revisions to the design of the shed permitted under PA Ref 21/188 and retention of a small office building which is indicated to be used to in conjunction with farm operations.
- 2.2. The shed structured has a width of c.12.8m, a length of c.38.4m and is finished with a mono pitch roof profile with a maximum ridge level of c.7.535m which reduces to 4m. The structure was constructed c.5.6m wider than originally permitted under PA Ref 21/188 and s served with sliding doors along the south east elevation.
- 2.3. The office building has a width of c.3.15m, a length of c.6.045m and is finished with a flat roof mono-pitch profile which has a ridge level of c.3.157m .

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for further information and clarification of further information, the Planning Authority issued a decision to grant planning permission subject to 6 no conditions on the 13<sup>th</sup> march 2025. Conditions of notes are as follows:

#### Condition no. 3

The development hereby permitted shall be operated at all times in accordance with the following stipulations:

- (a) The number of animals to be accommodated shall not exceed that for which adequate slurry storage is provided in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- (b) Provisions shall be made to collect solid water, effluent from dung-steads, farmyard manure pits and silage pits.
- (c) Any storage tanks on site shall be maintained and managed to prevent run-off or seepage directly or indirectly into surface and ground waters.
- (d) Organic fertiliser and farmyard manure shall only be spread on the areas submitted with this planning application.
- (e) All spreading or organic fertilisers associated with this development shall be in accordance with the European Union Good Agricultural Practice for the Protection of Waters Regulations 2022.
- (f) Soil analysis testing shall be carried out for all lands proposed for use or being used for land-spreading of waste generated by the proposed development.

REASON: To control the volume of effluent generated by the development, to prevent water pollution and in the interests of the proper planning and sustainable development of the area.

Condition No. 4

The application of Organic fertiliser or Solid Water shall be prohibited from the 15<sup>th</sup> October to the 15<sup>th</sup> January inclusive. The application of farmyard manure shall be prohibited from the 1<sup>st</sup> November to the 15<sup>th</sup> January inclusion.

Farmyard manure shall not be held in the field at any time during the prohibited period. The application of both organic fertiliser and farmyard manure shall be precluded:

- Within 15m of exposed cavernous or karstified limestone features such as swollen holes and collapse features.
- Within 200m of any watercourse, borehole, spring or well used for human consumption.
- Within 20m of a lake shoreline.
- Within 50m of a sensitive building (school, church, hospital etc.).

- On wet or waterlogged lands.
- On frozen or snow covered lands.
- During heavy rain or if rain is forecast within 48 hours.
- On exposed bedrock.

Land-spreading shall be carried out on lands identified in the nutrient management plan submitted on the 17<sup>th</sup> February 2025 only.

REASON: In the interest of public health and amenity.

Condition no. 5

The collection, storage, and spreading of all organic fertilisers, solid water and run-off produced by the farm shall be carried out in accordance with the provisions of the European Union (Good Agricultural Practice of Waters) Regulations 2017.

REASON: In the interest of public health and amenity.

Condition no. 6

Requires installation of inspection manholes.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The first report of the Planning Officer dated the 8<sup>th</sup> September 2024 sets out the site location, the planning history pertaining to the site, relevant local planning policy, detail of consultee reports received, a summary of observations received, and undertaken an EIA and AA Screening determination.

The assessment makes reference to farming and land spreading activities being regulated by Good Agricultural Practice Regulations 2022 in accordance with the Nitrates Directive, however it was considered imperative that the applicant address this key element of the proposal to ensure the receiving environment has capacity to accommodate the proposed development.

It was considered that the development would not be visually obtrusive and accord with Policy Objective RD 5.4 and Section 12.20 of the Roscommon County Development Plan 2022-2028. However, concerns were raised by the Environmental

Department relating to effluent management and as such a request for further information was made.

### 3.2.2. Further Information

The following further information was sought from the applicant on the 19<sup>th</sup> December 2024.

