



An
Coimisiún
Pleanála

Inspector's Report

PL-500995-KY-26

Development

Demolition of existing shed, construction of agricultural shed and retention of existing tank.

Location

Ards, Fossa, Killarney

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2560056

Applicant(s)

Mark Hallisey

Type of Application

Retention

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Mark Hallisey

Observer(s)

Dan and Mary Sheehan

Date of Site Inspection

1st May 2026

Inspector

Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The site of 0.402 ha. is roughly L shaped and is part of a large farmyard complex in a rural area c.6km outside Killarney. It is located at the end of a cul-sac off the R563. It is one of three adjacent yard holdings owned by the applicant (Hallsissey) – the two others are delineated in the applicant's Site Division Map. These holdings appear to be in addition to other landholding in the vicinity based on the submitted details and history. The wider yard complex includes lands to the north of the subject site which are part of a separate dairy farm holding (Sheehan). There are established dwelling houses adjacent to the yard complex – two to the north (both Sheehans) and one to the south (the applicant's home) in addition to a few houses along the approach road. One house directly adjoins the development site to the north and is also east of the development site, but an intervening yard (Sheehan's) separates this part of the subject site from the dwelling. This nearest dwelling is owned by the observing party (D Sheehan) who is also brother of the northern and intervening yard owner. Sheehan's yard is accessed north of the observer's dwelling.
- 1.2. There is a stream c 450m north of the site over which the access road bridges. This is described as Laune-020 in the EPA geo-portal and is a tributary of the River Laune c. 3km downstream at Beaufort Bridge to the southwest of the site

2.0 Proposed Development

2.1. Permission is sought for

- Demolition of cattle and hay shed.
- New Shed: floor area of 861.6sq.m. 5.8m high at apex and 4.27m at eaves. It is shown as 21.5m wide x 48.35m in length. (Dimensions shown on drawing no. 14-249-083)
- New slatted tank in shed - 5m wide x 2.7m deep with smart slurry aeration system.
- New Dung storage structure (north of shed) 18m x 7m x 2m =252 m³ as clarified in Fl. (original drawings showed 7m x 7m x 7m)

- Retention of existing tank in yard of 39.5m x 5m x 3.1m - the slats are to be removed and replaced with pre-cast concrete surface and this is to serve as a surface run-off tank to be fed by 3-yard channels and underground piping to ensure no escaping effluent or seepage can occur, all as shown in the Proposed Surface Water System Layout 1/1000 drawing submitted on 6th Jan 2026 as FI. This is to ensure compliance with the EU Nitrates Directive and Better Farming for Water Regulations, Site layout in FI also shows clean storm water for roof run-off diverted to an existing soakaway east of the access road opposite the site.

2.2. It is explained that it is proposed to house 100 no. 6-12 month-old cattle in the proposed shed and the livestock will be straw bedded weekly and cleaned out once a month or when the building is destocked with all dung being removed to the proposed dungstead. It is intended to pressure wash the building when destocked and with an expected frequency of 4 no. times during the closed period generating approximately 25m³ of soiled water each time. Proposed volume of farmyard manure/dungstead storage available stated to be 231m³.

2.3. The proposed facility has a proposed slurry storage capacity of 664m³ and it is proposed that there will be approximately 388m³ of slurry & soiled water produced therefore there is a 300m³ of slurry storage surplus.

2.4. Noise mitigation measures include a 3m high acoustic fence partially along the inner elbow of the site boundary where it abuts the yard to the east and abuts part of the southern boundary of the observer's dwelling

2.5. Attachments to application:

- Dealer License issued by the Dep of Agriculture advising of the need to either construct new cattle shed and associated yard or else carry out significant structural upgrade of the existing cattle shed and associated yard.
- Overview description of proposed development and nature of use with detail of slurry storage and livestock exports.
- Statement of activity by Ann Foster B.AgrSc. This statement describes how the applicant houses 100 (6-12 months old) in Ard 1 from mid-August to mid-January in any given year and this would produce 27 m³ of slurry during the required

storage period, Yard 1 is state to be very outdated with non-compliant structural defects and not suitable for conversion ultimately impact on animal health.

- Noise Impact Assessment Report

3.0 Planning Authority Decision

3.1. Decision

3.2. By Order dated 18th February 2026 the planning authority issued notification of its decision to refuse permission for the following stated reasons:

- 1) Having regard to the nature and scale of the proposed development and its proximity to the existing dwelling house on the adjoining site to the north, it is considered that the proposed development would seriously injure the residential amenities and depreciate the value of said residential property due to the odours, noise and general disturbance that would be generated. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
- 2) On the basis of the information submitted with the planning application, the planning authority is not satisfied that the proposed development would not result in water pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the site.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. The initial report of 17th February noted the clustered farmyard complex and that visual amenity was not a substantive issue, however the residential amenity and traffic were considered issues. It notes the considerable number of buildings within the farm complex, part of which is only included in the application drawings. The buildings are used as part of a livestock distribution business "Hallsisey Livestock Exports". It notes that the amount of activity on the site seems to be considerable and intensive in nature. The details submitted have outlined the "Dealers yard" and "Export Yard" as separate from the farm activities. It notes proximity close to the

boundary wall with the dwelling house and refusal of permission for a shed in the same part of the farmyard on the basis that it was considered that the proposed development would have a negative impact on neighbouring residential amenities. The most recent refusal was for a shed with a floor area of 1,034sqm. The shed in the current proposal is 961sqm. The shed is still quite considerable in size and is very close to the boundary wall with the Sheehan's to the north. Having particular regard to the technical reports the following further information was sought:

