

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60668

Appeal by Mary O'Connor against the decision made on the 2nd day of December, 2025 by Kerry County Council to grant subject to conditions a permission to Cnoicin Farming Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the meal bin, as constructed, and permission to construct a cubicle shed and underground slatted slurry tank and all associated site works, all at Knockeen, Castleisland, County Kerry as revised by the further public notices received by the planning authority on the 6th day of November, 2025.

Decision

GRANT permission for the above 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 the Kerry County Development Plan 2022-2028, the location of the proposed development and development proposed to be retained within an established farmyard, and the nature and scale of the proposed development and development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not have an adverse effect on residential amenity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 24th 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All external finishes of the development shall harmonise with the existing agricultural structures on site.

Reason: In the interest of visual amenity.

3. All construction activities on site shall be carried out/managed in such a manner so that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.

Reason: In the interest of ensuring the protection of water quality in the receiving environment.

4. Drainage arrangements for the site, including the attenuation and 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.
- (b) All soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (S.I. No. 588/2025 - European Union, Good Agricultural Practice for Protection of Waters) Regulations 2025, 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.
- (c) All separation distances for potable water supplies as outlined in the European Union (S.I. No. 588/2025 - European Union, Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended, shall be strictly adhered to.

Reason: In the interest of public health.

5. All soiled waters and slurry generated by the development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

6. (a) All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 to 2008. This shall not apply to the re-use of excavated uncontaminated soil and other naturally occurring material within the site boundary.
- (b) The effluent storage tanks shall be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks.
- (c) The livestock sheds shall be constructed in accordance with the minimum specification document issued by the Department of Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings.

Reason: In the interest of public health.

7. The proposed development shall be designed, sited and constructed in accordance with the Department of Agriculture, Food and the Marine specifications as per the European Communities (S.I. No. 588/2025 European Union, Good Agricultural Practice for Protection of Waters) Regulations 2025, as amended.

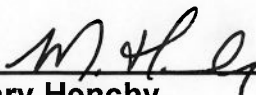
Reason: In the interest of public health and residential amenity.

8. 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.

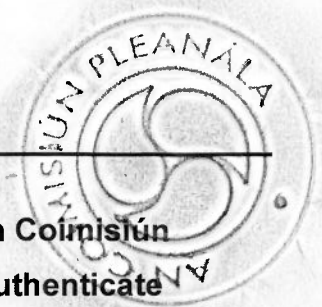
9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Mary Henchy

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



Dated this *18th* day of *September* 2026.