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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/253**

**Appeal** by Pauline and David Baitson of Dromartin Lower, Ballyduff, Tralee, County Kerry against the decision made on the 12<sup>th</sup> day of August, 2020 by Kerry County Council to grant subject to conditions a permission to Derek Long care of Philip O'Dwyer of Foxfort, Causeway, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (a) Retention permission to retain the existing slatted house as constructed on site and (b) permission to construct an extension to the slatted house for cattle, complete with underground slatted slurry tank, manure pit with effluent channels and all associated ancillary site works at Dromartin, Ballyduff, County Kerry, as amended by the further public notices received by the planning authority on the 17<sup>th</sup> day of July, 2020.

## **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 nature and extent of the proposed development, the established agricultural use, the planning history of the site, and the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained and completed would not seriously injure the amenities of the area or of property in the vicinity and 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 23<sup>rd</sup> day of June and the 17<sup>th</sup> day of July 2020, 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 retained, carried out and completed in accordance with the agreed particulars.

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

2. 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, to soakaways and,
  - (b) all soiled waters shall be directed to the 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 interests of environmental protection, public health and to ensure a proper standard of development.

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the 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.

4. The roof and side cladding of the structures shall be coloured to match the existing buildings within the farm complex.

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

5. 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.

6. The slatted shed shall be used only in strict accordance with a management schedule to 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 (S.I. No. 605 of 2017), 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.

7. 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 Protection of Waters) (Amendment) Regulations, 2017 (S.I. No. 605 of 2017).

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

8. The manure pit shall be constructed in accordance with Department of Agriculture, Food and the Marine specifications. The manure pit shall be properly maintained so as to prevent any leakage of manure through floors or walls. All seepage and soiled water from the proposed manure pit shall be connected to the proposed underground slurry storage tank.

**Reason:** In the interest of pollution control.

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

**Dated this            day of            2021**