- Control of noise does not appear to deal adequately with the potential noise impacts of the proposed new agricultural shed. A 3metre-high acoustic barrier is proposed along the line of the boundary however detail as to the existing acoustic environment or the degree to how much the proposed barrier would contain noise has not been demonstrated adequately in the submission. Calculations to demonstrate the attenuation and sound pressure level reduction to be provided by the proposed barrier at the sound frequencies produced by the activities has not been adequately addressed. Consequently, it would appear that no specific noise impact assessment has been undertaken in relation to the proposed development as a whole. Given the nature of the development and the considerable potential for noise impacts, we are of the opinion that a detailed assessment should be carried out. On that basis, you are requested to engage the services of a suitably qualified person(s) to carry out an assessment of any noise nuisance issues potentially arising in relation to the development and submit same as further information.

You are requested to clearly explain the need for the retention of the existing underground storage tank. In this regard, it is unclear why the tank in question is required.

- The dimensions of the proposed dungstead as shown on the drawing submitted with the application appear somewhat different to those used in the calculations provided for the volume of farmyard manure/dung generated. In addition, the section drawings submitted do not appear to show the dungstead in question. You are requested to clarify these issues.
- You are requested to clarify if it is intended to proceed with the adjoining development shown on the site layout plan (planning ref. 20/518).

- We note that this particular application relates to a structure to be located within what is described as the Dealers Yard. However, there are two other yards referenced in the documentation, namely the Export Yard and the Permanent Yard. It is our opinion that, from the perspective of the Good Agricultural Practice Regulation, specific information about all three yards needs to be provided in order to allow a thorough assessment of the proposal. In that regard, the applicant is requested to submit a Farmyard Management Plan prepared by a suitably qualified Agriculturalist. The plan should clearly demonstrate that all facilities for the collection and storage of all effluents arising from within the overall complex satisfy the requirements set out in European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (as amended). A narrative summary shall accompany the above and shall be set out under the following headings:
- Proposed numbers and age categories of all stock to be overwintered within the three identified yards, namely the Dealers Yard, the Export Yard and the Permanent Yard.
- Provide details of the quantities, if any, of organic fertiliser exported per annum and details of the receiving farmer(s). (Please note, evidence of livestock manure exports (Record 3) should be submitted with the further information).
- If importing livestock manures, please confirm the type and volume of livestock manure imported (Record 3).
- Demonstrate that sufficient suitable lands are available for recovery/land spreading of slurry and/or organic fertilisers and/or soiled water generated within the three yards. The information submitted should include a map to a suitable scale showing the available spread lands.
- Provide details from Animal Identification and Movement System of livestock types & numbers on farm over the previous 12 months for the three yards in question.
- Calculations showing the volume of slurry produced for a minimum 18 weeks.
- Calculations showing net volumes of each effluent storage facilities within the three yards.

- Explain how silage effluent is collected, stored and managed in a manner which is in compliance with the above Regulations (show relevant calculations). Farmyard Manure Management: Show available storage capacity. Show volumes of bedding to be used and calculations for all effluents arising. Explain how effluents will be collected and stored. How will farmyard manure be managed during the “closed period” (November 1 to January 15) in order to comply with the above regulations?
- Yard Layout Plan – Clearly reference all buildings within the three yards identified in the application. All effluent calculations in the Plan shall reference the Yard Layout Plan.
- Yard Layout Plan showing clean (blue) and soiled (red) water flow paths within the Dealers Yard. Indicate discharge point of clean waters from the yard on a map or layout plan.

3.3.3. Other Technical Reports

- County Archaeologist (Report of 10/2/25): Site is located partially within the zone of notification as defined on the record of monuments and places around the recorded monument Ke 066003. Listed as a ringfort. However, there is sufficient distance between the monument and proposed development of the site has previously been disturbed. No mitigation that's required.
- Environment Section: (Reports of 26/3/25 and 10/2/26):
 - FI required regarding noise, need for underground storage tank, dimensions of dung stead, development pursuant to 20/518 demonstration of compliance with all yards of compliance with the Good Agricultural Practice for Protection of Waters. (Regulation 2022) detailed information required on livestock for all yards and management of slurry and effluent.
 - In the subsequent report reviewing the FI it is that there appears to be no on-site noise monitoring survey as part of assessment process while the complexity is noted regarding noise sources and data is presented in large complexity table the division is not fully satisfied that the development would not result in adverse noise impacts.

- Ther concerns about livestock number a storage facilities are reiterated and there is an overall sense of uncertainty such as throughput of animals from export yard and consequently capacity for organic fertilizer. Uncertain about measures to minimize volume of soiled water. Refusal recommended,
- Environment Assessment Unit: (Report of 10/3/26): determined that neither an AA, EIA nor EIA screening would have been required in respect of the retention works.

