



An
Coimisiún
Pleanála

Inspector's Report

ABP-322231-25

Development	Permission to construct agricultural shed for straw storage together with all associated site works.
Location	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon.
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	24160341.
Applicant(s)	Hubert Mitchel.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Eamonn Mitchell.
Observer(s)	None.
Date of Site Inspection	1 st July 2025.

Inspector

Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 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 for permission for the construction of an agricultural shed which is indicated to be used for the storage of straw. The structure has a stated area of c.1716sq.m.
- 2.2. The structure has a width of c.25.05m, a length of c.67m and is finished with a pitched roof profile with a ridge level of c.6.327m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a request for further information and clarification of further information, issued a decision to grant planning permission on the 13th March 2025 subject to 10 no. conditions. Conditions of note are as follows:

Condition no. 2

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority evidence to demonstrate the location and capacity of all available slurry storage facilities serving the farm enterprise. The development shall be thereafter undertaken in accordance with the agreed detail.

Reason: In the interest of public health and amenity.

Condition no. 3

On completion of the development the applicant shall submit for the written agreement of the Planning Authority evidence to demonstrate all proposed organic fertiliser storage facilities and effluent collection systems installed in accordance with the site layout plan submitted on the 17th February 2025.

Reason: In the interest of public health and amenity.

Condition no. 4

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. 5

The application of Organic fertiliser or Solid Water shall be prohibited from the 15th October to the 15th January inclusive. The application of farmyard manure shall be prohibited from the 1st November to the 15th 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 17th February 2025 only.

REASON: In the interest of public health and amenity.

Condition no. 6

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. 8

Financial Contribution of €8,580.

Condition no. 10

The applicant shall give the Planning Authority 2 weeks notice in writing of intent to commence the new elements of development on site.

Reason. In the interest of orderly development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer dated the 11th 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 proposed development would not impact the visual amenity of the area. However, the report noted a number of discrepancies between what was indicated on the site layout and what was witnessed on site in terms of what structures on site were being utilised for and as such it was recommended that further information be sought to clarify this discrepancy. Further concerns were raised over the impact on additional traffic on the surrounding road network and environmental considerations.

In conclusion of the assessment the Planning Officer requested that the following further information be sought:

1. Submit a revised site layout plan of all existing and proposed structures on site confirming their current use and planning status and how they are associated with one another.
2. Submit comprehensive details of all proposed activities associated with this agricultural development and include the following:
 - a. Clarify the precise existing and intended use of the entire agricultural development on site and if the nature of the agricultural enterprise on site involves customers visiting the site.
 - b. Clarify the precise intended use of and necessity of the proposed large new hay/straw storage shed.
 - c. Confirm the total number of employees.

3. Submit a site layout lay of how all run-off/effluent arising from all the agricultural structures on site will be appropriately collected to ensure compliance with the Good Agricultural Practice for Protection of Waters Regulations 2022. Demonstrate that there will be adequate storage which accords with GAP regulations.
4. A 3rd silage slab was also noted on site which was not indicated on plan – clarify and demonstrate that all 3 silage slabs are connected to a single diversion chamber and confirm how effluent is managed when some of the pits are open while others are closed.
5. Clarify and demonstrate all areas on the year are used for the storage of organic fertilisers and waste feed and a statement detailing how all organic fertilisers and waste feeds are managed and disposed of, or if any organic fertilisers or waste feeds are exported from the farmyard.
6. Submit detailed proposals including a revised site layout plan to demonstrate the following:
 - a. Detail all structures, water collection, storage or disposal facilities serving all the existing and proposed buildings on the site including soak pits, shores, drains, etc
 - b. Detail how rainwater from building 12 is being managed on the absence of RWHT permitted under PD/21/188 and indicated in documents lodged as not constructed.
 - c. How soiled water management will be improved throughout the site.
 - d. Effective management of the silage pits to prevent escape of silage effluent beyond the effluent collection channels.
 - e. Identify the presence of any drains receiving discharges of water from the farmyard.
 - f. Detail all surface water drains receiving discharge outfalls serving the site.
 - g. Identify where adequate effluent collection facilities for baled silage will be installed in the existing farm-yard. Alternatively, identify suitable areas of the existing farm-yard where silage bales can be stored in

accordance with the requirements of the European Union Good Agricultural Practice for the Protection of Waters Regulations 2022.

