



An
Bord
Pleanála

Board Order ABP-320102-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/68

Appeal by Wild Ireland Defense CLG care of Peter Sweetman of PO BOX 13611, Bantry, County Cork against the decision made on the 18th day of June, 2024, by Kerry County Council to grant permission, subject to conditions, to Dan O'Mahony care of Roy Dineen of Dromkeen West, Causeway, County Kerry for the proposed development.

Proposed Development: (1) Construction of a milking complex, including a milking parlour, dairy, plant room, office, roofed slatted collecting yard with slatted slurry and soiled water tank and connection to existing slurry tank, (2) construction of a slatted cubicle house, associated underground slurry tanks, ancillary concrete yards, and (3) erection of a meal feed bin and all associated site work at Garrynagore, Lixnaw, 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 be acceptable in terms of public health and environmental sustainability. The proposed development would comply 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 22nd day of May, 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 structures shall be used for agricultural purposes only.

Reason: In the interest of orderly development.

3. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

Reason: In order to avoid pollution and to protect residential amenity.

4. 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 or watercourses.
 - (b) All soiled waters shall be directed to a storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted 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.

5.
 - (a) The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with 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.

6. The northern boundary of the site shall be landscaped using only indigenous hedging species in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity and biodiversity.

7. 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.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 10 day of June, 2025