3.4. Prescribed Bodies

No reports

3.5. Third Party Observations

- 3.5.1. The neighbour, D Sheehan in the adjacent dwelling house, has made observations on the application and further information submitted. These relate to the nuisances experienced from the cattle related yard activities and are reiterated in the observations on the appeal.

4.0 Planning History

4.1. Separate site in same landholding

PA ref 20/518 permission grant to Mark Hallissey new agricultural cattle shed of 320 sq.m. with a height of 8.8m to the southeast of the existing complex. In this application the subject site is included in the landholding as outlined which extend north and south of the yard complex and excludes part of the yard. for In this the total slurry and soiled water is calculated at 892 m³ and proposed capacity of slatted tanks is 1178.32 m³ with a 286.32 m³ surplus. It is for 320 cattle 6-12 months. In FI it was revised to 951.71 m³ net slurry capacity for 688.51 m³. calculation state that 267 animals on overall per week are to be housed on 6-week cycles. Lands to southeast (PA re 21499 refers to **withdrawn** application on a larger site than outlined in 20/518 but substantially overlapping) In further information is explained that this permission was not acted upon and has now expired.

PA ref 2460645 (same site) refusal of permission on same site to demolish existing sheds and replace with new agricultural she and slatted tank. Retention permission

for existing tank to be used as a surface water run-off tank. This was considered very large. Reasons for refusal

Having regard to the nature and scale of the proposed development and its proximity to the existing dwelling house on the adjoining site to the north it is considered that the proposed development would seriously injure residential amenities and depreciate the value of said residential property due to odours, noise and general disturbance that would be generated. ...

On the basis of the information submitted with the planning application the planning authority is not satisfied that the proposed development would not result in water pollution

PA ref 221172 (same site) refusal of permission to Mark Hallisey for retention of existing slatted tank and permission for new agricultural shed and associated work

PA ref 23587 (same site) refusal of permission to Mark Hallisey for retention of existing slated tank and permission for new agricultural shed for reasons relating to residential amenity by reason of odours, noise and disturbance and water pollution

An Bord Pleanála ref PL08.224919/PA ref 07/2123 refusal of permission (2008) on appeal to Mark Hallissey to construct an easy feed wintering unit for livestock with underground slurry tanks, silo base on appeal lands to east for the stated reason:

It is considered that, noting the proximity of the proposed development to a number of dwellinghouses and removed from existing sheds, the applicant for this substantial slatted house, livestock house and silage base has not adequately justified the selection of this site for the proposed development on the overall landholding. Furthermore, the applicant has not presented sufficient information in relation to the number and types of animals proposed to be housed or the proposed management measures for effluent from the proposed development. The necessity of creating a significant excavation on this sloping ground to accommodate the proposed development has not been set out. The Board is not satisfied, therefore, that the proposed development would not seriously injure the amenities of nearby residents by reason of general disturbance, would not result in an undue risk of pollution of watercourses in the vicinity and would not be visually obtrusive due to excessive cut and fill measures and lack of screening proposed. The proposed development would, therefore, seriously injure the amenities of the area and of

property in the vicinity and be contrary to the proper planning and sustainable development of the area.

In a footnote to the order, it is clarified that:

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the scale of proposed development, and its possible association with cattle trading, could result in a different nature and level of disturbance for nearby residences than would arise with a typical farmyard. The Board noted that the applicant had failed to respond to the grounds of appeal and considered that the deficiencies in information in the application as set out above were not amenable to being resolved by means of condition in this instance.

PA ref 074433 permission to Mark Hallissey for construction of an easy feed wintering unit with underground slurry tanks. Lands southwest of site

PA ref 00/443 permission to Mark Hallissey for an open yard on existing farmyard Lands southwest of site.

PA ref 191254 refers to a **withdrawn** application by Mark Hallissey for a new ag. shed on lands to the south of the easy feed wintering shed permitted under ref 07433 south east of the subject site.

4.2. Lands to north

PA ref 07603 permission to Michael Sheehan for a slatted cubicle house.

PA ref 92/1153 permission for slatted cattle shed.

PA ref 20/041 permission to Mike and Paddy Sheehan for new easy livestock feed unit with flow channels to existing slatted tank and ancillary external concrete, shed extension, loose livestock house and new slatted tank. In this application gross floor area of existing buildings stood at 2283 s.qm. and proposed works amounted to 390 sq.m.

PA ref 2448 permission to Michael and Paddy Sheehan for retention of loose livestock house

5.0 Policy Context

5.1. Development Plan - Kerry County Development Plan 2022-2028

Landscape:

The site is located in a visually sensitive area in Map B Landscape Designations Visually Sensitive Area and Views and Prospects and therefore section 11.6.3.1 applies. Development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area...it is imperative to maintain the natural beauty and character of the county and that these areas are protected.

5.2. Agriculture:

- Objective KCDP 9-53 Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan
- Objective KCDP 9-55 Facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity)
- Objective KCDP 9-39 Support and facilitate the thematic objectives outlined in “Our Rural Futures”, rural development policy 2021-2025, to strengthen economic activity and employment in rural areas
- Objective KCDP 9-52 Support and facilitate the implementation of the strategic objectives of Food Vision 2030 – A World Leader in Sustainable Food Systems to sustainably develop the agricultural and food sectors that contribute enormously to the economic development of rural areas. Objective KCDP 9-53 Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan.
- Objective KCDP 9-56 Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the

Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

- Objective KCDP 9-62 Ensure the economic benefits associated with promoting the County's agri-food sector are balanced with due consideration for the conservation and protection of the rural environment.

