



An
Coimisiún
Pleanála

**Commission Order
PL-500977-KY**

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/61008

Appeal by David Geary against the decision made on the 18th day of February, 2026 by Kerry County Council to grant subject to conditions a permission to Fossa Ventures Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of dwellinghouse as constructed to date with the design changed from that previously granted under planning register reference number 23/305 on site number 1, Port Road, Dereen, Coollegrean, Killarney County Kerry, as revised by the further public notices received by the planning authority on the 22nd day of January, 2026.

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 'R1 – New/Proposed Residential' zoning objective for the site to 'Provide for new residential development in tandem with the provision of the necessary social and physical infrastructure', the planning history of the site, the pattern of development in the area, the siting, scale and design of the development proposed to be retained, and the objectives of the Kerry County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual or residential amenities of the area, would not be prejudicial to the environment or biodiversity, and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained 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 13th day of January, 2026, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (planning register reference number 23/305), unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to occupation of the dwelling, the first-floor rear-facing window serving bedroom number 4 shall be removed and the opening blocked up and finished in accordance with the proposed house number 1 plans (drawing number 24-087-03 Rev A) received by the planning authority on the 13th day of January 2026.

Reason: In the interest of clarity and to protect neighbouring residential amenity.

4. The proposed bamboo screening along the western boundary of the site shall be omitted and replaced with tree and hedge planting comprised predominantly of native species. A revised landscaping plan and particulars for the site, showing the species, variety, number, size and locations of all proposed planting on the site, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: In the interest of residential and visual amenity.

5. 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 grant of retention permission 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.



Declan Moore

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

Dated this 14th day of JULY 2026.