

An  
Bord  
Pleanála

**Board Direction**  
**BD-011555-22**  
**ABP-312890-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/12/2022.

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:

- the location of the site within an area designated as a rural area under urban influence in accordance with section 5.5 of the Kerry County Development Plan 2022-2028,
- National Policy Objective 19 of the National Planning Framework (February 2018) which seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements,
- The provisions of the Kerry County Development Plan 2022-2028 and specifically Objective KCDP 5-13, which facilitates the provision of rural housing for local rural people building in their local rural area subject to certain criteria, and

- The fact that the applicants own two dwellings in the immediate vicinity of the site and the absence of documentation on the file outlining the applicants' need for another house at this rural location.

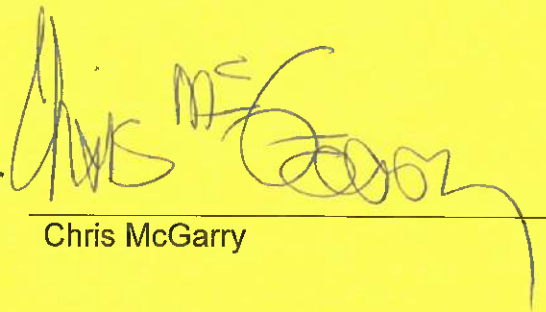
the Board is not satisfied on the basis of the information on the file that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan.

The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the development plan. The proposed development would be contrary to the relevant provisions of the Kerry County Development Plan 2022-2028 and to overarching national policy and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the direct and permanent loss of part of a woodland area that is listed as a qualifying interest (old sessile oak woods with Ilex and Blechnum in the British Isles) of a Natura 200 site. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot, therefore, be satisfied that the proposed development, both during construction and operation in combination with other plans or projects, would not result in further adverse effects on the integrity of Killarney National Park, Macgillicuddy Reeks and Caragh Lake Catchment Special Area of Conservation (Site code: 000365) in view of the

site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

**Board Member**

A handwritten signature in black ink, appearing to read "Chris McGarry", written over a horizontal line.

Chris McGarry

**Date:** 09/12/2022

