



An
Bord
Pleanála

Board Order
PL 08.248237

Planning and Development Acts 2000 to 2016

Planning Authority: Kerry County Council

Planning Register Reference Number: 16/1285 (Listowel)

Appeal by Stuart Knowles of Clashmelcon, Causeway, County Kerry against the decision made on the 23rd day of February, 2017 by Kerry County Council to grant subject to conditions a permission to John P. O'Mahony care of Roy Dineen of Dromkeen West, Causeway, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a slatted cubicle house with an associated underground slurry tank, a milking parlour, dairy and plant room, a cattle handling yard and all ancillary site works at Clashmelcon, Causeway, 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 existing use of the site for agricultural purposes, the proposed arrangements for site drainage, and the proposed screening planting on site, 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 be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 13th day of April, 2017, 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. (a) The landscaping scheme as submitted to An Bord Pleanála on the 13th day of April, 2017 shall be carried out within the first planting season following substantial completion of external construction works. The landscaping of the development shall comprise of indigenous species, only, including Alder Grey, Alder, Whitethorn, green common Holly and White Birch, but not leylandii.
- (b) 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.

3. A minimum of 18 weeks' storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of environmental protection and public health.

4. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) 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 slurry.
- (3) Arrangements for the cleansing of the buildings and structures, including the public road.

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

- 5. 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.

Reason: In the interest of public health.

- 6. 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-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) all soiled waters, shall be directed to the proposed new slatted storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of environmental protection, public health and to ensure a proper standard of development.

7. 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 order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

8. 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.

9. (a) All concrete walls shall have externally rendered finishes.

(b) All galvanised roofing and cladding shall be painted dark grey or other colour as agreed with the planning authority.

Reason: In the interest of visual amenity.

10. Any external lighting shall be properly cowled and directed away from the public roadway and from the property to the north. The lighting shall also not be visible from any point more than 100 metres away from the light.

Reason: In the interest of traffic safety and to control light pollution in the rural environment.

11. The proposed milking parlour, dairy and plant room shall be constructed in accordance with the relevant Department of Agriculture, Food and the Marine specifications.

Any storage facilities for the milking parlour washings shall be constructed in accordance with the relevant and current Department of Agriculture, Food and the Marine specifications.

All milking parlour washings shall be discharged to suitably constructed storage facilities of adequate capacity. The capacity of these facilities shall be based on the storage requirements specified in the European Union (Good Agricultural Practice for Protections of Waters) Regulations 2014, as amended.

Reason: In the interest of pollution control.

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

Dated this day of 2017