5.3. Relevant National Policy, Programmes and guidance

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Climate Action Plan 2024
- Department of Agriculture Food and Marine, S.123 document, Minimum Specification For Bovine Livestock Units And Reinforced Tanks (2022)
- Nitrates Action Programme (NAP) 2026-2028

5.4. Natural Heritage Designations

Castlemaine Harbour SAC (000343) c.1.8 km across land 3km downstream of nearest river.

Killarney National Park SPA 004038 c.1.7km across land to south

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC 000365. c.1.7km across land to south

6.0 EIA Screening

- 6.1. The proposed development involves farm related development to extend cattle facilities within an established farmyard setting in a rural area. The works do not involve rural restructuring or alterations to field boundaries. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. (Refer to Appendix 1 for Preliminary Examination.)

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal have been prepared by Leahy Planning Ltd and the main points are:

- The proposed use is long established in an agriculture area, and the proposed development involves modernisation of this existing facility as part of upgrading to comply with Good Agricultural Practice Regulations.
- The proposed development will have a positive impact on nearby residential amenity by improving local ambient conditions
- There is no basis that the proposed development will adversely impact on ground water.

The appeal is supported by

- A statement from Ann Fister B.Agr.Sc. confirming that the applicant has adequate land ideally suited to slurry spreading in the vicinity of the yard
- The production of soiled water will be minimised by not allowing livestock stand in open yards over a period of time.
- It is confirmed that the system includes an advanced concrete drainage channel network in place to divert soiled water to storage tanks and ensure its containment and no seepage. All rainwater is segregated so as to reduce volume of soiled water.

7.2. Planning Authority Response

- No further comments

7.3. Observation

7.3.1. An observation on the appeal is made from the neighbouring resident to east of the site. The submission supports the decision to refuse permission primarily based on the injury of residential amenity having regard to the ongoing experiences of living beside the livestock enterprise. The main points are:

7.3.2. The proposed cattle shed is 42m from their home and 33m from the boundary and is therefore closer. Given the results of and a conclusion in noise assessment commission by KCC wherein it was determined that the livestock export business has given rise to noise levels of 'profound' effect it is believed that the bringing closer

of such an activity will increase this effect and have a negative impact and also disimprove the ambient condition for nearby landowners.

- The 3m acoustic barrier will have little impact given the height of surrounding structures that have provided a noise buffer. The DKP assertion that the acoustic screen would reduce noise by 28dB is grossly exaggerated.
- The nature of the adjacent family dairy farm does not generate the same level or nature of noise as the export business where weanlings are temporary housed and are stressed.

7.3.3. The observation is appended with the following documents:

- A brief history of 'unauthorised' development and planning applications
- 'Livestock Noise Emission Assessment' by CLV Consulting for KC (dated 3rd July 2025)
- 'A technical Note' by CLV Consulting for Dan and Mary Sheehan
- An Bord Pleanála Order (PA ref 07/2123) refusing permission for an easy feed wintering unit on the applicant's lands

8.0 **Assessment**

8.1. **Issues**

8.1.1. Having reviewed the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are:

- Principle of development
- Impact on residential amenity
- Impact on water quality

8.2. **Principle of development**

8.2.1. The proposed development relates to part of an established farmyard complex in a rural area characterised by predominantly open fields with dispersed settlement. The applicant is seeking to replace a cattle shed and adjoining hayshed with a new shed

and a new slatted unit with adjacent dungstead in one of his 3 yards which are associated with the overall cattle business. Permission is also being sought to retain a separate large underground tank which is to be adapted by replacing slats with solid slabs on top so as to contain collected run-off and soiled waters. The application is supported by a letter from the Dealer licensing section of the Department of Agriculture, Food and Marine which states a requirement for a new shed or substantial structural improvement to existing. Accordingly, the proposed development is a form of upgrading works in accordance with dealing license requirements. The need is further explained in the Agricultural consultant's statement which explains the need for compliance with the Good Agricultural Practice Regulations.

- 8.2.2. There is strong policy basis in the local Kerry County Development Plan to support agricultural activities, (such as Objective KCDP 9-53 and Objective KCDP 9-55), in addition to supporting the rural economy, (Objective KCDP 9-39 and Objective KCDP 9-52). The objectives are framed with reference to facilitating development and modernisation of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan and subject to protecting the environment, natural and built heritage and residential amenity. Accordingly, the acceptability of the proposed development, while acceptable in general terms in principle, is predicated on meeting with a range of environment and amenities considerations as part of development control management in order to fully comply with the development plan objectives.
- 8.2.3. In terms of the visual impact of the development in the wider area, the development plan criteria for visually sensitive areas applies given its general location in an elevated scenic setting and in the catchment of such designation in Map B - Landscape Designation. (Vol. 4 CDP). However, given the context of the established yard complex surrounding this development and its mature setting with mature trees and boundaries the immediate environs have the characteristics that can absorb the scale of redevelopment. Having regard to the pattern of development and noting the planning authority's reasonable regard to the development cluster context and visual acceptability, I do not consider the principle of development on grounds of visual amenity is a significant issue in this case.

