

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/244

Appeal by Meadhbh FitzGerald and Others care of Sliabh Solas, Knocknagashel West, Tralee, County Kerry against the decision made on the 4th day of May, 2021 by Kerry County Council to grant permission, subject to conditions, to Padraig McElligott care of Ross Planning and Design of Rossanean, Currow, Killarney, County Kerry for the proposed development.

Proposed Development: Construction of an easy feed cattle shed for over wintering cows complete with easy feed barriers, underground slurry storage tank and cattle crush including all associated ancillary concrete and site works, at Knocknagashel West, Tralee, 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 nature and extent of the proposed development, the established agricultural use, the planning history of the site, the existing rural character and pattern of development in the vicinity, and to the provisions of the Kerry County Development Plan 2015-2021, 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, and 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. Water supply and drainage arrangements for the site, including the attenuation and disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

In this regard –

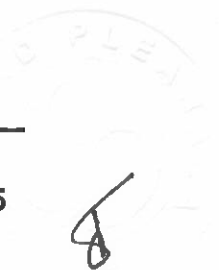
- (a) uncontaminated surface water run-off shall be separately collected and disposed of directly in a sealed system to existing drains, streams or adequate soak pits, and
- (b) all soiled waters shall be directed to the slatted storage tank and shall not be allowed to discharge to any drains, streams or watercourse, or to the public road.

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 and public health.

3. The slurry tank and any manure storage pit shall be constructed in accordance with the Department of Agriculture, Food and the Marine specifications. The storage capacity requirements shall be in accordance with the European Union (Good Agricultural Practices for Protection of Waters) Regulations 2017, (SI No. 605 of 2017) or any amending or substituting Regulations or guidance. 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 manure storage areas shall be connected to the underground slurry storage tank.

Reason: In the interest of pollution control.



4. 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 drains, streams or watercourses or to the public road.

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

5. The roof and side cladding of the slatted shed shall be coloured to match the existing buildings within the farm complex.

Reason: In the interest of visual amenity.

6. The slatted shed shall only be used 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 Communities (Good Agricultural Practice for Protection of Waters) Regulations 2017 (SI 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. Existing screen planting along the western boundary fence and the existing landscaping scheme shown on drawing number 01 Rev. A as submitted to the planning authority on 10th day of March 2021 shall be retained on site.

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 a similar size and species, unless otherwise agreed with the planning authority.

Reason: In the interest of visual amenity.

T. Ó Niadh

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *11th* day of *March*, 2022.

