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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

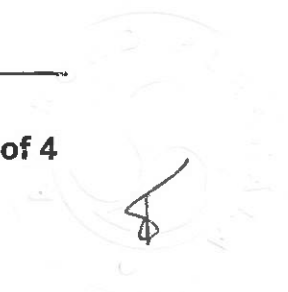
**Planning Register Reference Number: 20/528**

**Appeal** by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 9<sup>th</sup> day of October, 2020 by Kerry County Council to grant subject to conditions a permission to Richard Sheridan care of Martin Callaghan of Skevanish, Innishannon, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of (a) existing single storey machinery storage building (229 square metres) used for storing landscaping machinery, (b) access roadway, (c) entrance and (d) ancillary site works at Ballyfinnane, Firies, 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 provisions of the Kerry County Development Plan 2015-2021, to the existing pattern of development in the area, and to the design, layout and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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 on the 14<sup>th</sup> day of September 2020, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, the use of the structure to be retained shall be restricted to a shed for the storage of agricultural machinery only (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of environmental protection.

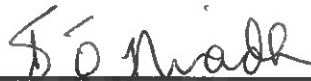
3. Water supply and drainage arrangements for the site, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard -
  - (a) uncontaminated surface water run-off shall be separately collected and disposed of directly in a sealed system to existing drains, streams or adequate soak pits, and
  - (b) all contaminated waters shall be directed to a storage tank and shall pass through a petrol interceptor and shall not be allowed to discharge to adjoining drains, streams or to the public road.

Drainage details shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** In the interests of the environmental protection and public health.

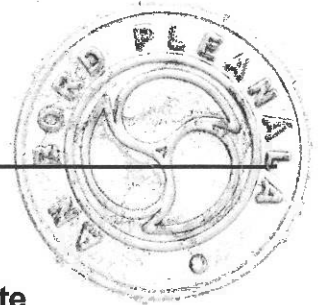
4. The landscaping scheme shown on drawing numbers PL-05A, PL-051A and PL-105A as submitted to the planning authority on 18<sup>th</sup> day of June, 2020 and the 14<sup>th</sup> day of September, 2020 shall be carried out within the first planting season following the date of this order and shall include native trees and hedges such as Native Evergreens (Holly, Scots Pine, Yew), Native Deciduous (Oak, elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan). Exotic species such as Cypress Leylandii, Rhododendron or Laurel shall not be used. 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 five years from the completion of the development shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed with the planning authority.

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



Terry O Niadh

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



Dated this 14<sup>th</sup> day of June, 2021.