- h. Clarify how the disposal of uncontaminated roof water from structure 12 is managed.
- i. Confirm the total number of animals housed in the farm complex and the quantities of slurry and farm yard manure generated on site annually.

3.2.2. Response to Further Information

A response was received from the applicant on the 10th of December 2024 and can be summarised as follows:

Item 1 - Since the survey was carried out on site in April in preparation for the planning process some of the shed uses have changed as follows:

- a) the existing turf shed was being reroofed however a decision was made to remove the shed and construct a new shed in its place. As the new shed will still be used for the same purposes it is considered to be exempt.
- b) Structure No. 8 on the site layout had been used for straw storage over the winter period and was empty at the time of the survey. Due to the poor weather during the summer months and low grass growth animals were housed in this shed and fed silage. As the new shed will be used for storing straw it is intended to continue using this shed for animal housing and an application has been made to Roscommon County council to retain the change of use under PA Ref 24/60511.
- c) A new modular unit has been constructed on site For use as an office in conjunction with the farming activities and an application has been made to Roscommon County Council to retain this structure under PA Ref 24/60511.
- d) Shed labelled No. 12 on the site layout was granted planning permission under PA Ref 21/188. During construction the design was changed to allow for a wider cattle handling facility for safety reasons and this area was roofed to reduce the amount of soiled water being produced. Planning application PA Ref 24/60511 includes an application for revised design for the building.

Item 2 –

- a) The applicant runs an agricultural enterprise where livestock are purchased on contract. Some of the animals purchased to fill these contracts are below the required weight and are house on the farm and are fed until they reach the required weight and then exported through an agent in Dublin. These animals are sourced through livestock marts in Roscommon and surrounding area and provide a valuable market for local farmers.
- b) The proposed hay/straw storage shed is required to store the straw needed to bed the animals in the loose sheds. The shed needs to be this size to store all the straw needed for the winter period in order to secure supply as it is becoming a scarce commodity and difficult to source.
- c) There is one employee and six family members involved in the farming enterprise.

Item 4 - Silage is stored on structures 6 and 7 and surrounded by an effluent channel. They have been subdivided into three by using precast moveable silage walls. The site layout submitted shows the location of the walls on the existing silage base. In order to address the concerns of the planning authority the applicant will construct a new diversion chamber along with larger gully to ensure all effluent is collected and is kept separate from storm water.

Item 5 - All organic fertiliser and waste feed is stored in a roofed manure pit labelled No. 9 on the site layout. Again pages 12 to 15 of the NMP deals with volumes produced and storage capacity. There is sufficient land available for land spreading and no organic fertiliser is exported from the farm.

Item 6 -

- a) A revised site layout showing the use of all structures and includes the storm water sewer network and effluent channels has been submitted.
- b) A revised site layout shows rainwater from structure 12 being diverted to the open drain.
- c) All soiled water to be directed to under ground storage tanks and landspread.
- d) New larger effluent gullies are to be constructed to ensure all effluent is collected. A new diversion chamber with individual sewer and pipes for each

silage bay to ensure effluent and storm water are treated separately. Drawing submitted showing the construction detail of the diversion chamber and gullies.

- e) The revised site layout shows the location of the open drain receiving storm water to the south west corner of the site.
- f) The revised site layout shows the location of new stormwater gullies to collect storm water from the concrete area.
- g) In line with Teagasc guidelines for adhering to good farming practices grass intended for baled silage is wilted for 48 hours before baling to increase the dry matter content to 30%. Thus, allowing the bales to be stored up to three high on a gravel base.
- h) A revised site layout shows rainwater from structure 12 being diverted to the open drain.
- i) The number of livestock housed on the farm vary from month to month and average numbers are detailed in the Nutrient Management plan on pages 13 to 15.

The second report of the Planning Officer dated the 14th January 2025 sets out in detail the response provided from the applicant with regard to each item of the further information raised.

