

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 15/864**

An Bord Pleanála Reference Number: PL 08.245940

**APPEAL** by Maurice and Eileen Browne care of Damian Murphy of Iveleary Consulting Engineers of Castlemaine, County Kerry against the decision made on the 26<sup>th</sup> day of November, 2015 by Kerry County Council to grant subject to conditions a permission to Jerome Browne care of Ger O'Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (A) Retention and completion of the agricultural structure already existing which structure includes machine shed, calving area, milking parlour, milk storage areas, control room, office, slatted units and underground tanks, bedding areas, revised feeding passage, all within one building unit and ancillary works including drainage, concrete bases and (B) construction of a retaining wall, erection of two silos on existing bases and provision of boundary screening, all at Scartaglen Village, County Kerry.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the established use of the site for agricultural purposes and the nature and extent of the farm structure to be retained and completed, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development and the development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out, retained and completed in accordance with the plans and particulars lodged with the application, 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, retained and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development to which this permission refers is as detailed on the plans and details accompanying the application, only, and does not refer to any other structure or works on the overall site.

**Reason:** In the interest of clarity.

3. The agricultural building shall be used only in strict accordance with a management schedule to be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, and shall provide at least for the following:

- (1) Details of the number and types of animals to be housed.
- (2) The arrangements for the collection, storage and disposal of effluent.
- (3) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

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

4. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health and to prevent pollution.

5. All uncontaminated roof water from the buildings shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

**Reason:** In order to ensure that the capacity of the seepage tank is reserved for its specific purpose.

6. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

7. Within three months of the date of this order, a detailed landscaping scheme including details of all screen planting and a timescale for implementation shall be submitted to, and agreed in writing with, the planning authority.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

8. All existing above-ground structures to which this permission relates, where cladded, shall be finished in a dark-green or dark-grey colour within six months of the date of this order. All proposed structures shall be finished in the same colour within three months of construction/erection.

**Reason:** In the interest of visual amenity.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**