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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 19/05610**

**Appeal** by Joe Kelly of Moneycusker, Toames, Macroom, County Cork against the decision made on the 12<sup>th</sup> day of August, 2019 by Cork County Council to grant subject to conditions a permission to Noel Kelleher care of South View Designs of South View House, Caherkirky, Rossmore, Clonakilty, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a cattle house with slatted slurry tank, cattle crush, dungstead and the carrying out of associated site works at Moneycusker, Tooms, Macroom, County Cork.

**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 agricultural use of the site, the pattern of development in the area, and the small scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. 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, 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. 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.

**Reason:** In the interests of environmental protection and public health.

3. All soiled water, 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 ground, to any stream, river or watercourse, or to the public road.

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

4. The cattle house 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, 2017, 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.

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

5. Additional tree planting shall be provided along the southern boundary of the site. Within three months of the date of this Order, a plan detailing the number, species and exact location of the trees and arrangements for the replacement of trees that die within the first three years following planting shall be submitted to, and agreed in writing with, the planning authority.

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

6. The proposed development shall be for agricultural use in connection with the subject landholding only and shall not be used for any commercial purposes.

**Reason:** In the interest of orderly development.

7. The external finishes of the proposed development shall be the same as those of the existing cattle house in respect of colour and texture, unless otherwise agreed in writing with the planning authority.

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

**Dated this                      day of                      2019.**