8.1. Impact on Residential Amenity

8.1.1. The substantive issues in this appeal centres on the impact of the proposal development on the residential amenity of the adjacent dwelling of an established resident. It seems on balance that established residences have co-existing with farm yard activities for a considerable time but over the years the neighbouring dwelling to the east has been subjected to the effects of considerable expansion and intensification of activities on an incremental basis. The result of this subject proposal is that while it would improve cattle facilities as part of a substantial livestock business, it would appear to support a permanency of the more nuisance generating activities along the stie boundary close to unrelated dwellings. The house to the east (observing party) is surrounded by farmyards and effectively sits inside the elbow of the subject site. The replacement of the cattle shed with a larger structure is closer in proximity to the dwelling to the east whereby it would be in the order of 42m from the dwellinghouse and some 33m from its rear boundary. The applicant argues that there is comparatively little difference in the distance. For example, the site layout in the FI provides a dimension of 46.19m between the existing shed and house. However, this part of the existing shed relates to the hay shed at the north end of an L Plan whereas the existing livestock shed is set back at a greater distance at over 50m.

Noise

8.1.2. The generation of noise by the livestock trading enterprise has been subject of review and assessment by the planning authority arising from complaints by the observing party in the adjacent house. This led to the commissioning of a noise assessment as appended to the observers' submission and demonstrated a case of adverse impacts on the observing party's residence.

8.1.3. I note the content of the CLV Consulting, Technical Report on Livestock Noise Emission Assessment (commissioned by Kerry Coucnty Council). This survey measured noise inside the observing party's residence during specific dates and times during March 2025 and concluded that:

- Noise emission levels during livestock bellowing and delivery were in the order of 69dB $L_{Aeq,T}$ inside the first-floor bedroom during a 4-hour mourning period of

operation and this is a profound noise impact by reference to the daytime limit of 35dB L_{Aeq, T}

- Noise emission level in the 1st floor bedroom typically ranged between 40-50dB L_{Aeq, 15min} during all time periods. Based on the level of exceedance of the 30dB L_{Aeq, T night time} criteria this level is described as having a significant to profound noise impact on the observer party's dwelling.
- Noise emissions are considered impulsive in nature.
- The report holding area requires appropriate mitigation or to be relocated further away from the affected dwelling.

8.1.4. As part of the FI response in this case the applicant has also submitted a Noise Impact Assessment and has incorporated noise abatement measures which include the shed design with for example openings on the west side away from the dwelling and mitigation measures include a 3m acoustic barrier along the boundaries to the north and east. This report was carried out by DKP Environmental Service. It calculates actual day time and nighttime façade noise exposure on the three dwellings that surround the yard and takes account of a total of 15 locations/sheds which relate to applicant yards (export yard and the permanent yard) but excludes the subject site 'yard 1 – Dealers Yard'. It also includes the neighbouring yard (Sheehan's) and identifies nine building noise survey locations. Five sources of noise (recorded at the neighbouring two house) emanate from S1 – S6 in the Sheehan's neighbouring yard and are not in control of the applicant. Ultimately it is concluded that based on these calculations the replacement building makes very little difference on the façade noise exposure of the nearest dwellings. While it is acknowledged that the noise exceeded the EPA guidelines in exceeding 55dB daytime and 45dB nighttime, but this is attributed to the activities in the adjacent yard buildings (identified as S1 to S6) as identified in the Site Layout 'Noise Source locations' maps.

8.1.5. The council engineer in the environment division of KCC states in a report (10/2/2026) appraising the further information that no on-site noise monitoring survey has been undertaken and is of the opinion that the report is largely based on a theoretical assessment of noise of various noise sources from adjacent yards. The environment department, having appraised this, is not fully satisfied that the proposed development would not result in adverse noise impacts as the noise

assessment does not clearly demonstrate that the development would not impact negatively of the nearest dwelling.

- 8.1.6. The same consultants for KCC provided a 'Technical Note' for the observing party and this is based on a subsequent survey in February 2026 which identified noise levels emanating from the Sheehan farm alone and the survey results are presented in section 2.6 of that report. They show a dB_{LA 90} range of 42, 48, 51 and 65. The highest level is during milking parlour activities when a high level of westerly wind gust also contributed.
- 8.1.7. There is much emphasis on the established farmyard and the cumulative impact of noise. In essence the case is made that there is no material change arising from the proposed development and that with the noise mitigation measures, it is an overall positive development. However, I find the survey results of February 2026 provide a comparative base for distinguishing noise sources. While the noise level would appear to at high levels in both yards the nature and duration of the livestock activities is impulsive and disturbing in nature as compared to the dairy farm activities.
- 8.1.8. The appellant case is that the benefits of replacement shed should be viewed positively by reference to CDP policy. I note however the citing by the appellant of the CDP objective HKCDP-9-55 is selective in that it omits reference to impact on residential amenity. To the contrary the appellant argues for the justification of injury to residential amenity given the rural farming context and that it is not a suburban area. While I accept the rural and agricultural context, there is nevertheless a house that, judging by traditional form, considerably predates the scale of livestock export business which has been operating since 1994 as stated. I do not consider the gains in respect of GAP compliance by the farmer necessarily counter the adverse impact on the immediate environs of the neighbour to a degree that would justify development that may intensify profound adverse impacts.
- 8.1.9. While I note the conclusions of the applicant's noise impact assessment, I would query the robustness of the findings having regard to the planning authority's appraisal and also the absence of statement on consultant acoustic credentials and certification of instrument and calibration details as is normal methodology for such an expert report. I note in the report by the CLV consultant such details are clearly