1. Clarify how all organic fertilisers will be retained within this structure in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

A response from the applicant was received on the 10<sup>th</sup> January 2025 and can be summarised as follows:

- Drawings have been submitted showing the floor arrangement in the building identified as Structure No 8 on the site Layout, accompanying the application. The floor is constructed so that there is a 350mm ledge along the external wall of the feed passage, ensuring that no effluent escapes. The effluent is absorbed by the straw bedding in the shed. Please see attached Effluent Management Section Detail drawings. The bedding is only permitted to be built to a max level of 200mm before being removed to the roofed manure pit, identified as Structure No 9 on the Site Layout.

The second report do the Planning Officer dated the 29<sup>th</sup> January 2025 notes that there was an error by the applicant in uploading the incorrect drawing on the e-planning portal. Therefore, the report concludes by recommended that Clarification of Further Information be sought.

### 3.2.3. Clarification of Further Information

The following Clarification of Further Information was sought by the Planning Authority on the 29<sup>th</sup> January 2025:

1. Submit a section drawing of structure no. 8 and demonstrate that the structure has adequate capacity to store farmyard manure in compliance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended. The response shall clarify how all organic fertilisers will be retained within this structure in accordance with the

requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 as amended.

The applicant submitted a response on the 12<sup>th</sup> March 2025 which can be summarised as follows:

- a section drawing of structure no. 8 and updated nutrient management plan which address livestock numbers, storage requirements for farm waste along with land spreading details.

The Planning Officer concluded that the response clarified the concerns raised and recommended that permission be granted in line with the decision issued.

#### 3.2.4. Other Technical Reports

*Environment Department:*

- Report dated 8<sup>th</sup> December 2024 – Requesting further information be sought as set out above.
- Report dated 20<sup>th</sup> January 2025 – Notes further information has been received however information is missing and an such an assessment cannot be made.
- Report Dated 12<sup>th</sup> March 2025 – Notes that there are considerable differences in animal numbers, organic fertiliser generation and fertiliser storage capacity compared to the Nutrient Management Plan submitted with the original application. However, a recommendation was made to grant permission subject to condition.

#### 3.3. Prescribed Bodies

None.

#### 3.4. Third Party Observations

The Planning Authority received 1 no. observation in relation to the subject application and concerns can be summarised as follows:

- not suitable for this location as the site is already restricted by numerous agricultural buildings, restricted site entrance and is intensive agricultural farming by stealth.
- must be seriously considered as to whether or not that a shed of 892.4 m sq. granted planning permission (PD/21/2188) can be genuinely constructed 40% larger in error than what was granted.
- third such planning retention from the applicant in recent times.
- Site layout map does not correspond to what is factually on the ground.
- Entrance to the site does not conform to the requirements set out in the County Development Plan 2022-2028 Section 12.24 Figure 12 as this entrance exits on to the N5 National Road.
- Can be assumed that there will be an increased flow of traffic at this location due to the nature of the Farm Enterprise.
- Intensified farming and storage of cattle at this location that the cumulative effects of this will have a negative effect on the local environment. There is a direct link to the Owennaforeesha River via the stream located to the rear of the existing buildings at the rear of the site onward to the Breedoge River. The Breedoge river flows directly to the Cloonshanville Bog SAC.
- a risk that the Owennaforeesha River will not meet its Water Framework Directive (WFD) objectives by 2027.
- Seriously injure the residential amenities in the area and by the virtue of the scale and design it would have an adverse impact on the visual landscape from the well-travelled N5 Road and would be contrary to proper planning and development of the area.
- Application lack information in regards the specifications

## 4.0 Planning History

PA Ref 24/160341 Permission GRANTED to construct agricultural shed for straw storage together with all associated site works. This application is subject to a concurrent 3rd Party Appeal (ABP-322231-25).



PA Ref 21/416      Retention Permission GRANTED for (i) 2 No. slatted sheds; (ii) 2 No. silage bases, together with all associated site works.

PA Ref 21/188      Permission GRANTED to construct new straw bedded shed for animal housing with associated underground soiled water storage tank together with all associated site works.

