



An
Bord
Pleanála

Board Order ABP-317142-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/73

Appeal by Wild Ireland Defence CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 28th day of April, 2023 by Kerry County Council to grant subject to conditions a permission to Sean McKenna care of Roy Dineen of Dromkeen West, Causeway, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of a machinery store and pump house. Construction of a slatted cubicle house and bull house extension, complete with associated underground slurry tank and with a connection to existing slatted underground slurry tank in the slatted house, as well as an extension of the existing slatted underground slurry tank at the opposite end to provide an external agitation point at this end complete with all ancillary concrete and associated site works, all at Ardculen, Ballyduff, 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 and scale of the proposed development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity of the area and would be acceptable in terms of public health and environmental sustainability. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 3rd day of April, 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the proposed buildings shall be for agricultural purposes only.

Reason: In the interest of clarity.

3. All external finishes shall match those of the existing adjoining structures.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. The proposed development shall be designed and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).

Reason: In the interests of public health and residential amenity.

6. 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, and
- (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The northern roadside boundary shall be retained in full and shall be suitably strengthened with native hedge species which shall be agreed in writing with the planning authority prior to commencement of the development. The planting shall be carried out in accordance with the said details.

Reason: In the interest of visual amenity and the protection of biodiversity.

8. The removal of organic waste material and its spreading on land by the developer or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources. For the purposes of clarity, land spreading of organic waste material does not form part of this application or permission.

Reason: In the interest of environmental protection.



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 28th day of October 2024.