



An  
Bord  
Pleanála

**Board Direction**  
**BD-014863-23**  
**ABP-314128-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2023.

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

### **Reasons and Considerations**

Having regard to the proximity of the subject site to the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment candidate Special Area of Conservation (cSAC) (Site Code no. 000365) it is considered that:

- the proposed development may result in increased artificial lighting generated at both the construction and operational phases of the development and that may impact on Lesser Horseshoe Bats that commute along routes to the west of the Port Road/ Deenagh River,  
And
- the proposed development has not had adequate consideration on the protection and retention of mature trees and hedgerows on and adjacent to the site boundaries which may support foraging bats,

The submitted Appropriate Assessment Screening does not provide sufficient scientific reasoning to clearly eliminate the likelihood of significant adverse effects.

In view of the site's conservation objectives and qualifying interests, the applicant has failed through the submitted Appropriate Assessment Screening to demonstrate that the proposed development would not adversely affect the integrity of a European Site and it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

**Note:** the Board noted that elements of the scheme may fail to accord with the minimum requirements of the Sustainable Urban Housing Guidelines: Design Standards for New Apartments, DoHPLG, December 2020 as they relate to floor to ceiling heights, internal storage room areas, quality of communal open space and potential impact on mature trees, bicycle parking and storage and access, however given the substantive reasons for refusal above did not explore same further.

The proposed development would thereby constitute a substandard form of development which would seriously injure the visual and residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

**Board Member**



Liam Bergin

**Date:** 15/12/2023