PA Ref 10/143      Permission REFUSED for a roadside gated vehicular and livestock field entrance from field accessing directly onto the N5 National Primary Road.

PA Ref 05/1636      Permission GRANTED to construct a new 5 bay single sided slatted shed

Within the Vicinity

PA REF 23187      Permission GRANTED for the extraction and processing of limestone aggregate (quarry extraction area of 1.7 Ha.), to a depth of 83 mOD, for a 7year period and all ancillary activities within an application area of 4.2 Ha. This application is subject to an 3rd party appeal under ABP-319475-24.

## **5.0 Policy Context**

### **5.1. National Policy**

#### **5.1.1. National Planning Framework, First Revision April 2025**

National Policy Objective 30 - Facilitate the development of the rural economy, in a manner consistent with the national climate objective, 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 biodiversity and the natural landscape and built heritage which are vital to rural tourism.

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

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

## 5.2. Local Policy

5.2.1. Roscommon County Development Plan 2022-2028

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

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

- Section 12.20 - Agricultural Development.

## 5.3. Natural Heritage Designations

The subject site is not located within or adjacent to any Natura 2000. The subject site is located c. 2.415km to the south-east of the Bellanagare Bog SAC(Site code 000592), Bellanagare Bog SPA (Site Code 004105) and the Bellanagare Bog pNHA (site code NHA 000583). The site is also located c.3.929km to the south of the Cloonshanville Bog SAC (site code SAC000614) and the Cloonshanville Bog pNHA (Site Code pNHA 000614).

## 6.0 EIA Screening

- 6.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

A Third Party appeal was received by the commission from Eamonn Mitchell of Peak, Ballinagare, Castlerea, Co. Roscommon. The grounds of the appeal are as follows:

1. Additional Unauthorised Development.

Comments on environmental report dated the 9<sup>th</sup> September 2024 relating to PA Ref 24/60341 (ABP-322231-25).

- The planning assessment failed to address the site office being unauthorised development – not good planning.
- Building 11 was not described accurately – described on plan as a DAFM office but in response to further information it is indicated that it will be used as a turf shed. Planning Authority failed to address this unauthorised development and contradictory description. By granting permission the DAFM office is now regularised – not good planning.
- Planning Authority failed to address this unauthorised development and contradictory description and use of this building between the applicant and his agent the proposed development should be refused on the grounds that it would facilitate unauthorised development.
- An additional entrance to the west of building 3 – this entrance is clearly within the site boundary on the submitted site layout but was not addressed by the Planning Authority - proposed development should be refused on the grounds that it would facilitate unauthorised development.
- Submitted site plans, both original and response to further information these structures are not indicated.

2. Environment

- Throughout site visit there were clear inconsistencies with regard to the use of the buildings, livestock capacity issues, effluent control, manure, and slurry capacity issues – grave concerns that these have not been addressed correctly.

- Concerns that the scale of the operation not being adequately addressed will impact the surrounding environment.
- Disagree with the recommendation of the Environment report associated with PA Ref 2460341 to grant permission – clear concerns are set out with regards to the Nutrient Management Plan. Report states there is a clear conflict in regard to onsite storage capacity and with those on the Nutrient Management Plan.
- Permission should not have been granted as the applicant has provided no additional evidence or demonstrated there is additional capacity.
- Contradictory Nutrient Management Plans submitted during planning process – true number of livestock on the farm is unknown and therefore quantum of slurry cannot be calculated.
- Agent for the applicant response letter shows average livestock yearly is 125 - Nutrient Management Plan is calculated with this lower figure of 125 and not the higher number of 300 as commented. This gives false calculation.
- Not in keeping with the Roscommon County Development Plan 2022-2028 – Climate Action, Energy and Environment Section particularly the agricultural section.
- Nutrient Management Plans have been submitted for a number of planning applications subject to these lands.

### 3. Scale of Farm Enterprise

- According to the applicant and the Environmental Report is one of the oldest and well-established international livestock export companies in Ireland.
- Evidence of the scale of the operations is provided on an accompanying USB stick which includes – newspaper articles, TikTok videos from applicants account, and the public accounts of the applicant.

