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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/814**

**Appeal** by Maeve Fitzgerald and Seamus Beasley care of Paul O'Dowd and Associates of Old Mill Lane, Charles Street, Listowel, County Kerry against the decision made on the 2<sup>nd</sup> day of November, 2020 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a house at Castleinch, Bridge Road, Listowel, 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 System and Flood Risk Management Guidelines, as revised, the Kerry County Development Plan 2015-2021, the Listowel Town Development Plan 2009–2015 (as amended by Variation No. 3), and the planning history of the surrounding residential area of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute a small-scale, residential, infill development that would comply with the zoning of the area, would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would not give rise to risk of flooding on the site. 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, 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 proposed development shall be amended as follows:
- (a) The submitted site plan denoted as sheet No. 2 submitted with the planning application shall be revised to show the proposed foul water and surface water connections to the existing foul water sewer and the existing surface water sewer, respectively.
  - (b) The site shall be the subject of flood mitigation measures, which shall include the installation of non-return valves, the construction of walls to the site boundaries, and the installation of a flood gate to the site entrance.
  - (c) The site shall be the subject of a comprehensive scheme for the boundaries of the site, which shall show existing key planting to be retained and the augmentation of such planting, all in a manner that is consistent with the construction of walls as required by item (b).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health, in order to reduce the risk of flooding, and in order to safeguard the amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

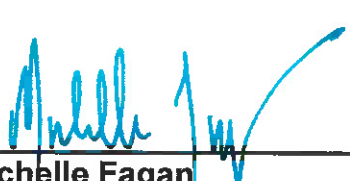
**Reason:** In the interest of public health.

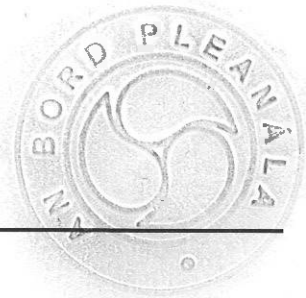
6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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



Dated this 9<sup>th</sup> day of June 2021.