



An
Bord
Pleanála

**Pre-Application Consultation
pursuant to Section 177E(1A) of the
Planning and Development Acts,
2000-2021, as amended**

**Inspector's Report on
ABP-318892-24**



Proposed Development	Provision of fencing for land enclosure
Location	Fenit Within, Fenit, Co. Kerry
Planning Authority	Kerry County Council
Prospective Applicants	Mr. Seamus O'Sullivan Mr. John Murphy, Mr. Liam McCarthy Mrs. Kit McCarthy
Date of Consultation Meeting	13 th February 2024
Date of Site Inspection	07 th February 2024
Inspector	L. Dockery

1.0 Introduction

- 1.1 The Board received a request on the 15th January 2024 from Leahy Planning Ltd. on behalf of Mr. Seamus O'Sullivan and Others, to enter into pre-application consultations under section 177E(1A) of the Planning and Development Act, 2000, as amended. The Board decided to grant this request from the prospective applicants by Direction dated 01st February 2024.
- 1.2 One pre-application consultation meeting was held on 13th February 2024. The purpose of this report is to inform the Board of the nature of the pre-application consultations undertaken, pursuant to Section 177E(1A) of the Planning and Development Act 2000, as amended.

2.0 Site Location

- 2.1 The subject lands are located on Fenit Within (also known as Fenit Island), Fenit, Co. Kerry. Fenit Island is located off the north-west coast of Co. Kerry. It is approximately 1.8km by 1.5km in extent and is connected to the mainland by a narrow tombolo sandspit approximately 700m in length. A narrow strip of sand dunes along this sandspit is the only dry connection to the mainland at high tide.
- 2.2 The island is primarily under grass, with a number of individual dwellings noted.

3.0 Description of Proposal

- 3.1 Provision of fencing for the purposes of land enclosure. It is located along the western, northern and eastern side of the island. From the documentation attached to the file, it appears to be approximately 2400m in length and comprises different types of fencing including electric and chain-link, in various stages of repair.

4.0 Planning History

ABP-314039-22

Application under section 177(c) of the Planning and Development Acts, 2000 (as amended) for Leave to Apply for Substitute Consent (received by ABP in July 2022).

RL3219

Section 5 Referral as to whether the erection of fencing is development and is exempted development. The Board decided that the said fencing was development and was not exempted development in that it came within the scope of Article 9(1)(a)(x) of Planning and Development Regulations, 2001 as amended, and the development requires Appropriate Assessment.

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Application to Kerry County Council for retention permission to retain fencing for land enclosure. Planning authority stated that having regard to section 34(12) of the Planning and Development Act, 2000, as amended, they were precluded from considering this application as significant effects from the proposed development, individually or in-combination with other plans or projects, on a European Site in view of the sites' conservation objectives cannot be excluded. The reasons for the decision had regard to the submission of an NIS and the conclusions of the Board under RL3219. Therefore, the planning authority deemed this to be an INVALID application.

5.0 Legislation

Any subsequent application for Substitute Consent will be lodged under the provisions of section 177E of the Planning and Development Act, 2000, as amended, and Part 19 of the Planning and Development Regulations, 2001, as amended.

6.0 Prospective Applicant's Case

- 6.1 The prospective applicant noted the planning history and context and requested the pre-application consultation in order to determine the exact process of how to lodge any application for substitute consent and what that application should contain.

7.0 Pre-Application Consultation Meeting

- 7.1 A Pre-Application Consultation meeting took place via Microsoft Teams on the 13th day of February 2024, commencing at 10.30 am. Representatives of the prospective

applicant and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The prospective applicant was advised in advance of the meeting that the consultation would relate solely to the administrative procedures around the lodgement of an application, and any associated requirements.

7.2 This report should be read in conjunction with the written record on file of the pre-application consultation meeting held with the prospective applicant. It is not proposed to repeat the contents of those records in detail here. The main topics raised for discussion at the meeting were as follows:

- Introductions
- Description of development and relevant background.
- Procedural Advice with regard to any subsequent application for Substitute Consent.

8.0 Conclusion

The meeting concluded with agreement that a further meeting was not needed and and I therefore recommend that the pre-application consultation process should be closed.

Lorraine Dockery
Senior Planning Inspector

23rd February 2024