### 4. Provision of an Office

- Environmental report of the Planning Authority notes that during the inspection it was stated that a shed was being replaced with an office facility to be used by DAGM officials who will inspect documents and required for the clearance of cattle for export.

- This is not part of the development description.
- May have implications for Planning as it is a change of use from Agricultural to commercial.

#### 5. Intensification of farm activities

- Concern that the intensification of farm activities and storage of cattle at this location that the cumulative effects will have a negative effect on the local environment.
- Direct link to the Owennaforeeeshesha river via the drains and streams located to the rear of the existing buildings at the rear of the site.
- This was not considered by the Planning Authority

#### 6. EIAR

- Due to the large-scale intensive farm enterprise an EIAR should be completed and submitted.

#### 7. Planning Assessment

- Consider that the planning officers report failed to take into consideration the report from Environmental Department and the concerns about the effluent capacity on the site.
- Total absence of this storage – applicant only provided assurances in this instance.

#### 8. Welfare Facilities

- No welfare facilities on site
- No assessment of how the wastewater from the site is disposed of.
- Considering the office on site – it would be expected that visitors, constant delivery of cattle and staff would need welfare facilities.
- Environment site visit report – only possibility for welfare facilities are in the applicant private dwelling.

#### 9. Capacity Issue

- Conversion of hay/machinery shed to accommodation for cattle is evident that there is a capacity issue on site.

#### 10. Building Regulations

- Office is not wheelchair friendly and would not comply with building regulations.

### 7.2. **Applicant Response**

A response to the 3<sup>rd</sup> part appeal was received from the applicant and can be summarised as follows:

#### 1. *Environmental Report pertaining to PA Ref 2460341*

- Structure marked 15 is a prefabricated structure – was intended to be used as a site office for DAFM and not structure 11.
- Structure no. 11 is a turf shed replacing a pre-existing turf shed. Imaged included. This is considered to be exempt under Class 9 of the Planning and Development Regulation 2001 (as amended).
- Clearance is no longer proposed to be undertaken on site as a new office has been obtained in Braodford, Co. Kildare. Structure marked 15 will now be used as storage for PPE clothing.
- All in accordance with the site layout plan submitted with the application.

#### 2. Farm operations

- Due to the nature of the business livestock numbers fluctuates on a daily basis - Nutrient Management Plan submitted takes this into account.
- The Nutrient Management Plan confirms there is enough storage within the yard to accommodate all livestock and sufficient land available for land spreading – confirmed in attached letter from applicant.

#### 3. Agribusiness

- Was established in 1954 and provides a valuable market to livestock farming community – throughout Connacht and further afield.

- Important enterprise – continues to provide a market outlet for farmers in the region.

#### 4. Environmental Issues

- Applicant engaged Environmental consultant to examine all concerns raised within the 3<sup>rd</sup> Party Appeal.
- A report accompanies this response includes for a full risk assessment of the facility which demonstrates it does not pose a risk to the environment.

The appeal response has been accompanied by an Environment Risk Assessment which has been prepared by Traynor Environmental Consultants.

#### 7.3. **Planning Authority Response**

None received.

#### 7.4. **Observations**

None received.

### 8.0 **Assessment**

#### 8.1. **Introduction**

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;

- Principle of Development.
- Exempted Development.
- Environment and Farming Operations.
- Issues Arising.

## **8.2. Principle of Development**

- 8.2.1. The appeal site is not subject to any specific land-use zoning under the Roscommon County Development Plan 2022-2028. The subject site is currently in operation as a large farmyard complex. The applicant is seeking retention for the change of use of the existing straw storage shed to a straw bedded shed; revisions to the design of the shed permitted under PA Ref 21/188 and retention of a small office building which is indicated to be used to in conjunction with farm operations.
- 8.2.2. Therefore, having regard to the established use on the subject site I consider that the principle of the proposed development of a agricultural shed for the storage of straw to be acceptable.