provided such as acoustic consultant (IOA), instrumentation and certification of calibration details. On balance, the CLV consultant has more evidence of specialist experience as compared to the details provide by DKP although I may stand to be corrected. I also share concerns with KCC about the survey scope. While there may be validity in the findings of the appellant's noise survey and calculations, I consider the concerns of the initial KCC commissioned CLV report have not been robustly countered. Accordingly, I would share the concerns of the planning authority in its reservation on the assurances of noise impact assessment issue being fully clarified and addressed. Accordingly, I do not consider a significant adverse impact of residential amenity can be ruled out and therefore HKCDP-9-55 cannot be fully complied with in regard to noise.

Odours

- 8.1.10. The other element relates to the introduction of a slatted tank for slurry with capacity of 664m³ which is to be part of an entirely new structure replacing the existing cattle shed. The purpose is to provide a more modern shed of more streamlined form with the main difference being the inclusion of a slatted unit which is stated to include a smart slurry aeration system that is both, cost effective and environmentally friendly in terms of maintaining a homogeneous pumpable state in the dairy beef/pig industries and avoids need of further agitation. It can provide better air quality lower emission and reduced odours, for example methane production can be reduced by 40% in aeration.
- 8.1.11. While I do not doubt that the aeration system would potentially reduce odorous emissions by avoiding the agitation process for example, the issue is that the proposal is to introduce a substantial slatted slurry tank along the site boundary where none exists. There is also a dung stead for some 250 m³ proposed in place of an existing hayshed at the northern end of this shed and this is along the northern boundary. This is within 45m of the neighbouring residence and in the order of 55m from the other dwelling to the northeast. These are upwind due to a south westerly prevail winds (as recorded in the Noise survey.) While there is no statutory guidance that sets limits on separation distances, the Schedule 2, Class 6 category for exemption for sheds in planning regulations 2001 as amended are restricted when it comes within 100m of a dwelling house among other spatial thresholds. I also note the Department of Agriculture Food and Marine, S.123 document, Minimum

Specification For Bovine Livestock Units And Reinforced Tanks (2022) sets out the department requirements for setback from water supply – ‘the minimum distance between a storage facility and a public/private water supply source, either surface or ground, shall be 60m for new farmyards and this may be reduced to not less than 30m for existing farmyards subject to a hydro-geological survey.’ There are no details of wells in the vicinity. Given the terrain where land falls to the east to the front of the dwelling (in the direct of the soakaway), it is quite possible the adjacent dwelling has a well at its western end nearer the site and a septic tank down gradient to the east although such would need further clarification. On balance in view of the separation distance and scale of proposal, it is not unreasonable to conclude that the scale of slurry storage will introduce an odorous activity at a level where none exists and is likely to be a source of nuisance.

- 8.1.12. The applicant makes the case that there is an intervening yard which includes a slatted cubicle house, a dry store, calving house and a calf house and there is also permission for an 8m high loose house. Accordingly, the point is made that that it is not possible to differentiate nuisances between the different yards. While I note there are intervening buildings, the slatted cubicle is relatively small-scale c. 22m x 10m and is also within the ownership of the extended family -it is also equidistant from the dwelling house occupied by the slatted house owner and is not therefore comparable.

Soiled Water Attenuation

- 8.1.13. The other element of the proposal seeks to retain an existing constructed tank for the storage of soiled water run-off. The exact nature and purpose of the tank in terms of need, use and justification of size was the subject of a detailed request of further information
- 8.1.14. The main concern from an amenity perspective is that the proposed tank is alongside the neighbouring boundary of the observing party. His residence, on a site of 0.22 hectares as stated in the observation to the PA, would be extensively surrounded by yard nuisances over which he has no control. In this case I note the rear boundary is bound by an active yard (a family member) and the northside is an access to this yard, whereas the southern side is an open area of the yard. The tank proposed to be retained extends over a length of 39m with a considerable volumetric capacity

39.5m x 5m x 3.1m and c.15m from the boundary. The Environmental section has queried the scale of this as it is considered excessive. I note however further details demonstrate how this fits into the overall drainage system for adjacent yard and is to be capped so as to contain emissions. I do not consider this element to be a likely source of significant nuisance.

Conclusion on Amenity

- 8.1.15. While the appellant relies on the case of reasonableness to upgrade, I consider that given the nature of activities and planning history that the case for a replacement larger shed likely to generate more nuisance at the subject location is not sufficiently justified. I also say this in the context of a recently lapsed permission to the applicant for a cattle shed further south and that there may be better alternatives in the context of adhering fully to objective HKCDP-9-55 in the provision for a new cattle shed facility in accordance with the proper planning and sustainable development of the area. Accordingly, I consider a refusal on these grounds is reasonable.
- 8.1.16. I would further comment that based on the submission and planning history it would appear that the applicant has developed a substantial livestock enterprise involving multiple yards as part of the overall use. While the yard may operate independently as a business, the issue is that the overall yard complex has potentially cumulative impacts in terms of pressures on the receiving local environment. In such a context, the approach to any significant redevelopment may be more reasonably addressed in a more plan led approach through, for example, a master plan for the overall development and management of the farmyards so as to provide for more orderly and sustainable development into the future.