The report notes the following:

- With regard to the response to Item no. 1, a further information request was issued on the concurrent planning application PA Ref 24/60511 pertaining to the subject site which is seeking to regularise a number of structures on site and until such time that a decision is issued on that application, it is not possible to conclude on the matter of unauthorised structures on the subject site has been satisfactorily resolved.
- The report received from the Environmental Department notes that due to the nature of the cattle export business in operation, the data submitted in the nutrient management plan is unlikely to be representative of the actual quantities of cattle held on the farm or the quantities of slurry and farmyard manure arising on the site which will require disposal.

On foot of the report from the Environment Department the Planning Officer recommended that Clarification of Further Information be made which can be summarised as follows:

Item 1 – In relation to response submitted to item 1 (b) – the building identified on the revised site layout plan as a hay storage shed (structure 8) was not vacant on the site inspection it appeared to be utilised for storing and feeding livestock. There is no effluent collection in place for this shed and no provision to add new effluent collection included on the revised site layout plan. Submit details to clarify how all organic fertilisers will be retained within the structure in accordance with the requirements of the European Union Good Agricultural Practice for Protection of Waters Regulations 2022.

Item 2 – The response to Item 2(b) indicated that there is a commercial enterprise in operation onsite which involves the continuous housing and feeding livestock all year round. The estimated/average data submitted in the Nutrient Management Plan is not considered accurate. Submit detail to clarify the total number of livestock held in the farmyard over the past 12 months including particulars of the applicant own herd and details of all livestock housed in the yard as part of the livestock export business being operated on site.

Item 3 – Response to item 3 – it is noted that the revised site layout plan contains further details on the management of effluent/runoff onsite. Submit further details to demonstrate that there is adequate storage for all effluent runoff onsite.

Item 4 – Response to item 4 is noted – the presented details indicate that the silage pit is being subdivided by moveable concrete walls. Submit details to clarify how the silage pits will be managed to prevent the escape of silage and or silage effluent runoff onsite.

Item 5 – Response to point 5, it is noted that it is proposed to hold all manure in the roofed manure store onsite. While this facility is considered broadly acceptable, please demonstrate that it is adequate for the number of livestock being held on site.

Item 6 – Response to point 6(g) – submit details of where adequate effluent collection facilities for baled silage will be installed. Alternatively identify suitable additional areas of the existing farm where silage bales can be stored in accordance with the European Union Good Agricultural Practice for Protection of Waters Regulations 2022.

Item 7 - Response to point 6(i) – confirm the total numbers of animals housed in the farm complex and quantities of slurry and farmyard, manure generated onsite annually.

3.2.3. Request for Clarification of Further Information

The applicant submitted a response to the Clarification of Additional Information request on the 17th February 2025 and can be summarised as follows:

Item 1 – Submitted a cross section detail of the feed barrier of structure No 8, showing the external feed passage raised 350mm above the internal floor level. This ensures that all effluent is contained within the shed and absorbed by the straw bedding.

Item 2 – Updated Nutrient Management Plan (NMP) gives details of the average animal numbers housed on the farmyard.

- The animals' detailed on page 14 and housed in the sheds with underground slurry storage relate to the farm enterprise, with an average number per year of 275 cattle.
- On page 17 of the NMP details are given of the animals which relate to the export business. These animals are housed in straw bedded accommodation and can vary from 50 animals to 300 animals but are averaged over the year at 125.

Item 3 - Pages No 14 to 18 of the NMP, give details of the total farmyard manure and slurry, including effluent, which is produced at the farm. It also indicates the location and capacities of the storage facilities onsite.

Item 4 - In order to ensure that there is no escape of effluent from the removal silage walls, the walls are lined with plastic prior to filling with grass. Effluent channels around the Silage base collect the effluent and divert it to underground tanks, as shown in the submitted site layout.

Item 5 - The attached NMP gives details of the capacities, which meet the requirements of this farm enterprise.

