

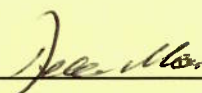
An
Coimisiún
Pleanála

Commission Direction
CD-001207
PL-501443-KY-26

The submissions on this file and the Inspector's report were considered at a meeting held on 03 September 2026.

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

Planning Commissioner:



Declan Moore

Date:

3rd day of September 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the planning history on the site and the provisions of the Kerry County Development Plan 2022-2028, to the nature and scale of the proposed development and to the pattern of existing development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application received by the planning authority, on the 12th of December 2025 and 8th April 2026, 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.

Reason: In the interest of clarity.

2. The applicant shall comply with the relevant conditions attached to the parent planning permission KCC 20/569.

Reason: In the interest of proper planning and orderly development.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within two months of the grant of planning permission. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The roadside boundary shall be provided with a natural stone boundary wall.

(ii) Proposals to provide the western site boundary with hedgerow screening and native tree planting. Details of screen planting which shall not include *cupressocyparis x leylandii* shall be submitted.

(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and shall not include *prunus* species.

(b) All works shall be carried out within 6 months of the grant of planning permission, and the applicant shall submit a certificate of compliance prepared by a suitably qualified person with professional indemnity insurance stating that all landscaping conditions pertaining to the grant of planning permission have been complied with. Photographic evidence shall also be submitted.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be

replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. 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 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.

Note

The Commission did not agree with the Inspector's recommendation to include a condition requiring an annual report on the structural integrity of the embankment. The report of a structural engineer has been submitted and accepted with respect

to the application for retention, a condition requiring the planning authority to provide written approval of annual additional reports over three years is not considered to be either warranted or enforceable.