

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/60956

Appeal by Timmy and Theresa Mahony against the decision made on the 18th day of September, 2025 by Kerry County Council to grant subject to conditions a permission to Laura Collins in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of extension to existing shed consisting of stables, retain existing shed consisting of w.c., existing concrete manure storage unit, existing septic tank, advertising signage, use of land as equestrian centre and full planning permission for removal of existing two number outdoor arenas adjacent to the L-1029 Local Public Road, and provision of landscaping along the roadside boundary, build additional six number stables onto rear of existing shed, construction of a new outdoor all-weather horse arena, provision of a new cooling down area for horses, new vehicle entrance onto the public road from L-1029 Local Public Road, new parking area for 11 number parking spaces, provision of drainage works in the car parking area, provision for low lighting in the car parking area, provision of a pedestrian and horse walkway to the arena area and construction of a new concrete yard area, all at Ballinclogher, Lixnaw, County Kerry, as revised by the further public notices received by the planning authority on the 18th day of August, 2025 and the 25th day of August, 2025.

Decision

GRANT permission for the above 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 nature, scale and location of the development proposed to be retained and the proposed development within a rural area on agricultural lands, the provisions of the Kerry County Development Plan 2022-2028, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public or environmental health, would be acceptable in terms of traffic safety and convenience, would be in accordance with Objectives KCDP 6-1 (Sustainable Communities), KCDP 6-32 (Sporting, Leisure Facilities), KCDP 9-43 (Rural Economy), KCDP 9-61 (Agriculture) and KCDP 10-68 (Rural Tourism) of the Kerry County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 30th day of July 2025, the 1st day of August, 2025, and the 25th day of August, 2025, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The use of the equestrian centre shall be restricted to equine related training and lessons activities to members of the public only and shall not be used for any commercial events, public shows, sales or auctions or other commercial uses without a prior grant of planning permission.
- (b) The use of the facility to members of the public shall be confined to 1000 hours to 2000 hours Mondays to Saturdays, inclusive, and not at all on Sundays or public holidays.

Reason: In the interest of orderly development, traffic safety and the amenities of the area.

3. The equestrian stable buildings shall be used for equine use or agricultural/horticultural purposes only. The buildings shall not be used for human habitation or any commercial purposes other than a purpose incidental to the permitted use, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The two outdoor arenas proposed to be removed shall be removed by the developer within six months of the date of this Order.

Reason: In the interest of orderly development.

6. (a) The site shall be landscaped in accordance with the details received by the planning authority on the 30th day of July, 2025 and the 1st day of August, 2025. 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.

- (b) Prior to commencement of development, full details of the proposed boundary treatment between the area of the private car park and public road shall be submitted to the planning authority for written agreement.

Reason: In the interest of residential and visual amenity.

7. The development shall comply with any requirements outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (S.I. No. 588/2025), as amended, including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.

Reason: In the interest of public health.

8. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

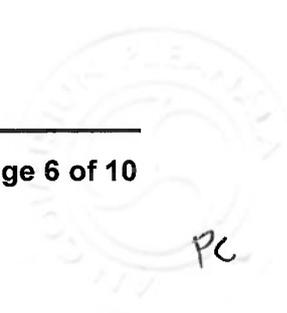
Reason: In the interest of environmental protection.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,
- (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and
- (c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended, shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.

10. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021 and in accordance with the plans and particulars received by the planning authority on the 1st day of August, 2025. The packaged wastewater treatment system shall have a European Technical Approval Certificated and shall be compliant with the criteria in the Irish National Annex Table NA1 and Table NA2. The proprietary wastewater treatment unit shall have the capacity to cater for a population equivalent of nine.



- (b) The final soil polishing filter shall have a percolation trench length of 180 linear metres. The ends of the percolation trenches shall be joined and vented.
- (c) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (d) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.
- (e) The stilling chamber, splitter chamber and distribution boxes shall be of either proprietary plastic or concrete construction. The bases of the each shall be set in concrete and they shall be installed in such a manner as to ensure equal distribution among the various percolation trenches.
- (f) The wastewater treatment unit shall be provided with a suitable alarm system, both visible and audible, which shall activate in the event of any malfunction of the system.

- (g) Storm water drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains shall not be located within or around the final soil polishing filter. The growth of any type of tree or plant which develops an extensive root system shall be limited to a minimum distance of three metres from the final soil polishing filter. This restriction shall also apply to the cultivation of crops necessitating the use of machinery likely to disturb the final soil polishing filter.

Reason: In the interest of public health and to prevent water pollution.

11. (a) The floodlights of the all-weather arena shall be directed onto the surface of the arena and away from adjacent housing and public roads. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and public roads. The lighting of the arena shall not operate between the hours of 2100 and 0700 hours.
- (b) Prior to commencement of the proposed element of the development, details of the lighting associated with the proposed car parking area shall be submitted to the planning authority for written agreement.

Reason: In the interest of residential amenity and traffic safety.

12. Site development and building works shall be carried out only between the hours of 0700 and 1900 hours Mondays to Fridays, inclusive, between 0800 to 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 amenities of properties in the vicinity.

13. The recommendations contained in the Road Safety Audit report submitted with the planning application shall be implemented as part of the development. A schedule of works to be undertaken arising from the Road Safety Audit and a timescale for implementation shall be submitted for the written agreement of the planning authority prior to commencement of development. A Stage 3 Road Safety Audit shall be carried out on completion of works and a copy of same shall be forwarded to the planning authority on completion.

Reason: In the interest of traffic safety.

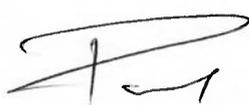
14. The proposed entrance and parking arrangements shall comply with the requirements of the planning authority for such works.

Reason: In the interest of traffic safety.

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15. 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 within three months of the date of this Order (retention element of the development), and prior to commencement of the development or in such phased payments as the planning authority may facilitate (proposed development element) 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.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 17th day of February 2026.