Item 6 - At all times baled silage are stored in accordance with European Union (Good Agricultural Practice for Protection of Waters) Regulations 2002. If at any stage it is envisaged that bales have to be stored more than 2 rows high, a concrete base and effluent collection facilities will be installed.

Item 7 - The NMP as attached, shows the total number of animals house in the farm complex and quantities of slurry and farmyard manure produced annually. This information is contained on pages 14 to 18 of the attached NMP.

The 3rd report of the Planning Officer dated the 12th March 2025 concluded that while the report of the Environment Department notes some conflicting information provided within the Nutrient Management Plan submitted on the 22nd July 2024 and it also questions the suitability of the available silage storage onsite. However, it was considered that these issues can be dealt with by way of condition and a recommendation to grant permission in line with the decision issued was made.

3.2.4. Other Technical Reports

Environmental Department –

Report Dated 9th September 2024 – requests that further information (as set out above) be made.

Report dated 17th December 2024 – notes the further information submitted and states that Due to the nature of the cattle export business in operation, the data submitted in the nutrient management plan is unlikely to be representative of the actual quantities of cattle held on the farm, or the quantities of slurry and farmyard manure arising on the site which will require disposal. As such a request for clarification was made as set out above.

Report dated 7th March 2025– notes clarification of additional information submitted and states that the revised Nutrient Management Plan 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 also made comments and assurances related to the suitability of the available silage storage onsite which are in conflict with the observations made onsite. The report concludes by requesting a number of conditions be included in the event permission is granted.

Roads Section -

Report dated 28th August 2024 – No objective subject to condition.

Report dated 16th December 2024 – makes reference to a separate planning application (PD/24/60511) submitted by the applicant to address the change of use and retention

of existing structures which were outlined in the Further Information Request. A revised site layout plan was submitted as a result of the FI request which outlines how all surface water run-off is controlled. No objective subject to condition.

3.3. Prescribed Bodies

Transport Infrastructure Ireland –

Report dated the 25th July 2024 - Requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system"

Report dated the 13th December 2024 - advise that the Authority's position remains as set out in our letter of 25-Jul 2024.

Uisce Eireann –

Report dated the 20th August 2024 notes no objective subject to condition.

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:

- Planning application is not suitable for this location as the site is already restricted by numerous agricultural buildings and is intensive agricultural farming by stealth, considering planning and retention has been granted already on this site.
- Site map does not give a true reflection of the buildings on the ground as a site office is located at the entrance to the site and this area is also used as a staff carpark.
- The 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.

- As the applicant runs a large cattle export business from this location and therefore it is only can be expected that a significant increase in traffic at this location.
- It is stated quite clearly by the applicant/agent that on the site layout schedule map Item 12b Rainwater harvesting tank is not constructed, this is a clear breach of planning conditions set out in Section 4 of PD/21/188.
- Nutrient Management plan will not effect the land holdings and as the lands associated with this application and the Nutrient management plan are subject to a current planning appeal to An Bord Pleanna case number ABP 319475-24 and Planning Refence 23187 Roscommon County Council and should not be considered until a determination of Case ABP 319475-24 is concluded.
- Dispute the fact that the “Turf Shed” listed as item 11 on the site layout map has been reroofed, as shown in the attached picture it is quite clear that a new building is been constructed. The true nature of this building needs to be clearly identified as it is not visibly a “Turf Shed”.
- As it is clearly known that this site is a large cattle export business and farm there is a need for staff to operate this facility. There is no Staff welfare facility at this location.

A second observation was submitted from the same observer on foot of the further information submitted. The concerns are summarised as follows:

- the applicant was advised that a separate planning application seeking to retain the unauthorised developments within the site needs to be submitted within a time frame to enable a determination for these unauthorised developments.
- this planning application cannot be granted as the time frame for the retention of unauthorised development cannot be achieved for the following arguments.
- shed has not been constructed to the same footprint as it was originally constructed and is not solely used for the storage of turf. The storage of turf does not meet the exemptions for planning purposes as turf storage as farm buildings must be used for agricultural use only

