



An  
Bord  
Pleanála

**Board Direction**  
**BD-017053-24**  
**ABP-315237-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/03/2024 and 19/07/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to objectives contained in the West Iveragh Local Area Plan 2019-2025 and the Kerry County Development Plan 2022-2028 and the planning history of the site, the Board considers that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic safety, would not be prejudicial to public health and would not have an adverse impact on the character and setting of the protected structure to be extended or have an adverse impact on the nearby Natura 2000 site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusions both of its Inspector in respect

of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites; Valentia Harbour Portmagee Channel SAC (Code 002262) or any other European site, in view of the site's Conservation Objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the following:

- The particular characteristics of the project for which permission is being sought in the current application.
- Its location on a fully serviced site.

The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

## Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Kerry County Council on the 8 <sup>th</sup> day of September 2022. And plans and particulars received by An Bord Pleanála on the 29 <sup>th</sup> day of November, 2022 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This grant of permission is solely for the development as described in the public notices which comprises of the demolition of outbuilding and construction of a three storey extension consisting of ground floor gym, spa, storage and office and 21 bedrooms at first and second floor levels only.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>a) The extension which is the subject of this permission (comprising 21 no. bedrooms, spa, gym and ancillary rooms/works) shall not be occupied or in use until the works to the Knightstown wastewater treatment plant are completed and operational.</p> <p>b) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>c) The applicant or developer shall enter into water and wastewater connection agreements with Uisce Eireann prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health</p>
4.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the building, including the new access ramp and windows shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and façades and fabric.</p>



	<p>b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>c) All existing original features, including interior and exterior fittings/features, joinery plasterwork features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.</p> <p><b>Reason:</b> To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric</p>
6.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>b) employ a suitably-qualified archaeologist who shall monitor all site investigations, demolitions and other excavation works,</p> <p>c) undertake a phase of post demolition testing, and (</p> <p>d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>The remains of the demolished buildings shall be fully archaeologically excavated according to best practice, in addition to all other features associated with this structure. The developer shall be prepared to fund the costs of the excavation and any necessary post excavation analyses that are required, including a final excavation report. The archaeologist shall complete a programme of archaeological test excavation in those areas not previously tested due to issues of access and also in those areas where demolition is yet to take place. All trenches shall be excavated to the uppermost archaeological horizons – where they survive. All features shall be cleared by hand, fully recorded, photographed and planned in advance of their excavation.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
8.	<p>a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>b) All windows and roof lights shall be double glazed and tightly fitting.</p> <p>c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes. Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity</p>
9.	<p>No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p>

	<b>Reason:</b> To protect the visual amenities of the area
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity</p>
11.	<p>The construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
12.	<p>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 the 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</p>



planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord 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.

**Note:** Further to the request issued to Uisce Eireann for clarification regarding wastewater capacity, the Board noted that a response had not issued to date. However, the Board decided, as also recommended by its Inspector, that there was sufficient information available on file and from public sources to make a determination in this case.

**Board Member**

**Date:** 19/07/2024

Joe Boland