



An  
Bord  
Pleanála

**Board Order**  
**ABP-318059-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: P.23/60206**

**Appeal** by Dominic Cass of Stonecarthy, Stoneyford, County Kilkenny against the decision made on the 25<sup>th</sup> day of August, 2023 by Kilkenny County Council to grant subject to conditions a permission to Edmond, Margaret and Gavin Joyce care of Aidan Kelly of Molough, Newcastle, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a milking parlour, collecting yard/drafting yard, office, meal bin, storage, flow channels, water tank, underground effluent tank, extension to loose shed and all associated site works at Courtstown, Kilmanagh, County Kilkenny.

**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 provisions of Kilkenny City and County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed milking parlour, including a collecting yard/drafting yard, meal bin, storage, flow channels, water tank, underground effluent tank and an extension to a loose shed on the site, would be an appropriate addition to the existing farmyard, and further good farming practice. It would be compatible with the visual and residential amenities of the area. The proposed development would not have a likely significant effect on any European Site. The proposal 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 received by the planning authority on the 1<sup>st</sup> day of August, 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 development shall be carried out and completed in accordance with the agreed particulars.

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

2. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways.  
Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

**Reason:** In order to ensure that the capacity of soiled water tanks is reserved for their specific purposes.

3. All soiled waters and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

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

4. 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, as amended.

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

5. 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.



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Declan Moore

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

Dated this 19<sup>th</sup> day of November 2024.