



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/989

Appeal by Carol Carty of 9 Rowanbyrn, Blackrock, County Dublin against the decision made on the 5th day of June, 2018 by Kerry County Council to grant subject to conditions a permission to AHAR Ireland care of Brendan Nolan of 28 Church Street, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Retention permission to continue the use of the agricultural building as built as an animal shelter, (2) permission for an extension to the existing agricultural shed to also be used as an animal shelter as part of the above and (3) permission for office and w/c and associated treatment unit/sand polishing filter and all associated site works at Crag, Castleisland, 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 rural location of the site, the low density of residential development within the vicinity and the separation distances between the subject site and established residents together with proposals being put in place to dispose of solid waste and wastewater, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would represent an acceptable use at this location, would not seriously injure the amenities of the area and would not be prejudicial to public health. The development proposed to be retained and the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 9th day of May, 2018 except as may otherwise be required in order to comply within 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 the 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. All external finishes shall match those of the existing shed.

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

3. Within three months of the date of this Order, the unauthorised exterior dog pen to the south side of the existing shed shall be permanently removed from the site.

Reason: To regulate and control the layout of the development.

4. Within three months of the date of occupation of the new office structure, the unauthorised shipping container and the large mobile home shall be permanently removed from the site.

Reason: To regulate and control the layout of the development.

5. The number of dogs, present on the overall site at any given time shall not exceed 120 and the number of equines shall not exceed 80. A readily readable register of all dogs and equines present shall be maintained and shall be available for inspection by the planning authority during normal working hours.

Reason: In the interest of clarity and orderly development.

6.
 - (a) All horse and bovine related wastes, including horse/bovine manure, effluent, soiled water and waste bedding generated on site shall be stored in a manner that prevents it run-off or seepage, directly or indirectly, into groundwater or surface waters. These substances shall be collected and removed by a licensed waste contractor and shall be managed in compliance with relevant environmental legislation.
 - (b) All dog faeces shall be stored separated from horse/bovine wastes. Dog faeces shall be collected and removed by a licensed waste contractor and shall be managed in compliance with relevant environmental legislation.
 - (c) There shall be no discharge of polluting matter to any watercourses.
 - (d) All waste generated at the facility shall be stored in suitable receptacles on-site and shall be collected and removed by a licensed waste contractor and shall be managed in compliance with relevant environmental legislation.

- (e) All hazardous waste generated at the facility shall be stored in suitable receptacles on-site and taken directly to a suitable authorised waste facility or transferred to a suitably licensed hazardous waste collector.
- (f) The waste/faeces storage facilities/areas to the rear of the shed shall be completed within six months of the date of this Order.

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

7. 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 a 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 and public health.

8. The burning or burial of waste is expressly prohibited at the facility.

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

9. Prior to commencement of development, the developer shall agree in writing with the planning authority, details of the proposed storage tank to accommodate wastewater discharge and wash waters from the shed. Such wastewater shall be collected in a sealed secure tank of appropriate volume not less than seven cubic metres. All effluent stored in the tank shall be collected and appropriately disposed of by a licensed contractor in accordance with the requirements of the planning authority.

Reason: In the interest of public health and to ensure a property standard of development.

10. Any external lighting shall be properly cowled and directed away from the public roadway. It 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. (a) Within nine months of the date of this Order, the proposed development shall be provided with a packaged wastewater treatment unit, a sand polishing filter and a soil polishing filter.
- (b) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 9th day of May, 2018, and in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (f) Within three months of the first operation of the office, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

12. Maintenance contract for all wastewater treatment systems on site shall be entered into and kept in place at all times. Signed and dated copies of the maintenance contract shall be submitted to the planning authority on an annual basis.

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

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

Dated this day of 2019.