



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/364

Appeal by Killarney Brewing Company Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 30th day of May, 2019 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: (a) Retention permission for three number external fermentation storage tanks and low walled containment area and (b) permission for erection of identified cladding and all associated site works to the rear of existing brewery at Scrahane, Flesk Road, Killarney, 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 planning history and the existing use on the site, to the nature and scale of the proposed development proposed to be retained and completed, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, that the proposed development to be retained and completed would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The proposed development proposed to be retained and completed 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 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. Apart from any departure specifically authorised by this permission, the development shall be retained, carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 16/620, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The proposed block wall and cladding to encase the fermentation storage tanks shall be carried out and completed within three months of the date of this Order.

Reason: In the interest of the amenities of property in the vicinity.

4. The fermentation storage tanks shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All drainage from the bunded areas shall be diverted for collection and safe disposal. A report from a suitable qualified person confirming that the bunded area has been put in place shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: In the interest of public health.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.