



An  
Bord  
Pleanála

## Board Order ABP-318168-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 23/537**

**Appeal** by Wild Ireland Defence CLG care of Peter Sweetman Associates of P.O. Box 13611, Bantry, County Cork against the decision made on the 20<sup>th</sup> day of September, 2023 by Kerry County Council to grant permission subject to conditions to Shanahan's Clondouglas Limited care of Roy Dineen of Dromkeen West, Causeway, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construct a slatted cubicle house, associated underground slurry tanks, cattle crush and ancillary concrete yard at Tullig, Kilflynn, County Kerry as revised by further public notices received by the planning authority on the 3<sup>rd</sup> day of August, 2023.

### 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 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 or scenic amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. 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 received by the planning authority on the 27<sup>th</sup> day of July 2023 and the 30<sup>th</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. The use of the proposed buildings shall be for agricultural purposes only.

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

3. All proposed cladding shall be finished in a dark grey or dark green colour.

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

4. Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 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 interest of public health and residential amenity.

6. Clean surface water and run-off from roofs and clean paved areas shall be collected and directed to a soakpit or the nearest field drain located within the boundaries of the site and shall not be allowed to flow onto any roadway or discharge to soiled water/slurry/effluent storage areas.

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

7. The removal of organic waste material and its spreading on land by the applicant 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.

**Reason:** In the interest of environmental protection.

8. 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 the 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. The application of any indexation required by this condition 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.

**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.



Liam Bergin

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

**Dated this 30<sup>th</sup> day of September 2024**