

An
Bord
Pleanála

Board Direction
BD-012396-23
ABP-315714-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/06/2023.

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 the mixed use zoning of the site, to the design, nature and scale of the proposed development, to the pattern of development in the area and the provisions of the Kerry County Council Development Plan 2022-2028 and to the Tralee Municipal District Local Area Plan 2018-2024 (incorporating the Fenit Village Design Masterplan 2022), it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or residential amenities or the environment of Fenit Village, or of the beach or of the surrounding area and would not impact negatively on public services in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

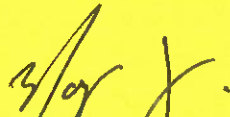
1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 13th day of December, 2022 except as may otherwise be required in order to comply 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 development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity</p>
2.	<p>The ground floor layout to the proposed café shall be amended to incorporate toilet facilities for use by the patrons of the development. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority, an amended ground floor plan and elevations indicating compliance with this condition.</p> <p>Reason: In the interests of amenity, public health and the proper planning and sustainable development of the area.</p>
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

4.	<p>The existing stone wall on the eastern boundary of the site shall be retained apart from proposed pedestrian access shown on the drawing 2207-FI-02 "a" received by the planning authority on 13th December 2022. Details of the access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the proposed development is integrated with the adjoining public area in the interests of visual amenity and public safety.</p>
5.	<p>The existing entrance from the beach shall be closed off as proposed. Details of the proposed boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of clarity and to protect the amenities of the walkway and beach.</p>
6.	<p>Construction shall be carried out in accordance with a finalised Construction Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of protection of the environment and public safety</p>
7.	<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</p>

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 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.

Board Member


Mary Cregg

Date: 09/06/2023