

An  
Coimisiún  
Pleanála

**Commission Order  
PL-500863-KY-26**

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 25/61124**

**Appeal** by Wild Ireland Defence CLG against the decision made on the 5<sup>th</sup> day of February, 2026 by Kerry County Council to grant, subject to conditions, a permission to Donal Fitzgerald in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new easy feed, slatted unit complete with slatted slurry tanks, feed passage and all ancillary site works at Ballyseedy, Tralee, 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.**

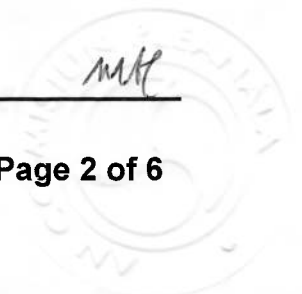
## Reasons and Considerations

Having regard to the nature and scale of the 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 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may be otherwise 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 harmonies with the existing agricultural structures on site.

**Reason:** In the interests of visual amenity.

3. (a) Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. No. 393/2022) (as amended).
- (b) Where slurry or manure generated by the proposed development is moved to other locations, details of such movements are to be notified to the Department of Agriculture, Food & the Marine in accordance with the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. No. 393/2022) (as amended).
- (c) Where a slurry or manure is removed by a third party, by agreement, to be land spread elsewhere, details of such an agreement (to include name of third party, lands to be spread, amounts of material) should be furnished to the local authority in which said lands are located.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

4. Water supply and drainage arrangements for the site, including the 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 (Good Agricultural Practice for the Protection of Waters (Amendment) 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 (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended shall be strictly adhered to.

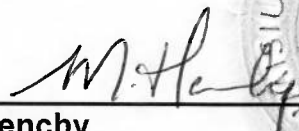
**Reason:** In the interest of environmental protection and public health.

5. (a) Landscaping shall be undertaken in accordance with the landscape plan received by the planning authority on the 3<sup>rd</sup> day of December 2025, within one year following completion of the development.
- (b) Five number medium sized native trees such as holly or whitethorn shall be planted and maintained in the immediate vicinity of the disused dwelling, which is located to the northeast of the farmyard and which is within the landholding, to help shelter the building and improve connectivity to it for bats. These trees shall be planted within one year of the commencement of development.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

6. 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 the 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.



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**Mary Henchy**

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

Dated this *17<sup>th</sup>* day of *June* 2026