- Structure No. 8 is gone from a Straw storage shed and a Machinery storage shed (Planning Ref.21416) to a Straw bedded shed, this is not due to bad weather as stated but due to an over capacity issue on the site.
- Size ,scale and design of this new storage shed is out of scale with the existing farm building and what is concerning is that this shed is designed in a manner that it is to be used for the storage of cattle associated with the large export business and not a hay or straw shed. There are no previous issues with the storage of bedding previously.
- information submitted in regards to the sile pit seems to only refer to baled silage and gives the impression that it is only baled silage is on the site.
- manual operation of the diversion channel is a concern as with human error this get can left in the wrong position causing the storm water to enter the slurry tank and visa vera.
- no welfare facilities on site for this number of employees

4.0 Planning History

PA Ref 24/60511	Retention Permission GRANTED for 1) Change of use of existing straw storage shed to straw bedded shed, 2) Revisions to design of straw bedded shed granted under PD/21/188 and 3) Office used in conjunction with farm enterprise together with all associated site works. This application is subject to a concurrent 3rd Party Appeal (ABP-322230-25) .
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.

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. Observations of Local Authorities Environmental Report:

- 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.
- 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.

2. Decision of the Environmental Report

- Report dated the 7th March 2025 notes that there is a clear conflict in regards to the onsite slurry storage capacity and with those on the Nutrient Management Plan.
- Permission should not have been granted as the applicant has provide no additional evidence or demonstrated that there is additional capacity provided on site for slurry storage.
- Clearly shown by the contradictory Nutrient Management Plans submitted during the planning process – true number of livestock on the farm enterprise is truly unknown and therefor the quantum of slurry storage cannot be addressed.
- Further reiterated by the response to the clarification of further information - letter dated 14th February 2025 it is shown in response to point 2 that the average livestock yearly is 125 – the Nutrient Management Plan is calculated with this lower figure of 125 and not the higher number of 3000 as shown in point 2. This gives false calculation to the slurry estimate on the plan – should have used the higher number of 300 and not the lower average of 125.
- Not in keeping with the Roscommon County Development Plan 2022-2025 – chapter climate action, energy and environment section in particular agriculture section.
- Nutrient Management Plans submitted for this farm enterprise for the following planning applications:- PA Ref 24/60511; PA Ref 2460341; PA Ref 21/188; PA Ref 21/416; PA Ref 05/1636 and PA Ref 23/187.
- Does the applicant have all this land and capacity for these additional planning applications.

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 Owennaforeeasha 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.

7.2. Applicant Response

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

1. Environmental Report

- Point 1 – Structure no. 11 is a turf shed replacing a pre-existing turf shed. Imaged included.
- Structure marked 15 is a prefabricated structure – was a office now in use as storage for PPE clothing.
- Clearance is no longer proposed to be undertaken on site as a new office has been obtained in Braodford, Co. Kildare.
- Point 8 - Structure no. 11 is replacing an existing turf storage and will provide for same.
- The only administrative office on site is structure no. 14.
- An updated Nutrient Management Plan was submitted with the further information which addressed the livestock numbers being held for short periods while awaiting transport.
- All in line with information provided on the site layout plan submitted in response to the further information request.

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.
- The report dated the 7th March the Environmental Officer confirms that extra slurry storage is available to the applicant as detail in the revised Nutrient Management Plan.
- The revised Nutrient Management Plan takes into account livestock being held for short periods of time – the discrepancies raised by the 3rd party appellant are clarified by this.
- The figure quoted in the Nutrient Management Plan of 125 is an average figure for the year – figure can fluctuate from 50 to a maximum of 300 at any one time given the nature of the business.

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 3rd 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.

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.
- 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 permission for a single storey shed which has a stated area of c. 1716sq.m and will be utilised to store straw.
- 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 3rd 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 3rd 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. Farming Operations.

