



An
Coimisiún
Pleanála

Commission Order
PL-501196-KY-26

Planning and Development Act 2000, as amended

Planning Authority: Kerry County Council

Planning Register Reference Number: 25/60574

Appeal by Homelands Projects Limited in relation to inclusion of special contribution condition number 3 by Kerry County Council in its decision made on the 26th day of March, 2026.

Proposed Development: Construction of 83 number residential dwellings comprising of 17 number semi-detached four-bed dwellings, 36 number semi-detached three-bed dwellings, eight number three-bed townhouses, 10 number two-bed townhouses, eight number two-bed apartments and four number one-bed apartments and a creche facility (with the capacity to accommodate 36 no. children) The proposed development will include provision for car parking, including EV charging points and bicycle parking. The provision of private, communal, and public open spaces; internal roads and pathways; hard and soft landscaping and boundary treatments; waste storage; plant; signage; a new vehicular and pedestrian access from the Ballyard Road through the residential development permitted under application Ref: 22/630 and Appeal Ref: 315526-22; public lighting; all associated site development works; and all drainage and foul sewer infrastructure and network works including connections to the existing

networks and nature-based SuDS measures, all at Cloghers, Tralee, County Kerry as amended by the revised public notice received by the planning authority on the 30th day of January, 2026.

Decision

The Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 3 and the reason therefor.

Reasons and Considerations

On the basis of the information submitted in connection with the planning application and the appeal, it is considered that the subject works are already accounted for under the planning authority's General Contribution Scheme and the planning authority's response, received by the Commission on the 15th day of June, 2026, does not provide a justification for the imposition of the special contribution. It is considered that no evidence has been submitted that road infrastructure outside of the normal infrastructure requirements of the planning authority will be provided; therefore, it is considered that the planning authority has failed to address the exceptionality of the intended roadway infrastructure in the vicinity and no basis for the imposition of the special contribution condition has been identified.

Marie O'Connor

Marie O'Connor

Planning Commissioner of An Coimisiún

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



Dated this 30th day of July 2026.