



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/246

Appeal by Tom Kearns of Whilewall, Arderra, Mooncoin, County Kilkenny against the decision made on the 20th day of September, 2019 by Kilkenny County Council to grant subject to conditions a permission to William Brennan care of Thomas Downey of Lower Kilmacow, via Waterford, County Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention indefinitely of silage base, hard surfaced yard and all associated works at Arderra, Mooncoin, County Kilkenny.

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 pattern of development in the area, to the location and nature of the development proposed for retention which is required in connection with a working farm, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area and would not be prejudicial to public health. The development proposed for retention 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 on the 29th day of August, 2019, 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 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. The development to be retained shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended. In particular, the development shall be undertaken to minimise the generation of soiled water. In addition, the design, capacity and structural integrity of storage facilities shall prevent run-off or seepage therefrom.

Reason: In the interest of preventing pollution to surface/ground waters.

- Existing trees on site along the south-western boundary shall be retained, reinforced as necessary where gaps exist and replaced with similar species in the event of failure.

Reason: In the interest of protection of residential amenity.

- Baled silage/haylage on the hard-surfaced yard shall not be stored closer than six metres from adjacent south-westerly neighbouring hedgerow boundary and shall be adequately filmed wrapped and secured to exclude air. Stacking shall not exceed double bale heights. The hard-surfaced yard shall not be used for storage of animal feeds or farm waste.

Reason: In the interest of protection of residential amenity.

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

Dated this day of 2020.