

An
Coimisiún
Pleanála

Commission Order
ACP-323611-25

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60562

Appeal by Nocwerdna Limited and by others against the decision made on the 25th day of August 2025 by Kerry County Council to grant, subject to conditions, a permission to Florence and Padraig McCarthy in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey building containing offices at first floor level and one number retail unit at ground floor level and ancillary services and areas including bike and bin store area at Dodd's Lane, High Street, 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 provisions of the Kerry County Development Plan 2022-2028, including the M2 Town Centre land use zoning of the site and objectives of the Killarney Town Development Plan contained in Volume 2 of the Development Plan in relation to regeneration and renewal of vacant sites, to the pattern of existing and permitted development in the area, to the infill nature and size of the site, and to the design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design and access. The proposed development would, therefore, be in accordance with Objectives KA 35, KA 37 and KA44 of the Kerry County Development Plan 2022-2028, and 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. The following shall be submitted to the planning authority for written agreement prior to the commencement of development.
 - (a) Drawings detailing the finish proposed for Dodd's Lane.
 - (b) A landscape scheme that has been designed by a landscape architect, ensuring the planting is appropriate to the setting.
 - (c) A maintenance plan for Dodd's Lane to preserve the amenity of the area for future occupants and customers.
 - (d) Removal of the balcony at first floor level and replacement of the access to the balcony with a window that is similar in size to the first floor office window.

Reason: To enhance the public realm and access to adjoining property.

3. All elevations shall be finished in brick, the finish shall be that specified for the East Elevation, charcoal colour brick with rustic finish.

Reason: To protect the amenity of adjoining property.

4. The shop shall be used solely for the purposes as detailed in the planning application and no processing of fish or related products shall occur at the site.

Reason: In the interests of public health and development control.

5. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations 2001, as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, the proposed building shall not be used for any other purpose other than the uses indicated on the submitted drawings, without a prior grant of planning permission.

Reason: In the interest of orderly development.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interest of public health.

8. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interests of public health.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and 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 and the amenities of properties in the vicinity.

11. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive and 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will 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.

12. The construction of the development shall be managed in accordance with a Construction and Environmental 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 noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

13. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of sustainable transport and safety.

14. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of paths, watermains, drains, public realm and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

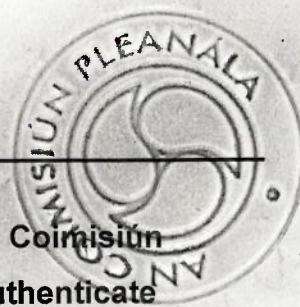
Reason: To ensure the satisfactory completion of the development.

16. 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 the 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.


Mary Henchy

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



Dated this 21st day of January 2026.