- 8.4.1. The 3rd party appellant notes concern over the comment of the Environmental Report of the Planning Authority dated the 7th March 2025 which sets out that there is a clear conflict within the onsite slurry capacity and with what has been set out within the amended Nutrient Management Plan submitted in response to the clarification of further information request. It is further contended that there are also significant contradictions between the Nutrient Management Plans submitted at each stage of the Planning Process. The appellant states that to permit the proposed development would not be in keeping with Chapter 8 – Climate Action, Energy and Environment of the Roscommon County Development Plan 2022-2025.
- 8.4.2. From assessment of the report from the Environment Section of the Planning Authority I note that the final report, dated the 7th March 2025, states that the revised Nutrient Management Plan contains considerable differences in animal numbers, organic fertiliser generation and fertiliser storage capacity compared to the Nutrient Management Plan submitted with the original application. While I note that the report concluded that concerns remain over the proposed development, it does recommend that permission be granted subject to condition.
- 8.4.3. The final Nutrient Management Plan submitted to the Planning Authority on the 17th February 2025 outlines that the manures produced on the holding and storage facilities on the farm amounts to a total slurry storage requirement of 891m³ 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.

- 8.4.4. 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.
- 8.4.5. The Appellant raised further concerns over the assessment undertaken by the Planning Authority and contends that the Case Officers report failed to take into consideration the report from the Environmental Department and the concerns about the effluent capacity on the site. I note that the final report of the Planning Authority dated the 12th March 2025 makes clear reference to the report of the Environment Department and clearly sets out the comments made. Furthermore, the Planning Authorities decision has incorporated the conditions recommended by the Environment Department.

8.5. Issues Arising.

8.5.1. EIAR

The 3rd 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 ≤ 1), 2021.

8.5.3. **Conditions**

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

C 2 - Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority evidence to demonstrate the location and capacity of all available slurry storage facilities serving the farm enterprise. The development shall be thereafter undertaken in accordance with the agreed detail.

Reason: In the interest of public health and amenity.

C3 - On completion of the development the applicant shall submit for the written agreement of the Planning Authority evidence to demonstrate all proposed organic fertiliser storage facilities and effluent collection systems installed in accordance with the site layout plan submitted on the 17th February 2025.

Reason: In the interest of public health and amenity.

C4 - 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.

C5 and C6 – 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.

C8 - Financial Contribution of €8,580.

Having regard to the proposed development and the requirements of the Roscommon Development Contributions Scheme 2014 (as amended 2020) which requires the contribution of €5 per sqm for Agricultural development over 1001sq.m, that this condition should be included.

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 2nd 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 seeks to protect and, where

necessary, restore surface and 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 proposed development would not seriously detract from the amenities of the area, and would be acceptable in terms of effluent storage and disposal proposals. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 22nd July 2024, as amended by proposals submitted on the 18th November 2024 and the 17th February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<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 discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Reason: In the interest of public health.</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"> Details of the number and types of animals to be housed. Arrangements for the cleansing of the buildings and structures (and the public road where relevant).

	Reason: In order to avoid pollution and to protect residential amenity
4.	<p>The buildings shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.</p> <p>Reason: In the interest of orderly development and the amenities of the area.</p>
5.	<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>Reason: In the interest of environmental protection and public health</p>
6.	<p>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</p>

	<p>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 Coimisiun Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</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.

Kathy Tuck
Planning Inspector

9th July 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322231-25
Proposed Development Summary	construct agricultural shed for straw storage together with all associated site works.
Development Address	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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). Permission is being sought for extended opening hours.

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-322230-25	Townland, address:	Gortnagoyne, Ballinagare, Castlerea, Co. Roscommon.
Description of project		Permission to construct agricultural shed for straw storage together with all associated site works.	
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.	Site clearance & Construction	Owennaforeesha River IE_SH_26O040100	None	N/A	N/A	No	Screened out
2.	Site clearance & Construction	Breedoge stream IE_SH_26B090300	None	N/A	N/A	No	Screened out

3.	Site clearance & Construction	Carrick on Shannon IE_SH_G_048	Drainage	Seepage to groundwater	Typical construction mitigation measure.	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Owennaforeesha River IE_SH_26O040100	Existing	Suds measures incorporated in design.	No	No	Screened out
	Surface	Breedoge stream IE_SH_26B090300	Existing	Suds measures incorporated in design	No	No	Screened out
4.	Ground	Carrick on Shannon IE_SH_G_048	None	None	No	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA