



An
Bord
Pleanála

Board Direction
BD-007205-20
ABP-305431-19

The submissions on this file and the Inspector's report were considered at Board meetings held on 16/01/20 and 17/12/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the relevant provisions of the Kerry County Development Plan 2015 – 2021 and the Tralee Municipal District Local Area Plan 2018 – 2024, including Objective T-18 of the County Development Plan, to facilitate the sustainable development of water sports, to the history of the use of the site, and to the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would constitute an appropriate form of development at this location. The proposed development would, therefore., be in accordance with the proper planning and sustainable development of the area.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report dated 16th November 2020, that Askeragh, Banna and Barrow Harbour SAC (000332), Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) and Tralee Bay Complex SPA (004188) are European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the Sites' Conservation Objectives for Askeragh, Banna and Barrow Harbour SAC (000332), Tralee Bay and Magharees Peninsula, West to Cloghane SAC (002070) and Tralee Bay Complex SPA (004188). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the Sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) Site-specific Conservation Objectives for these European Sites,
- (ii) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and
- (iii) The mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites, in view of the Sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of January 2019 and the 24th July 2019, and by the further plans and particulars received by An Bord Pleanála on the 15th day of October 2019 and the 6th April 2020, 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The ramp and the lower pillar/platform/diving board shall be omitted.
 - (b) An additional ladder shall be installed on the eastern side of the retained higher pillar/platform.
 - (c) The wall and fence proposed for the western side of the walkway shall be omitted in favour of railings.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

3. The Mitigation Measures as set out in Chapter 10 of the Natura Impact Statement, which was submitted to An Bord Pleanála on the 6th day of April 2020, shall be implemented in full.

Reason: In the interest of the protection of the environment.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice and access arrangements for the development. The Plan shall also state the projected construction period and the tidal ranges that would occur during the days comprised in this period.

Reason: In the interests of clarity, public safety, and orderly and well-planned development.

5. Prior to the commencement of use of the diving facility, the railings to the walkway and the ladders to the platform shall be installed and the colour code system to the pillar shall be in place. Thereafter, these items shall be retained in-situ for the duration of the use of this diving facility.

Reason: In the interest of public safety.

Board Member

Date: 17/12/2020

Chris McGarry