

An  
Bord  
Pleanála

Board Order  
ABP-312968-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/1458**

**Appeal** by Pat Breen care of Michael Slattery and Associates of Unit 3D Davcon Business Centre, Monavalley, Tralee, County Kerry against the decision made on the 17<sup>th</sup> day of February, 2022 by Kerry County Council to grant subject to conditions a permission to Matthew and Margaret Brosnan care of Ross Planning and Design of Rossanean, Currow, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Construction of an an easy feed shed for over wintering cattle complete with easy feed barriers, underground slurry storage tanks and cubicles beds including a cattle collection yard with underground slurry storage tank all under the same roof structure, (2) removal and replacement of the existing roadside boundary wall with a new concrete roadside boundary wall including all associated ancillary concrete and site works, (3) demolition of an existing disused old two-storey dwellinghouse to allow for a new concrete yard extension, and (4) decommissioning of the existing septic tank and percolation area associated with the old dwellinghouse at Ballybeg, Currow, Killarney, 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.**

## **Reasons and Considerations**

Having regard to the nature, scale and appearance of the proposed development, the nature of the receiving environment and the provisions of the Kerry County Development Plan 2022-2028, 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 likely to be prejudicial to public health, and would not be likely to cause a deterioration in the quality of surface waters in 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 completed in accordance with the plans and particulars lodged with the application, as amended by the details submitted to An Bord Pleanála on the 8<sup>th</sup> day of April 2022, 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 external cladding on the easy feed shed shall be dark grey in colour.

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

3. The proposed roadside boundary wall shall be a maximum of two metres in height.

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

4. A minimum of 22 weeks' slurry storage shall be provided on the landholding. Planning permission will be required for any additional storage capacity to accommodate any increase in livestock numbers.

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

5. 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.

6. 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.

7. (a) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged into the watercourse at the western boundary of the site and shall not discharge or be allowed to discharge to the storage tanks or the public road.
- (b) Arrangements for the periodic monitoring and inspection of water quality at the discharge point to the watercourse shall be agreed in writing with the planning authority. 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.

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.

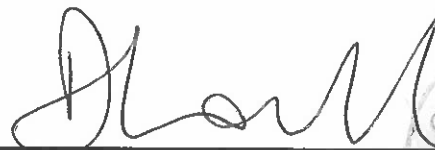
**Reason:** In the interests of public safety and residential amenity.

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

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

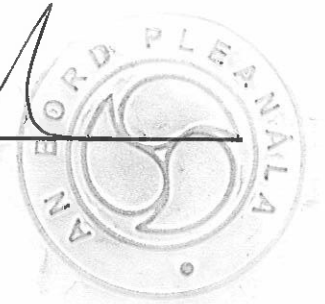
10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission



**Dave Walsh**

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



Dated this *18<sup>th</sup>* day of *September* 2022.