

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/687

Appeal by Martin and Kate Mulvihill of Reen Cottage, Ross Road, Killarney, County Kerry and by others against the decision made on the 19th day of October, 2022 by Kerry County Council to grant subject to conditions a permission to Killarney Glamping care of Patrick Murphy of Alder House, Ahane, Beaufort, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of an exclusive Glamping Site with 15 Glamping units, office, car parking, LPG gas tanks and enclosure, refuse enclosures and ancillary site services at Killarney Race Course, Ross Road, Bunrower, 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.

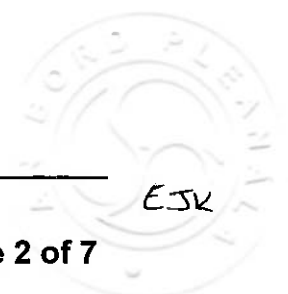
Reasons and Considerations

Having regard to the Kerry County Development Plan 2022-2028, the zoning of the site as 'Active Open Space' wherein glamping developments are open to consideration, to the location of the site within the built-up area of the town, in close proximity to the facilities and amenities available within the town centre, to the policy objectives of the Development Plan which seek to provide a variety of tourist accommodation and to direct glamping developments to urban locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with these policy objectives, would not seriously injure the visual amenities of the area or the amenities of properties in the vicinity by reason of noise and general disturbance or depreciate value of properties in the area, and would be acceptable in terms of traffic safety and convenience. 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 received by the planning authority on the 22nd day of September, 2022, 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.



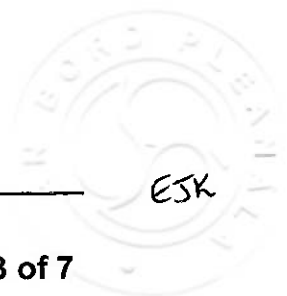
2. The use of the proposed glamping pods shall be restricted to use as short-term tourist accommodation only (as specified in the lodged documentation) and shall not be used as permanent residential accommodation.

Reason: In the interests of traffic safety and residential amenity.

3. The development shall be managed and supervised in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the glamping pod units. This scheme shall provide adequate measures relating to:

- (a) 24-hour supervision of the glamping site during period of occupation,
- (b) maintenance of the development including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, and
- (c) details of management responsibilities and maintenance schedules.

Reason: In the interests of the visual and residential amenities of the area.



4. The Activity Areas shown on the lodged plans shall be reserved for such use and shall be kept free of any development. These areas shall not be incorporated into any individual glamping pod unit.

Reason: In the interest of the amenity of the area.

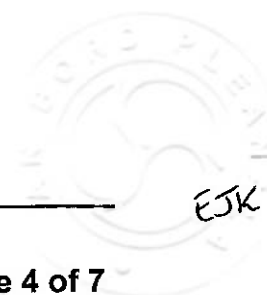
5. (a) The finished floor levels of the proposed glamping pod units shall be in accordance with the details submitted to the planning authority on the 22nd day of September, 2022.

(b) Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The landscaping scheme shown on the Proposed Landscape Plan drawing number P200714-008-A as submitted to the planning authority on the 28th day of January, 2022, as amended by the further plans and particulars submitted on the 22nd day of September, 2022, shall be carried out within the first planting season following substantial completion of external construction works.

The trees shall be of an Irish native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall be a minimum of 1.5 metres in height.



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 similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. A signage and way finding scheme shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the glamping pods.

Reason: In the interest of legibility of the scheme.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.



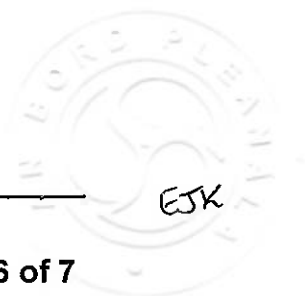
9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Details of drainage arrangements including SUDs measures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

10. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

11. 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.

Eamonn James Kelly
Eamonn James Kelly

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



Dated this *2nd* day of *February*, 2024.