



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/650

Appeal by Ann and John Kelly and others of Liscahane, Ardfert, Tralee, County Kerry against the decision made on the 18th day of June, 2018 by Kerry County Council to grant subject to conditions a permission to James McErlain of Drumraymond House, Manor West, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Use a portion of field for private flying of single engined light aircraft and (2) construct a farm shed which will also be used for storing single engined light aircraft and other assorted domestic and farming property at Liscahane East, Ardfert, County Kerry.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the land use zoning of the site, zoned 'Rural General' in the Kerry County Development Plan 2015-2021 and the nature, extent and location and pattern of 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 agricultural activities in the area, or seriously injure the residential amenity 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 carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd day of May 2018, 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 use of the proposed airstrip shall be for the private, non-commercial operation of a single engine light aircraft of the type described in the information submitted on the 22nd day of May, 2018. Apart from the storage of a second similar single engine light aircraft, no more than one such aircraft may be used or be operated at the facility or site at any one time.

Reason: In the interest of residential amenity and general amenity of the area.

3. The use of the site as an airstrip shall cease on or before the expiration of a period of five (5) years from the date of this Order.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of residential and general amenity of the area.

4. The proposed shed shall be located and constructed in accordance with drawings and details received by the planning authority on the 7th day of July, 2017.

Reason: in the interest of orderly development.

5. All proposed external materials and finishes to the proposed shed shall be muted natural tones of dark green or dark grey.

Reason: In the interest of visual amenity.

6. The proposed shed shall be used for private storage or agricultural purposes only and not for any commercial or habitation uses.

Reason: To regulate the use of the site and to protect residential amenity.

7. 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 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.

Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.