

An  
Coimisiún  
Pleanála

**Commission Order  
ABP-320627-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kerry County Council**

**Application for Substitute Consent** by Niall O'Sullivan and others in accordance with Section 177E of the Planning and Development Act 2000, as amended by the insertion of Section 57 of the Planning and Development (Amendment) Act 2010, as amended.

**Location of development:** Provision of fencing at Fenit Within, Fenit, County Kerry.

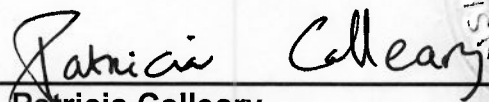
## **Decision**

The Commission, in accordance with Section 177K of the Planning and Development Act, 2000, as amended, and based on the reasons and considerations set out below, decided to **REFUSE** substitute consent in accordance with the following conditions.

## Reasons and Considerations

1. Having regard to the location of the proposed development within an area designated as a Visually Sensitive Area in the Kerry County Development Plan 2022-2028, it is considered that, by reason of its design, including up to 1.8 metres high post and wire fencing (with a mix of timber, steel and galvanised posts) and up to 1.8 metres green painted mesh fencing with steel posts, and to the linear extent (circa 1,686 metres) and visual prominence along a coastal setting on Fenit Island, the proposed development would result in an unacceptable adverse impact on the character, integrity, distinctiveness and scenic quality of the receiving landscape. The proposed development would, therefore, fail to protect the landscape and visual amenities of the area and would accordingly be contrary to Objectives KCDP 11-76, KCDP 11-77 and KCDP 11-78 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
2. Having regard to the location of the proposed development proximate to a number of recorded monuments, including Fenit Castle (Reference KE028-001) which the National Monuments Service describes as a castle in ruins standing on a limestone rock at the northeast extremity of the island, it is considered that, by reason of its siting, design, scale and visual impact, the proposed development would adversely affect the character and appreciation of these monuments and their setting. Accordingly, the proposed development would fail to protect the archaeological heritage of the area and would be contrary to Objective KCDP 8-27 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not share the Inspector's view that the proposed fencing constituted minor development or that its retention would not result in an adverse impact on the character or scenic value of the island landscape. Furthermore, the Commission did not agree with the Inspector's conclusion that the retention of the fencing would not adversely affect the setting of any archaeological feature or landscape. The Commission concluded otherwise that the fencing development, by reason of its design and visual prominence along a coastal setting on Fenit Island, would have an unacceptable adverse impact on the character, integrity, distinctiveness and scenic quality of the receiving island landscape and would be contrary to Objectives KCDP 11-76, KCDP 11-77 and KCDP 11-78 of the Kerry County Development Plan 2022-2028. The Commission also found, contrary to the Inspector's finding, that the development would also detract from the character and setting of the archaeological heritage of the area and would, therefore, be contrary to Objective KCDP 8-27 of the Kerry County Development Plan 2022-2028.

  
Patricia Calleary

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 21<sup>st</sup> day of July 2026.