## **8.3. Exempted Development**

- 8.3.1. The 3<sup>rd</sup> party appellant notes that there are a number of inconsistencies on plans submitted to the actual use of buildings on site. It is contended that the site office and Building 11, indicated on the site layout plan submitted which is shown to be utilised as a DAFM office on plan but later referenced within the response for further information as being a turf shed. The appellant argues that by granting permission the Planning Authority have now invertedly regularised these uses on site and that this is not good planning.
- 8.3.2. I note that the development being assessed in this instance pertains purely to the statutory notices associated with this application. The Planning Authority sought further information with regard to these discrepancies noted by the 3<sup>rd</sup> Party Appellant and were satisfied with the response received.
- 8.3.3. I further note that works which have been undertaken on site which may be considered to be outside the scope of the permission sought by the applicant is a matter to be dealt with via enforcement and that the matter of enforcement falls under the jurisdiction of the planning authority to be pursued accordingly where required.

## **8.4. Environment and Farm Operations.**

- 8.4.1. The 3<sup>rd</sup> Party appellant has raised concerns over the clear inconsistencies with regard to the use of the buildings, livestock capacity issues, effluent control, quantum of



manure, and slurry capacity issues within the application documentation submitted. It is contended that the scale of the agri-business operating on site has not been adequately addressed and will negatively impact upon the surrounding environment.

- 8.4.2. Reference is also made by the 3<sup>rd</sup> Party Appellant to the report of the Environment Officer of the Planning Authority associated with a con-current planning application pertaining to the subject site (PA REF 2460341/ABP-322231-25). It is stated that the 3<sup>rd</sup> Party Appellant does not accept the recommendation of the aforementioned Environment Report to grant planning permission as the assessment sets out clear concerns relating to the Nutrient Management Plan. It is contended that permission should not have been granted until such time that the applicant can demonstrate that there is additional capacity on site. The cover letter submitted by the applicant in response to the request for further information indicates that the average livestock yearly is 125 - Nutrient Management Plan is calculated with this lower figure of 125 and not the higher number of 300 as commented. This gives false calculation.
- 8.4.3. The applicant in response to the 3<sup>rd</sup> Party appellant states that due to the nature of the business livestock numbers fluctuates on a daily basis and the Nutrient Management Plan submitted takes this into account. Furthermore, the Nutrient Management Plan confirms there is enough storage within the yard to accommodate all livestock and sufficient land available for land spreading.
- 8.4.4. From the onset I note that the assessment of the Environment Officer of the Planning Authority pertaining to the concurrent planning application of the subject site which is also subject to a separate appeal (PA REF 2460341/ABP-322231-25) is not relevant in this instance. The Environment Officer of the Planning Authority undertook an assessment of the application subject to this appeal and following a submission of Clarification of Further Information stated that while the revised Nutrient Management Plan (the same as that submitted in CFI for 2460341) contains considerable differences in animal numbers, organic fertiliser generation and fertiliser storage capacity compared to the Nutrient Management Plan submitted with the original application the applicant has demonstrated that there are adequate containment/control measures in place to prevent the uncontrolled escaped of any slurry, manure or effluents from structure 8 on the site layout.

- 8.4.5. The Nutrient Management Plan submitted to the Planning Authority on the 12<sup>th</sup> March 2025 outlines that the manures produced on the holding and storage facilities on the farm amounts to a total slurry storage requirement of 891m<sup>3</sup> over the required 18-week period. I note that the capacity can be accommodated on site as indicated on page 22 of the plan submitted. This final Nutrient Management Plan will be what the applicant is required to accord with in regard to the running of the farm business on site.
- 8.4.6. Ultimately, the management of effluent arising from agricultural activities and the undertaking of land-spreading is governed by the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, and the applicant will be required to construct and operate the development in accordance with the relevant DAFM specifications. Subject to compliance with these requirements, I am satisfied that the proposed development would not give rise to a risk of water pollution or represent a threat to public health by reason of effluent storage and disposal impacts.

