



An  
Coimisiún  
Pleanála

## Addendum Report

**ABP-320968A-24**

### Development

Permission for the following: (1) To install an authorised treatment facility for the management of End of Life vehicles and their parts and associated works, (2) Drainage works including the installation of a petrol / oil interceptor, (3) To surface yard and associated site works, (4) Provide an EIS / NIS report.

### Location

Valentia Road, Garranebane,  
Cahersiveen, Co. Kerry.

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

23850

### Applicant(s)

John Clifford

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Peter Sweetman

**Observer(s)**

None.

**Date of Site Inspection**

2<sup>nd</sup> May, 2025

**Inspector**

Robert Speer

## 1.0 Introduction

- 1.1. This addendum report has been prepared in response to the Commission Direction issued on 29<sup>th</sup> January, 2026 following the receipt of additional information from the applicant with respect to the proposed development. It should be read in conjunction with the information which accompanied the initial planning application, the grounds of appeal, the submissions received, and my earlier inspector's report.
- 1.2. By way of background, and in the interests of clarity, it should be noted that whilst a report was previously discharged in respect of the subject application (as originally lodged with the Commission) which recommended that permission be refused for the proposed development, the Commission opted to defer consideration of the application and issued a Section 137 Notice on 25<sup>th</sup> November, 2025 which invited the applicant, the Planning Authority, and the appellant, to make submissions or observations on the following matters which were proposed to be taken into account by the Commission:
1. On the basis of the submissions made in connection with the planning application and the appeal and following consideration of the planning history of the site and adjoining lands, the Commission may not be satisfied that the use of adjacent lands under the control of the applicant for the purposes of a 'yard for storage of cars' (as identified on Dwg. No. 03: 'Site Layout' received by the Planning Authority on the 27<sup>th</sup> day of July, 2023) is authorised by a grant of planning permission and, therefore, given the working relationship, inter-dependency and physical connectivity between that yard and the proposed development site, it may be considered that the proposed development would facilitate and extend the continued unauthorised use of those lands. Accordingly, it may be considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.
  2. Having regard to the location of the proposed development on lands predominantly zoned as 'O1: Strategic Reserve, White Land' in the Kenmare Municipal District Local Area Plan, 2024-2030 with the stated land use zoning objective 'To facilitate development at some time in the future', the nature of the development proposed, the provisions of Section 1.3.7: 'Uses not listed in

the Indicative Zoning Matrix' of Chapter 2 of Volume 6 of the Kerry County Development Plan, 2022-2028, and as it may not been demonstrated that the proposed development will not have a detrimental impact on the residential amenity of nearby properties, it may be considered that the proposed development would contravene the said zoning objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the nature and intended use of the proposed development, and its relationship with residential properties in the vicinity, the Commission may not be satisfied, on the basis of the submissions made in connection with the application and appeal, that the proposed development would not seriously injure the residential amenities of neighbouring property by reason of the noise and general disturbance associated with its use. It may be considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

## **2.0 Responses to Section 137 Notification**

### **2.1. Response of the Applicant:**

On 19<sup>th</sup> December, 2025, Frank Curran, Consulting Engineers Ltd., on behalf of the applicant, responded to the Section 137 notice as follows:

#### **2.1.1. Response to Item No. 1:**

- The yard was shown as part of the previous planning application lodged under PA Ref. No. 04/4642 and no issues were raised then by the Planning Authority.
- No issues have been raised by the Planning Authority in its assessment of the subject application as regards the yard.
- The yard is presently used for the storage of old cars awaiting dismantling and disposal. In the event of a grant of permission for the proposed end-of-life vehicle treatment facility, the yard would no longer be required for the storage of cars.

- The Planning Department has raised no issue with the yard and is satisfied that the area was always used as a yard and did not require planning permission.
- The applicant can confirm that the area in question has always been used as a yard for general storage. Furthermore, it has been in use since before 1963 with the 'Clifford Garage' business having been in operation in excess of 70 No. years.