8.2. Impact on water quality

- 8.2.1. The environment department of the KCC refers to importance of considering all aspects of the entire larger agricultural enterprise. Notwithstanding the information provided on livestock numbers including a large through put of livestock via the export yard there remains uncertainty about element of this such as exact number through the export yard and in this context they cannot be fully satisfied that the

proposed development can adequately cater for the quantity of organic fertilizer that it would be accepting. Furthermore in relation to the surface water system layout it remains unclear as to what measures are proposed in order to minimise the volume of soiled water. Accordingly, a refusal of permission is recommended.

- 8.2.2. In the grounds of appeal which are supported by a statement by an agriculturalist, Ann Fister B.Agr.Sc, it is clarified that the applicant has adequate land ideally suited to slurry spreading in the vicinity of the yard. In respect of the management of soiled water, it is stated that its production will be minimised by not allowing livestock stand in open yards over a period of time. The system is stated to be designed to include advanced concrete drainage channels as part of network of segregation so as to divert soiled water to storage tanks and ensure its containment and no seepage. The clean run-off from roofs drains to a system designed to be segregated so as to reduce volume of soiled water, and this is shown in the site layout outside the site (outlined in red) to be directed to an existing soakaway in the fields across the road. While further details on the surface water management may be needed to meet with requirements of the planning authority, the applicant has I consider in overall terms demonstrated adequate slurry capacity for the livestock proposed in addition to provision for, a dungstead, soiled water and surface water management although external to the site. All soiled water and effluent management and yard management are governed by the European Union (Good Agricultural Practice for the Protection of Water) Regulations, 2025 and these set out the obligations to ensure capacity of storage facilities for livestock slurry manure and other organic fertilisers, soiled water and effluents from dungstead and livestock. Accordingly, subject to compliance with regulations the proposed development is not likely to give rise to groundwater pollution.
- 8.2.3. I do accept however that the use of the tank to be retained by other yards outside the subject development site may restrict the planning authority in its monitoring of compliance with the planning conditions and that the overall approach is somewhat piecemeal.
- 8.2.4. While I note the objective KCDP 9-56 to ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good

Agricultural Practice for the Protection of Waters Regulations I do not consider proposals driven by compliance with GAP and compliance with which is overseen by separate competent authority can be reasonably refused on grounds of water pollution in this instance..

9.0 AA Screening

- 9.1. I have considered the proposed works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site relates to a replacement cattle shed in an existing yard with the addition of a large slurry tank. Permission is also sought for a tank for soiled waters.
- 9.2. The Planning authority has raised concerns about the extension of cattle and slurry facilities with regard to the overall management of slurry and compliance with the Good Agricultural Regulations. While the spreading of such on limited lands may generate surface water and groundwater effects and indirectly link into the catchment that feeds into European sites, this activity is managed and controlled by other competent bodies. Land spreading of such organic fertilisers is regulated under the European Union (Good Agricultural Practice) for Protection of Waters, Regulations, (GAP) as amended and these provide for site specific assessment. The use of fertiliser in accordance with the se regulation will not cause environmental pollution. These Regulations are for the purpose of preventing water pollution and limit nitrates and nutrients that can be directly applied to land and as adopted most recently (*S.I. 588 of 2025* in force since 1 January 2026). contain specific measures to protect surface water and ground water from nutrient pollute from such development. Measures include restriction for land spreading, buffers, nutrient tracing and are more stringent than the preceding Regulations, 2022. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development. I further note the current Regulations were given effect by the sixth Nitrates action Programme 2026-2028 which was subject to an Appropriate Assessment in order to evaluate the plan's potential impacts on European (Natura 2000) sites. The assessment concluded the

plan will not adversely affect site integrity, provided strict mitigation and regulatory measures are implemented and such is provided through the GAP Regulations.

9.3. In terms of the development works associated with the construction of the shed and tanks, in this case the site is located 1.87km at the shortest distance over land from the Castlemaine Harbour SAC (000343) and 1.7km from Killarney National Park SPA 004038 and Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC 000365. The nearest hydrological pathway is via the Laune Stream c 450m north of the site and which feeds into Castlemaine Harbour SAC c 3km downstream. There is no direct pathway to the other Sites. As the proposal is for the provision of separate storage and containment of slurry and soiled waters (sized in accordance with DAFM guidance), the disposal of which is governed the GAP Regulations and having regard to the absence of any drains or identified pathways to the surrounding surface waters and groundwater, I consider in view of the works within this established yard that there is no likelihood of any significant impact on water quality arising. I note the Planning authority reached a similar conclusion in its appraisal notwithstanding a general concern of water pollution which I consider is governed by the said Regulations.

9.3.1. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is based on:

- nature of works in an established farmyard,
- the absence of any direct hydrological connection from the subject site to any European Site. The nearest drain is located approximately 250 metres north of the site and there is an intervening yard.
- the site generally drains to the east and north northwards towards the Laune tributary some 430m northeast of the site and which is 3km from the European Site into which it feeds
- Having regard to the distance of the site from European Sites regarding any other potential ecological pathways.
- No ex-situ effects are likely having regard to the characteristics of the site which comprises of small site surrounded by yards and dwellings in an extensive yard

complex, and to the presence of a number of agricultural fields between the site and Killarney National Park SPA.

