

An
Coimisiún
Pleanála

Commission Order
ABP-320804-24

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/871

Appeal by Brian Farrell and by others against the decision made on the 21st day of August, 2024 by Kerry County Council to grant, subject to conditions, a permission to The Minister of the Department of Agriculture, Food and Marine in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of a small craft harbour consisting of: (1) Dredging of an area of seabed and disposal of that material to sea. (2) Installation of anchoring piles for the marina units. (3) Installation of floating breakwaters, small craft type pontoons, walkways and fingers. (4) A gangway from the west breakwater to the small craft area. (5) Trolley bays, toilet facilities, power and water kiosks. (6) All ancillary and associated site works necessary to facilitate the development, all at An Daingean Fishery Harbour Centre, The Woods, An Daingean, 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 provisions of:

- (a) the Fishery's Harbour Centres (FHC) Act, 1968, as amended,
- (b) the National Planning Framework: Project Ireland 2040: First Revision (April, 2025),
- (c) the National Marine Planning Framework 2021,
- (d) the Regional Spatial and Economic Strategy for the Southern Region, 2020-2032,
- (e) the Kerry County Development Plan, 2022-2028, and
- (f) the Corca Dhuibhne Electoral Area Local Area Plan, 2021-2027, in particular Employment and Economic Activity Objectives D-EEA-04, and D-EEA-05 which respectively seek to facilitate the further sustainable development of the Dingle harbour/waterfront/marina area as a potential economic generator, and to support, *inter alia*, marine related activities, and Tourism Objective D-T-5 which seeks to promote the development potential of the harbour/marina area in a sustainable manner, and having regard to the nature and scale of the proposed development, the site location relative to an existing functioning harbour, and the further information response regarding parking requirements, submitted by the applicant on the 27th day of June 2024,

it is considered that, subject to compliance with the conditions set out hereunder, the proposed development would not seriously injure the visual and residential amenities of the area, would not have an unacceptable impact on the character of the landscape or archaeological heritage, would not have an unacceptable impact on ecology, 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 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 27th day of June, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the Natura Impact Statement received by the planning authority on the 27th day of June, 2024 shall be implemented in full.

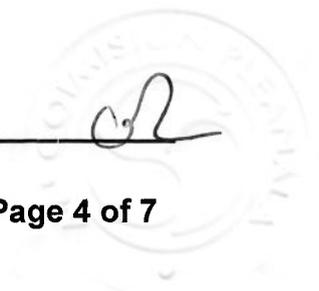
Reason: To protect the environment and the integrity of European Sites.

3. All of the environmental, construction and ecological mitigation measures, as set out in the Ecological Impact Assessment and the Construction Environmental Management Plan submitted to the planning authority on the 27th day of June, 2024 and the Underwater Archaeological Impact Assessment, and other particulars submitted with the application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. A suitably qualified and experienced ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology as set out in the Ecological Impact Assessment, Natura Impact Statement and Construction Environmental Management Plan, in addition to adherence to the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and marine biodiversity.



5. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all dredging works. Prior to the commencement of such works the archaeologist shall consult with and forward to the planning authority and National Monuments Service a method statement for written agreement. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation preservation in-situ/excavation.
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

6. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority, design details of the wastewater proprietary sealed double hulled holding tank to be sited on the pontoon system by the toilet block and below deck along with details for connection to the existing harbour sewer system.

Reason: In the interests of clarity, protection of the environment, and public health.

7. Prior to commencement of development, the applicant shall submit details of the materials, colours and textures of all external finishes for the proposed development, for the written agreement of the planning authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. Prior to commencement of development, a detailed Construction and Environmental Management Plan for the construction phase shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the Construction Environmental Management Plan submitted with the further information documentation. The Construction and Environmental Management Plan shall incorporate all the mitigation measures indicated in the Ecological Impact Assessment, Natura Impact Statement, Construction Environmental Management Plan, Underwater Archaeological Impact Assessment, and other particulars submitted with the application. The finalised Construction and Environmental Management Plan shall be placed on file and retained as part of the public record.

Reason: In the interests of amenities, public health and safety and environmental protection.

9. Should use of the development cease, the applicant shall submit, for the written agreement of the planning authority, a detailed method statement and timeline for the removal of all structures on site.

Reason: In the interest of orderly development.

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

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

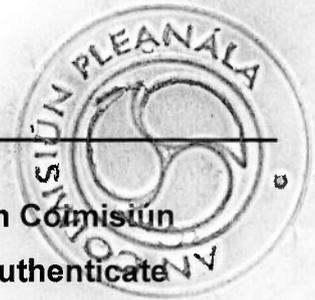


Mary Rose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 5th day of February 2026.