#### 2.1.2. *Response to Item No. 2:*

- The lands to the rear of the existing garage which are zoned as '*Strategic Reserve, White Land*' are in the ownership of the applicant's (Clifford) family.
- It is considered that the Planning Authority was incorrect to zone part of the site which is currently being used by the existing garage operation and has planning permission for use as a garage.
- The reduction in the zoned area needed to rectify the zoning error is minor. The subject application (PA Ref. No. 23850) was being processed by the Planning Department when the new zoning provisions for Cahersiveen were being finalised and it appears that the application was overlooked.
- With respect to the land use zoning as '*Strategic Reserve, White Land*', it is of relevance to note that those lands zoned as 'Proposed Residential' in Cahersiveen have yet to be developed (and that no planning applications have been lodged on those lands). Therefore, it is submitted that the requirement for '*Reserve*' lands will be discussed in future plans after 2030 and the zoning may change.
- The additional activity expected to be generated by the proposed end-of-life vehicle treatment facility will be similar to that of the existing garage which has operated at this location in excess of 70 No. years with no complaints of noise or disturbance from adjacent housing. The applicant's family live in the two houses to the west of the garage which ensures that it is operated to a high standard.
- Given that the applicant's family own the zoned lands, it can be ensured that any future planning application for residential development will incorporate a

buffer zone (open space) to avoid any detrimental impact on the amenity of proposed housing.

- The subject proposal was lodged prior to the adoption of the Kenmare District Local Area Plan, 2024-2030 and, therefore, that plan should not be relevant to the current application.
- With regard to those lands zoned as '*O1: Strategic Reserve, White Land*' in the Kenmare Municipal District Local Area Plan, 2024-2030 with the stated land use zoning objective '*To facilitate development at some time in the future*', they are described as providing '*for the future sustainable development of these lands. Their specific zoning will be determined at a future date based on the needs of a settlement*'. In this respect, it is submitted that Kerry County Council has taken this zoning into consideration as the lands are predominantly being used for commercial purposes. The proposed end-of-life vehicle treatment facility will be sustainable to the environment and will have no detrimental impact on the residential amenity of nearby properties.

#### **2.1.3. Response to Item No. 3:**

- The inclusion of Condition No. 7 in the notification of the decision to grant permission will ensure that any noise and nuisance issues arising are resolved.
- The only additional noise attributable to the proposed development will result from the crushing of dismantled cars (on a quarterly basis). This was addressed in the Waste Management Treatment Process Report provided with the application.

#### **2.2. Response of the Planning Authority:**

None received.

#### **2.3. Response of the Third-Party Appellant (Mr. Peter Sweetman):**

None received.

### **3.0 Responses to Circulation of the Applicant's Submission**

#### **3.1. Response of the Planning Authority:**

None received.

#### **3.2. Response of the Third-Party Appellant (Mr. Peter Sweetman):**

None received.

### **4.0 Further Assessment**

4.1. This addendum report has been prepared in response to a Commission Direction dated 29<sup>th</sup> January, 2026 and the Section 137 Notice issued to the applicant on 25<sup>th</sup> November, 2025. Accordingly, the following assessment has been confined to consideration of the applicant's response to those matters which were proposed to be taken into account by the Commission as set out in the Section 137 Notice. It should be read in conjunction with the information that accompanied the initial planning application, the grounds of appeal, all other submissions received, and my earlier inspector's report.

#### **4.2. The Potential to Facilitate and Extend Unauthorised Development:**

4.2.1. Within my initial assessment of the subject proposal, an examination of the planning status of the existing operations on site determined that any permitted use of the site for the dismantling or scrapping of vehicles is restricted to that originally conducted from within the confines of the existing garage / workshop building (as distinct from the remainder of the site area). To clarify, the primary use of the application site has been found to be as a garage / workshop offering car repair services with any vehicle dismantling / scrapping activities amounting to only a comparatively minor part of the site usage which is restricted to within the building itself. Moreover, it can be confirmed that the use of the adjacent lands under the control of the applicant for the purposes of a 'yard for storage of cars' (as identified on Dwg. No. 03: 'Site Layout' received by the Planning Authority on the 27<sup>th</sup> day of July, 2023) has not been authorised by a grant of planning permission and does not constitute exempted development.

