



An
Bord
Pleanála

Board Direction
BD-008702-21
ABP-308819-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/07/2021.

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

Reasons and Considerations

1. The site is located in a Stronger Rural Area which has experienced intense pressure for urban generated housing development and where it is the policy of the planning authority, as set out in the settlement strategy contained in the Kerry County Development Plan and the Iveragh Peninsula Local Area Plan, to facilitate the rural housing needs of people who are intrinsic to the local area while directing urban generated housing into towns and villages and where it is Government policy, under National Policy Objective 19 of the National Planning Framework Plan, to avoid over-development of rural areas and to have regard to the viability of smaller towns and villages in facilitating the provision of single houses in the countryside. Having regard to these national and local policies it is considered that the applicant does not come within the housing need criteria as set out in the guidelines and in the Development Plan for a house at this location, and the Board is not satisfied that the housing need could not be satisfactorily met in an established settlement. The proposed development would give rise to an excessive density of development, would contribute to a suburban form of development in a rural area and would militate against the

preservation of the rural environment, the efficient provision of public services and infrastructure and the viability of smaller rural settlements. The proposed development would, therefore, be contrary to national and local policy and to the proper planning and sustainable development of the area

2. The site is located in an elevated position in an area designated in the current Kerry County Development Plan 2015-2021 as an area of Rural Secondary Special Amenity, by reason of its sensitive landscape quality, in relation to which policy Objective ZL-1 seeks to control development in order to protect the landscape. It is considered that the construction of a house on the site, in conjunction with existing adjacent development, would result in a highly visible and obtrusive feature which would be detrimental to the high scenic amenity of the area. The proposed development would, therefore, contravene this policy and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the application and appeal, and in the absence of a NIS, the Board cannot, therefore, be satisfied that the proposed development, both during construction and operation, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of Killarney National Park, Macgillycuddy Reeks and Caragh Lake Catchment cSAC (000365) and Iveragh Peninsula SPA (004154) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

Board Member

T. Ó Niadh

Date: 14/07/2021

Terry Ó Niadh

Note:

Having regard to the soil conditions, the gradient of the site and the extensive surface water ponding on the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposal to excavate below the iron pan. The Board considered, therefore, that the proposed development could be prejudicial to public health.

However, given that there were already substantive reasons for refusal, the Board decided not to pursue this matter further in the context of the current appeal.

*Please issue the direction with
the Order.*

T. Ó Niadh

14/07/2021

