



An
Coimisiún
Pleanála

Commission Order
PL-500424-KY-26

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60958

Appeal by Martin Arthur against the decision made on the 12th day of November 2025 by Kerry County Council to grant, subject to conditions, a permission to, KPK Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construct an agricultural building for the housing of seep consisting of a slatted unit, feed passage and holding pens with an effluent holding tank underneath (with access points to the effluent tank on the outside of the building for the purpose of agitating and emptying), construct a dungstead and all other associated site works at Reennagappul and to the west of Market Street, Kenmare, County Kerry, as amended by the further public notices received by the planning authority on the 21st day of October, 2025.

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 provisions of Kerry County Development Plan 2022-2028, in particular Agriculture, Agri-Food and Agri-Tech Objectives KCDP 9-55, which seeks to facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings, and KCDP 9-56, which seeks to ensure that agricultural waste is managed and disposed of in a safe, efficient and sustainable manner, and having regard to the pattern of development in the area, the nature and scale of the proposed development on agriculturally zoned lands, at a location adjacent to an existing permitted agricultural shed, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or residential 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.

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 11th day of October 2025, 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 building shall be used for agricultural purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: in the interests of clarity, orderly development and the amenities of the area.

3. All external finishes shall harmonise with the existing agricultural structure on site and details shall be agreed with the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

4. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations.

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

5. All soiled water, farmyard manure runoff, yard and building washings, silage effluent, slurry, and contaminated rainwater shall be discharged to the existing or the proposed effluent storage facilities. The storage facilities 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 2022 (as amended).

Reason: To prevent water pollution.

6. 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.

7. All uncontaminated surface water run-off from roofs, yards etc., shall be discharged to soakaways or to watercourses and shall not be discharged to or allowed to enter the effluent holding facilities. Details of gutters and down pipes to be provided on the proposed agricultural building, shall be agreed with the planning authority, prior to commencement of development, and shall thereafter be kept in good repair.

Reason: To prevent water pollution.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste, including proposals for the management of excavated materials.

Reason: In the interest of public safety and amenity.

9. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

10. (a) No external lighting shall be provided within the proposed site.
- (b) Landscaping and biodiversity planting measures for this site shall be carried out in accordance with Landscape Plan drawing number 07 submitted with the Further Information planning documentation on 11 October 2025 and as updated by conditions of planning herein. All tree and shrub planting shall be native species only. All landscape/biodiversity planting shall be completed within 18 months of the completion of this development under the supervision of an appropriately qualified and experienced specialist. Any trees/planting that die or are removed within three years of planting shall be replaced in the first planting season thereafter. A compliance report shall be submitted and agreed with the planning authority within a period of two months after the first planting season post completion of construction works.

Reason: In the interests of ecology and to protect biodiversity.

11. 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.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 22nd day of September 2026