## **8.5. Issues Arising.**

### **8.5.1. EIAR**

The 3<sup>rd</sup> party appellant contends that due to the large-scale intensive farm enterprise an EIAR should be completed and submitted by the applicant. I have undertaken an EIA Screening of the proposed development within Section 6 and Appendix 1 of my report and concluded that the proposed development can be screened out and therefore I do not accept this concern raised. Furthermore, I note that the Planning Authority also undertook an EIA Screening determination of the proposed development and considered the same.

### **8.5.2. Welfare Facilities**

The appellant has raised concerns with regard to the lack of welfare facilities on the farm to serve the working population and states the only facility on offer would be that in the main dwelling. As such, it is further contended that there was no assessment undertaken of how the wastewater from the dwelling would be treated leaving the site.

I note that the applicant in their response to the further information request from the Planning Authority stated that the farm is currently operated by family members who reside on site and 1 no. employee. The wastewater treatment plant currently operating

to serve the dwelling was not subject to this application and was assessed as part of the permission granted for the main dwelling. I do not consider that the treatment plant would be put under pressure by being utilised by 1 additional person. I further note that the onus is upon the house owner to ensure that the wastewater treatment plant is operating in line with the EPA Code of Practice: Domestic Wastewater Treatment System (Population Equivalent  $\leq 1$ ), 2021.

Furthermore, the 3<sup>rd</sup> party appellant raises concerns over the lack of wheelchair access to serve certain structures on site and that the proposal will therefore not comply with building regs. I note that compliance with building regulation does not come within the scope of the assessment of the Commission and as such I will not comment on this issue.

#### **8.5.3. Conditions**

The Notification of Decision to Grant Permission issued by Roscommon County Council includes a number of specific planning conditions, specifically - :

**C3** - The development hereby permitted shall be operated at all times in accordance with the following stipulations:

- (a) The number of animals to be accommodated shall not exceed that for which adequate slurry storage is provided in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022.
- (b) Provisions shall be made to collect solid water, effluent from dung-steads, farmyard manure pits and silage pits.
- (c) Any storage tanks on site shall be maintained and managed to prevent run-off or seepage directly or indirectly into surface and ground waters.
- (d) Organic fertiliser and farmyard manure shall only be spread on the areas submitted with this planning application.
- (e) All spreading or organic fertilisers associated with this development shall be in accordance with the European Union Good Agricultural Practice for the Protection of Waters Regulations 2022.
- (f) Soil analysis testing shall be carried out for all lands proposed for use or being used for land-spreading of waste generated by the proposed development.

REASON: To control the volume of effluent generated by the development, to prevent water pollution and in the interests of the proper planning and sustainable development of the area.

I recommend that the Commission'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 C3 and C4 (d), (e), (f) and (g) relate to the operation of the farmyard and land spreading which does not form part of the proposed development.

**C4 and C5** – concerns the storage and application of organic fertilizer or soiled water.

I do not recommend that these 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.

**C 6** - 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.

## 9.0 AA Screening

- 9.1. See Appendix 2 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Bellanagare Bog SAC(Site code 000592), Bellanagare Bog SPA (Site Code 004105) , or the Cloonshanville Bog SAC (site code SAC000614) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## 10.0 **Water Framework Directive**

10.1. The subject site is located at Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon. The proposed development comprises of the construction of an agricultural shed for straw storage together with all associated site works. The Owennaforeesha River flows approximate 301m to the west of the subject site and the Breedoge stream flows c.903m to the north-east of the site. Water deterioration concerns were raised in the planning appeal revived. It was contended that there is a direct link to the Owennaforeesha river from the subject site via the drains and stream's located to the rear of the existing buildings at the rear of the site. I note that the Planning Authority did not raise this within their assessment.

10.2. From undertaking a site visit I did not witness any stream along any boundary of the site and as such I do not accept that there is a direct connection to the Owennaforeesha River. This is further evident from a review of the EPA Mapping Portal ([EPA Maps](#)) on the 2<sup>nd</sup> July 2025. While I note there does appear to be a stream to the rear of the fields to the west of the farm buildings, having regard to the separation distance from the farm operations I do not consider this to be a direct link to the Owennaforeesha river.

