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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/991**

**Appeal** by Kerry Vintners Association care of Pat Flahive of Main Street, Ballyheigue, County Kerry against the decision made on the 20<sup>th</sup> day of February, 2019 by Kerry County Council to grant subject to conditions a permission to Ballyheigue Castle Golf Club care of Tadhg Casey Architects of HQ2, Dominick Street, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single-storey extension to existing clubhouse consisting of member's social space and other ancillary facilities, on a site located adjacent to the ruins of Ballyheigue Castle, a protected structure, as amended by the revised public notices received by the planning authority on the 25<sup>th</sup> day of January, 2019 which included retention of clubhouse as constructed including front porch and rear store areas at Castle Lawns, Ballyheigue, 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 form and character of the proposed extensions and the extensions to be retained and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development for permission and retention permission, would not seriously injure the amenities of the area, would not adversely affect the architectural heritage of Ballyheigue Castle (a Protected Structure), and would be acceptable in terms of pedestrian and traffic safety. 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, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 11<sup>th</sup> day of January, 2019 and the 25<sup>th</sup> day of January, 2019, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use of the clubhouse building shall be confined to uses directly associated with the golf club.

**Reason:** In the interest of clarity and residential amenity.

3. The external finishes of the proposed extensions shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the development shall –
- (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, and
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works.

In the event of the discovery of archaeological features, these shall be planned and photographed, and an interim report shall be submitted to the National Monuments Service Section of the Department of Culture, Heritage and the Gaeltacht pending a decision as to how best to deal with the archaeology. The interim report shall also include an archaeological mitigation strategy outlining the preservation *in situ* and/or archaeological excavation of the features/deposits revealed. Where preservation *in situ* cannot be achieved, full archaeological excavation according to best practice shall be required, including an excavation reporting and post-excavation analysis.

**Reason:** 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.

6. 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 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.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**