

An
Bord
Pleanála

Board Direction
BD-012864-23
ABP-313595-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/07/2023.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The Board had regard to

1. the Kerry County Development Plan 2022-2028 including
2. objective KCDP 11-78 to protect the landscapes of the county by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area, and
3. the location of the proposed development for retention in an area which is designated as visually sensitive,
4. objective KCDP 11-1 to ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives, and
5. the proposed development for retention in and adjacent to Tralee Bay Complex SPA and Akeragh Banna and Barrow Harbour SAC.

The Board considered that the findings and conclusions of a Stage I appropriate assessment screening should be documented, with the necessary supporting evidence and objective criteria, including in relation to enabling works, site access

and construction methodologies, in order to reasonably establish that there is no potential for significant effects from the proposed development for retention.

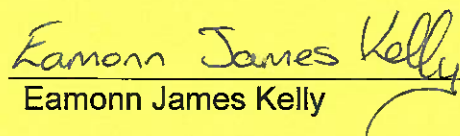
The Board also considered the provisions set out in the development plan that shall apply to development in a visually sensitive landscape including that the development be designed and sited to ensure that it is not unduly obtrusive and extending development into unspoilt coastal areas is to be avoided.

Having regard to the sensitivity of the landscape, the pattern of development in the area, and the requirements of the EU Birds and Habitats Directive, the Board considered that the development proposed for retention is not consistent with the Kerry County Development Plan 2022-2028.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the appropriate assessment screening to be insufficient in terms of scope and detail and that the development proposed for retention would not accord with the proper planning and sustainable development of the area.

Note: The Board noted from the information on file that the development proposed for retention appeared to be located below the high water mark on the shoreline. However, given the substantive reasons for refusal, the Board decided not to seek further information regarding the sufficiency of site ownership.

Board Member


Eamonn James Kelly

Date: 11/07/2023