10.3. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.4. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

Having regard to the above, I recommend that the decision of the Planning Authority be upheld and permission be granted for the development based on the following reasons and considerations.

## 12.0 Reasons and Considerations

Having regard to 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 modest scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously detract from the amenities of the area, and would be acceptable in terms of effluent storage and disposal proposals. The development which is seeking retention permission would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	The development shall be retained 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 28 <sup>th</sup> October 2024, 10 <sup>th</sup> January 2025 and the 12 <sup>th</sup> March 2025 except as may otherwise be required in order to comply with the following conditions. Where such
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	<p>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>The office building hereby granted retention permission shall be used for the purpose solely incidental to farming whether or not such use might otherwise constitute exempted development.</p> <p><b>Reason:</b> In the interest of orderly development and the amenities of the area</p>
3.	<p>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:</p> <ol style="list-style-type: none"> <li>a. Details of the number and types of animals to be housed.</li> <li>b. Arrangements for the cleansing of the buildings and structures (and the public road where relevant).</li> </ol> <p><b>Reason:</b> In order to avoid pollution and to protect residential amenity.</p>
4.	<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>
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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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Kathy Tuck

Planning Inspector

9<sup>th</sup> July 2024.



## Appendix 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-322230-25
<b>Proposed Development Summary</b>	Retention: Change of use of existing straw storage shed to straw-bedded shed and revisions to design of straw bedded shed granted under PD/21/188.
<b>Development Address</b>	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the permission seeking retention permission in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon and situated c.2.415km to the south-east of the Bellanagare Bog SAC (Site code 000592), Bellanagare Bog SPA (Site Code 004105) and c.3.929km to the south of the Cloonshanville Bog SAC (site code SAC000614). Retention permission is being sought for the Change of use of existing straw storage shed to straw-bedded shed and revisions to design of straw bedded shed granted under PD/21/188.

The proposed development is seeking permission to construct agricultural shed for straw storage together with all associated site works.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works;
- distance from nearest European site;
- Taking into account screening report/determination by the Planning Authority.

I conclude, on the basis of objective information, 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.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## Appendix 3

### Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322231-25	Townland, address	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon.
Description of project		Retention permission is being sought for the Change of use of existing straw storage shed to straw-bedded shed and revisions to design of straw bedded shed granted under PD/21/188.	
Brief site description, relevant to WFD Screening,		Site is located within an area of little elevation with freely draining earths, located in a rural location. The subsoil on the site is identified as a till type. Till is sediment deposited by or from glacier ice.	
Proposed surface water details		Surface water will be drained to a soakage area and discharged to groundwater	
Proposed water supply source & available capacity		N/A	

Proposed wastewater treatment system & available capacity, other issues			N/A			
Others?			N/A			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	301m to the west.	Owennaforeesha River IE_SH_26O040100	Moderate	Monitoring	Agricultural activities	None.
River Waterbody	c. 903m to the north-east	Breedoge stream IE_SH_26B090300	Good	Monitoring	Agricultural activities	None.

Groundwater waterbody		Underlying site	Carrick on Shannon IE_SH_G_048	Good	Good	Agricultural activities	None.
Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	N/A Seeking retention permission no construction involved	Owennaforeesha River IE_SH_26O040100	N/A	N/A	N/A	N/A	N/A

2.	N/A Seeking retention permission no construction involved	Breedoge stream IE_SH_26B090300	N/A	N/A	N/A	N/A	N/A
3.	N/A Seeking retention permission no construction involved	Carrick on Shannon IE_SH_G_048	N/A	N/A	N/A	N/A	N/A
OPERATIONAL PHASE							
1.	Surface	Owennaforeesha River IE_SH_26O040100	None	N/A	N/A	No	Screened out
2.	Surface	Breedoge stream IE_SH_26B090300	Existing	Suds measures incorporated in design	No	No	Screened out
3.	Ground	Carrick on Shannon IE_SH_G_048	None	None	No	No	Screened out

DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA