

An
Coimisiún
Pleanála

**Commission Order
ABP-320284-24**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/97

Appeal by Peter Sweetman of Wildlife Ireland Defence CLG of PO Box 13611, Bantry, County Cork against the decision made on the 2nd day of July, 2024 by Kerry County Council to grant subject to conditions a permission to John Stack care of Des O'Sullivan of Bedford, Listowel, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of an extension to existing easy feed slatted unit consisting of two number underground slurry tanks and a feed passage all on the farmyard at Gortdromassillahy, Moyvane, 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

The Commission made its decision consistent with:

- (a) the Climate Action and Low Carbon Development Act 2015, as amended, and
- (b) the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the nature and scale of the proposed development within an established agricultural farmyard, and the proposed development's compliance with the Kerry County Development Plan 2022-2028, specifically Objectives KCDP 9-55 and KCDP 9-56, 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, traffic and environmental sustainability. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment – Screening

The Commission noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Commission considered both the planning authority's ecologist Appropriate Assessment screening report and that of the Inspector and accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European sites in view of the site's conservation objectives, and concluded that a Stage 2 Appropriate Assessment is not, therefore, required.

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 5th day of June 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. All external finishes shall harmonise with the existing agricultural structures on site.

Reason: In the interest of visual amenity.

3. All construction work shall be carried out in accordance with the current Department of Agriculture and Food specifications and in particular S123: Minimum Specification for Bovine Units and Reinforced Tanks.

Reason: To ensure an adequate standard of construction, and to prevent water pollution.

4. All soiled water, farmyard manure runoff, dairy and parlour washings, yard washings, silage effluent, slurry, and contaminated rainwater shall be discharged to the existing or the proposed effluent storage tanks, or to a suitably constructed tank to the satisfaction of the Planning Authority. The tank or tanks shall be properly maintained to the Planning Authority's satisfaction and emptied as required to prevent the discharge of polluting matter to any watercourse or aquifer and to comply with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) regulations 2002 (as amended).

Reason: To prevent water pollution.

5. 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.

6. All uncontaminated surface water run-off from roofs, shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the effluent holding tanks. An inspection chamber and sump shall be provided on all storm water drains immediately before entry to soakaway. The sump shall be a minimum size of 500 millimetres by 500 millimetres and 400 millimetres deep and shall be of watertight construction. Gutters and down pipes shall be provided on all buildings on the farmyard and shall be kept in good repair.

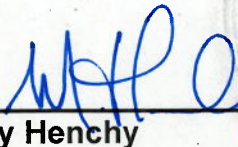
Reason: To prevent water pollution.

7. The building shall be used for agricultural purposes only.

Reason: In the interest of clarity.

8. Landscaping shall be carried out in accordance with the landscaping details received on the 5th day of June 2024. All hedgerows and natural sod boundaries, apart from those required to be removed for the development as indicated on the landscape plan, shall be retained in full.

Reason: In the interests of visual amenity and biodiversity.



Mary Henchy

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 30 day of September 2025.