- the screening report and determination of the planning authority.

I therefore conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

- 9.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

- 10.1. The proposed development is for replacement sheds to provide a large cattle shed with a slatted unit and retention of a tank for soiled water generated in part by the proposed development. It is within an existing farmyard complex. There is no water course within or adjacent to the site – while there is a ditch/drain on the ordnance survey maps north of the adjacent and separately owned and managed farmyard, the nearest mapped watercourse on the EPA Geoportal is c 450m north of the site and downgradient. The most vulnerable waterbody is the underlying groundwater body. An assessment of the proposed development has been undertaken in accordance with Article 4 of the European Union Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Water Action Plan 2024. (Please refer to Appendix 2).
- 10.2. Having regard to the nature, scale and location of the proposed development, and the mitigation measures incorporated into the design and to be conditioned, it is concluded that the proposed development will not result in deterioration of the ecological, chemical or quantitative status of any relevant surface water or groundwater body, increase the pollutant loading or alter the hydrological regime of any receiving watercourse or prevent or impede achievement of environmental objectives under the Water Action Plan 2024. The proposed development is

considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

11.0 Recommendation

I recommend that permission be refused for the following stated reason.

12.0 Reasons and Considerations

1. Having regard to the nature and scale of the proposed development and its proximity to the existing dwelling house on the adjacent site to the east, it is considered that the proposed development by reason of, noise, odour nuisance and general disturbance generated by its uses would seriously injure the residential amenities of property in the vicinity and would therefore fail to comply with the criteria of HKCDP 9-55 in the Kerry county Development Plan 2022-2028 whereby it is an objective to facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity. Furthermore, it is considered that the approach to redevelopment of part of the yard associated with a livestock enterprise constitutes piecemeal development that may compromise orderly and harmonious modernising agricultural development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Suzanne Kehely
Senior Planning Inspector

3rd July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500995-KY-26
Proposed Development Summary	Demolition of existing shed, construction of agricultural shed and retention of existing tank.
Development Address	Ards, Fossa, Co. Kerry
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref.	PL-500995-KY-26	Address	Ards, Fossa, Killarney
Description of project		Demolition of existing shed, construction of agricultural shed and retention of existing tank.	
Brief site description, relevant to WFD Screening		The site is part of an established cattle yard in a rural area and surround by open fields as described in section 2 of this report. There is no watercourse within the development site or in the immediate environs. The site is light elevated (a ringfort is located to the north. And falls to the northeast generally. The site is underlain by the Scartaglin groundwater body IE_SW_G_073 in the 18 Blackwater (Munster) catchment. It has a WFD risk of not at risk	
Proposed surface water details		A tank is proposed to be retained for the collection of soiled water from the subject site (yard 1) and the adjacent 2 yards. This is intended to collect soiled water from the yard and from the washing down of units when destocked at regular intervals. Clean run-off from roofs is diverted to a soakaway. It is confirmed that the system includes an advanced concrete drainage channel network in place to divert soiled water to storage tanks and ensure its containment and no seepage. All rainwater is segregated so as to reduce volume of soiled water.	

Water supply		Existing				
Proposed wastewater treatment system & available capacity, other issues		Slurry tank management in accordance with GAP Regulations as governed by other competent authorities.				
Other matters		Environment Division required further details regarding livestock and slurry calculations and its general management and consequent the risk of water pollution.				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on that water body	Pathway linkage to water feature
Groundwater	Underlying site	Scartagli n (IE_ SW_ G_ 0 73)	Good	Not At risk	-	Yes – soakawy and infiltration
River	450m north of site	LAUNE_ 020 (IE_ SW_ 22L0102 00).	Good	Not at risk	-	None

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' /'uncertain' Stage2.
1.	<u>Surface Construction</u>	LAUNE_020 (IE_SW_22L 010200).	No direct pathway via drain or ditch to River.	none	Standard construction practice CEMP	No	Screened Out
2.	<u>Earthworks and seepage to Ground water</u>	Scartaglin (IE_SW_G_073)	The pathway is through soil.	hydrocarbon spillages	Standard Construction practice CEMP	No	Screened Out

OPERATIONAL PHASE

1	<u>Surface water run-off</u>	LAUNE_020 (IE_SW_22L 010200).	Attenuation and filtering Existing surface water drainage network	Siltation, hydrocarbon spillages, siltation, ph concrete	Farmyard Management in accordance with GAP Regulations	No	Screened Out
2	<u>Run-off and seepage to Ground water</u>	Scartaglin (IE_SW_G_073)	The pathway is through soil percolation	Hydrocarbon and effluent spillages	Farmyard Management in accordance with GAP Regulations	No	Screened Out
3	<u>Slurry spreading</u>	Scartaglin (IE_SW_G_073) LAUNE_020 (IE_SW_22L 010200).	Discharge through soil Run-off to surface waters	Excessive nurients	To be managed in accordance with GAP Regulations	No	Screened out
DECOMMISSIONING PHASE							
N/A							