



An  
Coimisiún  
Pleanála

Commission Order  
ACP-321070-24

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**Planning and Development Act 2000, as amended**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 24/60442**

**Appeal** by Peter Sweetman and Wild Ireland Defense CLG care of PO Box 13611, Bantry, County Cork against the decision made on the 23<sup>rd</sup> day of September, 2024 by Waterford City and County Council to grant subject to conditions a permission to Kevin Kiersey care of Eddie Rockett of Ballybrack, Kilmacthomas, County Waterford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a calf shed and to carry out all ancillary site works, all at Balyvadd, Portlaw, County Waterford.

## **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, and the proposed development's compliance with the Waterford City and County Development Plan 2022-2028, 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, would be acceptable in terms of public health and traffic, would not adversely impact on water quality, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. (a) All foul effluent generated by the agricultural development hereby permitted shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall be allowed to discharge to any stream, river watercourse or to lands. Under no circumstances shall any of the storage facilities be allowed to overflow.
- (b) The slurry effluent and farmyard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022.

**Reason:** In the interest of public health and the preservation of both existing and potential sources of public water supply.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

4. The building hereby permitted shall be constructed to the specification outlined in the Department of Agriculture, Food and the Marine "TAMS - Farm Building and Structures Specifications".

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

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 Coimisiún 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.



**Paul Caprani**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate  
the seal of the Commission.**



Dated this 24<sup>th</sup> day of November 2025.