

An  
Bord  
Pleanála

**Board Order**  
**ABP-318738-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 2360221**

**Appeal** by Michael Casey of PSC, 2<sup>nd</sup> Floor, Riverside House, Feis Point, Dan Spring Road, Tralee, County Kerry against the decision made on the 23<sup>rd</sup> day of November, 2023 by Kerry County Council to grant, subject to conditions, a permission to Michael Hegarty care of Reeks Consulting Engineers of Reeks Gateway, Unit 4, Rock Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of existing retail store area to health wellness centre at Countess Shopping Centre, Park 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.**

## **Reasons and Considerations**

Having regard to the location of the site on lands zoned objective M4 'Mixed Use Built Up Area' in the Killarney Town Development Plan as incorporated into the Kerry County Development Plan 2022-2028, and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or have a negative impact on businesses or property in the vicinity. 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. Details of the proposed sign shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.


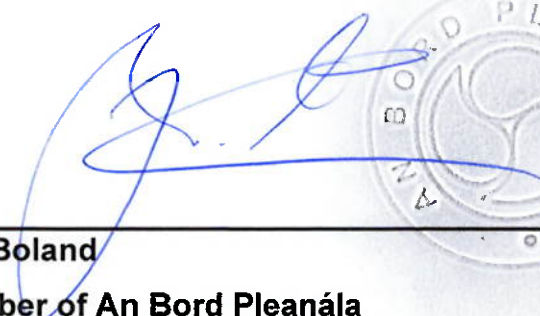
**Reason:** In the interest of visual amenity.

3. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

4. 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 the 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 the Board 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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Joe Boland

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

Dated this 21<sup>st</sup> day of June 2024.