

An
Coimisiún
Pleanála

Commission Order
ABP-320798-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/60456

Appeal by Colm Murphy of Claddanure, Kenmare, County Kerry against the decision made on the 15th day of August, 2024 by Kerry County Council to grant subject to conditions a permission to Martin Arthur care of Cunneanè Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a motorhome park with individual pitches, boundary fencing and all associated works, all at Reenagappal, Kenmare, County Kerry, as revised by the further public notices received by the planning authority on the 22nd day of July, 2024.

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.

CM36

Reasons and Considerations

Having regard to the location of the site on lands zoned as 'C5: Tourism' in the Kenmare Municipal District Local Area Plan 2024-2030, the policies of the planning authority, as set out in the Kerry County Development Plan 2022-2028 and the Kenmare Municipal District Local Area Plan 2024-2030 for the area generally, the location of the site within walking distance of local services, the nature and scale of the proposed development, and the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the amenities of the area, would not detract from the integrity, character or setting of archaeological features in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European Sites, and the submissions and observations on file, the information and reports submitted as part of the planning application and the appeal, and the Inspector's report.



In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development or plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

Conditions

1. The proposed 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 12th day of July, 2024, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority an Operational Management Plan, including arrangements for the management of traffic to and within the site along with motorhome parking, control of visitor numbers and control of length-of-stay to ensure short-stay usage, camp site rules, details of site manager and contact numbers (including out-of-hours) and any arrangements for the removal of on-site structures outside of the operating period.

Reason: In the interest of public safety and residential amenity and in the interest of protecting the environment.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of sustainable drainage and surface water management.

4. (a) The site shall be landscaping in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 interest of residential and visual amenity.

5. The following nature conservation requirements shall be complied with:
- (a) The full implementation and monitoring of the 'Remedial Works for Invasive Plant Species, Market Street, Kenmare: Management Plan and Method Statement 2024' received by the planning authority on the 12th day of July, 2024.
 - (b) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority an Invasive Alien Plant Species monitoring and treatment programme for the site with monitoring and treatment records to be maintained for future reference.

Reason: To control the risk of spread of invasive alien species from the site.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

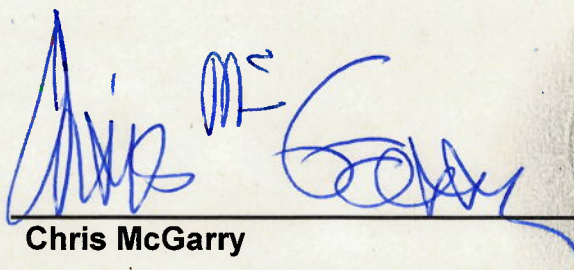
Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. 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 Coimisiún 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.

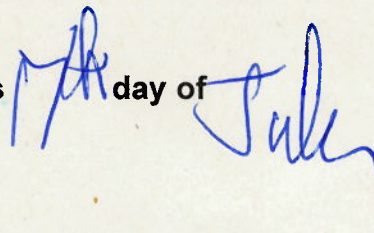


Chris McGarry

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



Dated this



day of

2025.