

An  
Coimisiún  
Pleanála

Commission Order  
ABP-321072-24

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

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

**Planning Register Reference Number: 24102**

**Appeal** by Peter Sweetman on behalf of Wild Ireland Defense CLG of PO Box 13611, Bantry, County Cork against the decision made on the 30<sup>th</sup> day of September 2024, by Waterford City and Council to grant, subject to conditions, a permission to Edmond and Mary Eve Donovan care of O'Callaghan Engineering and Design Limited of Ballynona North, Dungourney, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a milking parlour complex, dairy washing tank, slatted cubicle house, new entrance, and associated works at Monagally West, Aglish, Cappoquin, County Waterford as amended by the further public notices received by the planning authority on the 9<sup>th</sup> day of August 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 development, as an extension to 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 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 development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In disagreeing with and revising the Inspector's recommended Condition 2, the Commission noted the justification provided for the closure of the existing entrance and its replacement with the proposed new entrance, and were satisfied based on the site layout drawings provided that the proposed new entrance had clearer lines of sight and therefore provided a safer alternative for access. The removal of a limited amount of hedgerow with replacement planting is therefore considered justified under these circumstances.

## **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 30<sup>th</sup> day of July 2024, and the 13<sup>th</sup> day of September 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. Revised drawings showing details of the proposed new entrance, closure of the existing entrance and associated landscaping with new replacement hedgerow from native and naturalised species shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and road safety.

3. Prior to 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 reducing waste and encouraging recycling.

4. All excavated material shall, where practicable, be reused on site. The removal of any surplus excavated material shall be done in line with the relevant licencing and permitting requirements.

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

5. (a) All foul effluent generated by the agricultural development permitted herein 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, 2002.

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

- 6. All galvanized cladding shall after weathering be dark green/grey or otherwise agreed in writing with the planning authority and match the colour of the existing farm buildings.

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

- 7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

- 8. The building permitted herein shall be constructed to the specification outlined in Department of Agriculture, Food and the Marine "Targeted Agriculture Modernisation Schemes (TAMS) - Farm Building and Structures Specifications".

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



9. 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.

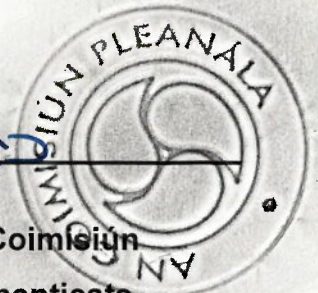
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Eamonn James Kelly*

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this *11<sup>th</sup>* day of *December*, 2025.