- 4.2.2. While the applicant has sought to assuage the aforementioned concerns by asserting that the Planning Authority has never previously raised any issue with the use of the adjacent lands as a yard for the storage of old cars, this does not negate the fact that said use does not have the benefit of planning permission and does not amount to exempted development. I would also suggest that any reliance on PA Ref. No. 04/4642 to demonstrate that the Planning Authority was aware then of the presence of the yard is misplaced given that there are survey drawings on file (with particular reference to Drg No. 03/70/01 received by Kerry County Council on 24<sup>th</sup> August, 2005 which includes an existing site survey and contour map) which make no reference to any such yard. Notably, the earlier planning application lodged under PA Ref. No. 95/879 / ABP Ref. No. PL08.097714 also fails to refer to any such use.
- 4.2.3. With regard to the suggestion that a grant of permission for the subject proposal would remedy the current situation by providing for the dismantling and disposal of those vehicles presently in storage thereby negating any continued use of the lands for such purposes, this would seem to run counter to the case initially put forward by the applicant when it was stated that the storage yard 'may' no longer be required following the dismantling of the stored vehicles (consequent on the proposed development) and that *'If the yard is to be used for any other use, a planning application will be needed'*. Moreover, any such scenario would effectively amount to a 'de facto' tacit approval or acceptance by the Commission of the continued operation of an unauthorised development for an indeterminate time on lands outside the application site. In this respect, I would reiterate my original position that given the working relationship, inter-dependency and physical connectivity between that yard and the proposed development site, the proposed development would facilitate and extend the continued unauthorised use of those lands.
- 4.2.4. In response to the applicant's assertion that the area in question has always been used as a yard for general storage (while referencing the long-established nature of the garage repair / service garage), I would refer the Commission to my previous report which states that it can be confirmed from OSI aerial photography that the lands in question were not in use for such purposes c. 1995 and thus cannot avail of any historic pre-1964 use. Moreover, it is apparent from aerial imagery that the use of these lands for the storage of disused vehicles has gradually expanded over the last c. 30 No. years without the benefit of planning permission. No new information

has been provided as part of the applicant's response to the Section 137 notice which would counter the foregoing conclusion.

- 4.2.5. Therefore, I would reiterate my earlier recommendation to refuse permission on the grounds that the proposed development would facilitate and extend unauthorised development.

#### 4.3. **Land Use Zoning Considerations:**

- 4.3.1. It has already been established that the larger extent of the application site, which encompasses that area over which new works will be carried out to facilitate the proposed authorised treatment facility for ELVs, is zoned as '*O1: Strategic Reserve, White Land*' in the Kenmare Municipal District Local Area Plan, 2024-2030 with the stated objective '*To facilitate development at some time in the future*' and is described as providing '*for the future sustainable development of these lands*' with a '*specific zoning*' to be determined at a future date based on the needs of the settlement. In this regard, I would refer the Commission to my initial assessment of the broader acceptability (or not) of the principle of the proposed development from a land use zoning perspective and the inconsistency in the land use zoning matrices contained in the County Development Plan and the Local Area Plan, with the result that the proposal requires assessment on its own merits having regard to various factors, including the site context. More specifically, I would draw the Commission's attention to my concerns as regards the potential detrimental impact of the proposal on the residential amenity of nearby properties.
- 4.3.2. In response to the Section 137 notice, the applicant has submitted that the Planning Authority erred in its decision to rezone part of the site from '*M4*' (as per the former West Iveragh Local Area Plan) to '*O1: Strategic Reserve, White Land*' in the current Kenmare Municipal District Local Area Plan, 2024-2030 considering the affected lands were already being used by the existing authorised garage operation. It has also been suggested that the subject application (which was being assessed by the Planning Authority at the time) was inadvertently overlooked when the new zoning provisions for Cahersiveen were being finalised. Additionally, the applicant has sought to challenge whether the Kenmare District Local Area Plan, 2024-2030 should even apply in this instance given that the subject application was lodged prior to the adoption of that plan.

