



An  
Coimisiún  
Pleanála

Commission Order  
PL-500918-KY-26

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

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2560678**

**Appeal** by Michael and Marie Slattery against the decision made on the 9<sup>th</sup> day of February 2026, by Kerry County Council to grant, subject to conditions, a permission to James Murphy in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for a new calving shed and seepage tank and retention permission to retain a dung pit and a storage shed at Kilcolman, Miltown, County Kerry as revised by the further public notices received by the planning authority on the 13<sup>th</sup> day of January 2026.

## **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 to Agriculture, Agri-Food and Agri-Tech Objectives KCDP 9-55 and KCDP 9-56, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the residential amenity of the area and would be acceptable in terms of public health, traffic and environmental sustainability. The proposed development and the development proposed to be retained 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 22<sup>nd</sup> day of December 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. Within six months of the date of this Order, the applicant shall agree, in writing with the planning authority, details of screening of the proposed development with native deciduous planting,

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

3. All external finishes shall harmonise with the existing agricultural structures on site.

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

4. All construction activities on site shall be carried out/managed in such a manner 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.

5. 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 Good Agricultural Practice for the Protection of Waters Regulations 2025, as amended (S.I. Number 588/2025), 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 Good Agricultural Practice for the Protection of Waters Regulations 2025, as amended (S.I. Number 588/2025), shall be strictly adhered to.

**Reason:** In the interest of public health.

6. (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 2025 (S.I. No. 588/2025) (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 2025 (S.I. No. 588/2025) (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:** In the interest of public health.

7. The storage shed to be retained identified as structure 3 on drawing reference number M'250/25/01 received by the planning authority on the 4<sup>th</sup> day of August 2025 shall be used for dry storage only and not for the housing of animals.

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



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**Mary Henchy**

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

Dated this 22<sup>nd</sup> day of *June* 2026