



An  
Bord  
Pleanála

**Board Direction**  
**BD-011169-22**  
**ABP-311966-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/08/2022.

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 –

(i) the location of the site within an "Area Under Strong Urban Influence" as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and

(ii) National Policy Objective 19 of the National Planning Framework (February 2018), which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements,

(iii) The objectives of the Kerry County Development Plan, 2022 to 2028 which seek to discourage urban generated housing in rural areas under urban influence and to direct the provision for housing into towns and villages such as Brosna or Listowel.

it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural

settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, the surface ground conditions indicating poor drainage capability, the location of the site above an aquifer classified as locally important with groundwater vulnerability indicated as being extreme and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in unsewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatments systems in the area would not give rise to a risk of pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** The Board is not satisfied, based on the information on the file that adequate sightlines can be provided and maintained having regard to the alignment of the road and the relationship with the property to the east. It is therefore considered that the proposed development might be prejudicial to public safety by reason of traffic hazard. However, the Board decided not to pursue this issue in the context of the substantial reasons for refusal set out above.

Board Member

Maria FitzGerald  
Maria FitzGerald

Date: 26/08/2022

