



An
Bord
Pleanála

Board Direction
BD-007426-21
ABP-308314-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/01/2021.

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

Reasons and Considerations

1. Having regard to the identified high probability of fluvial and pluvial flooding attendant upon the site, which places it in Flood Zone A under the Planning System and Flood Risk Management Guidelines, it is considered that the proposed development is in an area at risk of flooding. By reference to the information submitted with the application and appeal, it is considered that the applicant has failed to demonstrate by means of a flood risk assessment, that the proposed development would not lead to flood risk attendant at the site and in surrounding area. In the absence of a site-specific flood risk assessment, the Board is not satisfied that the proposed development would not have an adverse impact on the site and on lands outside the site by means of increased flood risk. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the planning history on the site and in particular permission PL08.125366 (00/2480), which required by condition 2(a) that the site provide a childcare facility at this location, the proposed development to provide for

single use housing only at this location, would result in an absence of a creche facility to serve the overall residential development in this area, would represent a sub-optimal outcome for the site and environs, would be contrary to the provisions of Condition 2(a) of permission PL08.125366 (00/2480), and would be contrary to objective SC-8 of the Kerry County Development Plan 2015-2021, which seeks to ensure that all large scale residential development take account of the need to provide appropriate community facilities such as childcare facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the hydrological link between the site and the Natura 2000 sites in Tralee Bay, Tralee Bay and Magharees Peninsula Wet to Cloghane SAC (Site Code 002070) and Tralee Bay Complex SPA (Site Code 004188) and on the basis of the information submitted with the application and appeal, it is considered that the applicant has failed to submit sufficient information with respect to the risk to water quality in the stream passing the site, and the likelihood of significant effects upon the Conservation Objectives of the said Natura 2000 sites, to facilitate the Board in conducting a Stage 1 Screening Exercise of the proposal for the purposes of Appropriate Assessment. Accordingly, in these circumstances, the Board is precluded from granting permission.

Board Member

Date: 27/01/2021

Chris McGarry