



An
Bord
Pleanála

Board Order
ABP-319558-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/60077

Appeal by Wild Ireland Defense CLG care of Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 4th day of April, 2024 by Kerry County Council to grant subject to conditions a permission to Pat and David Trant care of Philip O'Dwyer of Foxfort, Causeway, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: To construct a soiled water and effluent tank complete with rain cover, sump tank, agitation points and all ancillary site works at Beheens West, Listowel, County Kerry, as amended by the further public notices received by the planning authority on the 8th day of March, 2024.

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 be acceptable in terms of public health and environmental sustainability. The proposed development would be in accordance with objectives KCDP 9-53 and KCDP 9-56 of the Kerry County Development Plan 2022-2028 and 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 7th day of February, 2024, 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 proposed structure shall be used for agricultural purposes only.

Reason: In the interest of orderly development.

3. The proposed structure shall be constructed and finished in a manner that is consistent in appearance with the adjoining effluent tank within the existing farmyard complex.

Reason: In the interest of visual amenity.

4. 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 interests of public health and residential amenity.

5. 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 to ground in appropriately sized soakaways, 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 interests of environmental protection and public health.

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6. (a) 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.
- (b) If slurry or manure is moved to other locations off the farm, the details of such movements shall be notified to the Department of Agriculture, Food and Marine, in accordance with the above Regulations.
- (c) Where a third party removes the slurry or manure, the details of the agreement shall be submitted to the local authority where the waste material is to be disposed to.

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



Liam McGree

Member of An Bord Pleanála

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

Dated this 25 day of FEBRUARY 2025.