- 4.3.3. With respect to the foregoing, while the applicant has questioned the appropriateness of the rezoning decision and the validity of including the affected lands within the 'O1: *Strategic Reserve, White Land*' in the Kenmare Municipal District Local Area Plan, 2024-2030, there is no evidence on file to suggest that the Planning Authority rezoned the lands in error and I would reiterate that the nature of the rezoning would appear purposive. In any event, the fact remains that the affected lands have been zoned as 'O1' in the current Local Area Plan which is the applicable statutory plan relevant to the assessment of the subject application.
- 4.3.4. The case has also been put forward that while lands zoned as 'O1: *Strategic Reserve, White Land*' have the stated land use zoning objective '*To facilitate development at some time in the future*', they are described as providing '*for the future sustainable development of these [the] lands*' with a '*specific zoning*' to be '*determined at a future date based on the needs of a settlement*'. In this respect, it has been submitted that Kerry County Council took this zoning into account in its assessment of the proposal as the lands are predominantly being used for commercial purposes and the proposed development will be '*sustainable to the environment*' and have no detrimental impact on the residential amenity of nearby properties. In my opinion, the weighting afforded by the applicant to the description of the land use zoning rather than the actual zoning objective is misplaced with any such interpretation effectively serving to undermine the purpose of the land use zoning in the first instance. The land use zoning objective is clear in seeking '*To facilitate development at some time in the future*' and is described as providing for 'the future sustainable development' of the lands with a specific zoning to be determined at some future date having regard to the needs of the settlement. Moreover, the fundamental purpose of the zoning is to hold the lands in question as a 'strategic reserve' for the future benefit and sustainable development of Cahersiveen. To suggest that the subject proposal would be permissible on the basis that it is '*sustainable to the environment*' serves to ignore the wider purpose of the land use zoning provisions as a key tenet of the overall development strategy for the town by effectively allowing for any form of development deemed 'sustainable' to be open for consideration on lands with no 'specific zoning'. Such an approach would not be conducive to proper planning or sustainable development.

4.3.5. Finally, the applicant's assertions as regards his family's ownership of those lands zoned as '*Strategic Reserve, White Land*' and any potential future development proposals as regards same are not a relevant consideration in the assessment of the subject application.

4.3.6. At this point, I would revert the Commission to my earlier commentary as regards the assessment of the proposal on its merits having regard to various factors, including the site context, and my concerns as regards the potential detrimental impact on the residential amenity of nearby properties (please refer to my initial report and the supplementary assessment below).

#### 4.4. **Impact on Residential Amenity:**

4.4.1. In response to the concerns raised in the Section 137 notice as regards the potential for the proposed development to seriously injure the residential amenities of neighbouring property by reason of noise and general disturbance, the applicant has asserted that the activities arising will be similar to those of the existing garage (which has purportedly operated at this location for a prolonged period of time with no complaints from adjacent housing) with the only additional noise source being the crushing of dismantled cars as was previously addressed in the 'Waste Management Treatment Process Report' submitted with the application. It has also been submitted that the applicant's family reside in the two houses to the west of the garage which ensures that it is operated to a high standard while the attachment of appropriate conditions will serve to mitigate any noise and / or nuisance concerns.

4.4.2. Having reviewed the contents of the submission received, in my opinion, no new information has been provided which would allow for a sufficiently robust assessment of the likely noise impact of the proposed development. Moreover, there is a general dearth of information as regards the broader activities and operational practices to be undertaken on site and, therefore, it has not been established that the proposal could reasonably be expected to operate under normal conditions without detriment to the residential amenity of existing and permitted properties in the vicinity. Accordingly, I would request that the Commission revert to my previous report and the analysis therein.

## 5.0 Recommendation

- 5.1. Having regard to the foregoing, I would reiterate my recommendation that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below (unchanged from my original recommendation).

## 6.0 Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and the appeal, and following consideration of the planning history of the site and adjoining lands, the Commission is not satisfied that the use of adjacent lands under the control of the applicant for the purposes of a 'yard for storage of cars' (as identified on Drg. No. 03: 'Site Layout' received by the Planning Authority on the 27<sup>th</sup> day of July, 2023) is authorised by a grant of planning permission and, therefore, given the working relationship, inter-dependency and physical connectivity between that yard and the proposed development site, it is considered that the proposed development would facilitate and extend the continued unauthorised use of those lands. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.
2. Having regard to the location of the proposed development on lands predominantly zoned as 'O1: Strategic Reserve, White Land' in the Kenmare Municipal District Local Area Plan, 2024-2030 with the stated land use zoning objective 'To facilitate development at some time in the future', the nature of the development proposed, the provisions of Section 1.3.7: 'Uses not listed in the Indicative Zoning Matrix' of Chapter 2 of Volume 6 of the Kerry County Development Plan, 2022-2028, and as it has not been demonstrated that the proposed development will not have a detrimental impact on the residential amenity of nearby properties, it is considered that the proposed development

would contravene materially the said zoning objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the nature and intended use of the proposed development, and its relationship with residential properties in the vicinity, the Commission is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the proposed development would not seriously injure the residential amenities of neighbouring property by reason of the noise and general disturbance associated with its use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Robert Speer  
Senior Planning Inspector

25<sup>th</sup> March, 2026