

An  
Bord  
Pleanála

Board Order  
ABP-311754-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 21/503**

**Appeal** by Noel Halpin of Quarry Hill, Kilmallock, County Limerick against the decision made on the 30<sup>th</sup> day of September, 2021 by Limerick City and County Council to grant, subject to conditions, a permission to Thomas and Geraldine O'Connor Limited care of Grasstec Limited of Kilpatrick, Ballyclough, Mallow, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing milking parlour, construction of a milking parlour, dairy and ancillary rooms, drafting and handling facilities, waiting yard, meal bin, water storage tanks and underground slatted tanks. Construction of agricultural livestock shed comprising of straw bedded area, cubicles and underground slatted slurry tanks. Construction of silage pit and all other associated site works at Gibbonstown, Kilmallock, County Limerick. The proposed development was revised by further public notices received by the planning authority on the 22<sup>nd</sup> day of September, 2021 which included an amendment to the site boundary to include the south-western entrance to the site.

## **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, scale and appearance of the proposed development, the character of the receiving environment, and the relevant provisions of the Limerick County Development Plan 2010-2016 (as extended), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not be prejudicial to public health, would not be likely to cause a deterioration in the quality of waters in the area, would be acceptable in terms of traffic safety and convenience, and would constitute an appropriate use at this location. 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, as amended by the further plans and particulars submitted to the planning authority on the 12<sup>th</sup> day of August 2021, 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.

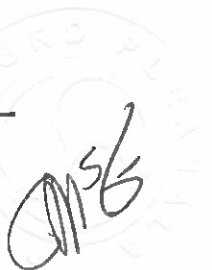
**Reason:** In the interest of clarity.

2. All collection and delivery vehicles for the farm shall use the south-western gate for access/egress as outlined on the site layout plan submitted to the planning authority on the 12<sup>th</sup> day of August 2021.

**Reason:** In the interest of traffic safety.

3. A minimum of 24 weeks net slurry storage capacity shall be provided on the landholding. Planning permission will be required for any additional storage capacity to accommodate any increase in livestock numbers and type from that outlined in the Nutrient Management Plan submitted with the application.

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



4. 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) Regulations 2014 (as amended).

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

5. All 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 any stream, river or watercourse, or public road.

**Reason:** In the interest of public health.

6. (a) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to soakaways and shall not discharge or be allowed to discharge to the storage tanks, a watercourse or the public road.
- (b) The developer shall submit to, and agree in writing with, the planning authority, the design and locations of these soakaways prior to commencement of development.
- (c) Inspection manholes shall be installed on all surface water collection systems/pipelines, prior to their discharge point to the soakaways, in accordance with the submitted details.

The discharge points to the soakaways shall be constructed in accordance with the details submitted under this condition and shall be monitored and inspected on a weekly basis, with inspection records of the discharge available for inspection by the planning authority or other statutory body on request. Where a discharge of potentially polluting mater is noted the planning authority shall be notified immediately.

**Reason:** In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes and in the interest of public health.

7. On completion of the construction of the proposed milking parlour and handling area, the existing milking parlour shall cease operation and be permanently removed.

**Reason:** In the interests of proper planning and orderly development.

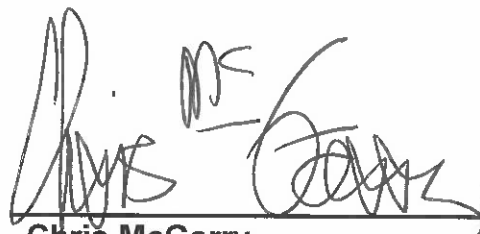
8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.



9. Construction and demolition waste shall be managed in accordance with the On-site Construction Waste Management Plan submitted in respect of the application.

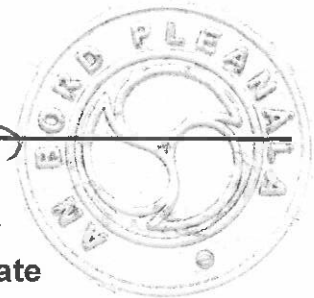
**Reason:** In the interest of sustainable waste management.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this 2<sup>nd</sup> day of March 2022.