

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Kerry County**

**Planning Register Reference Number: 16/1025**

An Bord Pleanála Reference Number: PL 08.248036

**APPEAL** by Mary O'Sullivan of Bolton's Cross, Listowel, County Kerry against the decision made on the 27<sup>th</sup> day of January, 2017 by Kerry County Council to grant subject to conditions a permission to Listowel Livestock Market Limited care of Des O'Sullivan of Bedford, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of cattle shed with underground slurry tank as constructed and permission to extend same to provide an easy feed slatted unit with an underground slurry tank, all on land at Skehanerin, Listowel, 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 location of the site in an agricultural setting and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The existing shed on the site shall be retained, and the extension of same, shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of December, 2016, 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.

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

2. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the slatted shed. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, and shall provide at least for the following:
  - (a) Details of the number and types of animals to be housed.
  - (b) The arrangements for the collection, storage and disposal of slurry.
  - (c) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and to protect the amenities of the area.

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

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

4. All uncontaminated roof water from buildings and clean yard water 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 the interest of orderly development by reserving the capacity of effluent and storage tanks for their specific purposes.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, no further agricultural buildings shall be erected on the site without a prior grant of planning permission.

**Reason:** To enable the planning authority to assess the impact of such development on the area.

6. A native hedgerow shall be planted along the south and west of the farmyard within the first planting season following receipt of this grant of planning permission.

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 interest of residential and visual amenity.

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

**Dated this            day of            2017.**