

An  
Bord  
Pleanála

**Board Direction**  
**BD-016074-24**  
**ABP-317790-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/04/2024.


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 in an area Designated 'Other Rural Areas' in the Kerry County Development Plan 2022-2028 and to the fact that the applicant already has a residence on the Derreen estate, and based on the information supplied with the application and appeal it is considered that the applicant has failed to adequately justify a need for permanent residential development in accordance with Development Plan Objective KCDP 5-16. The proposed development would therefore contravene Objective KCDP 5-16 and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Kenmare River Special Area of Conservation (site number 002158), or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

3. Notwithstanding the proposed tertiary treatment system, based on the proximity of water bodies, the direction of groundwater flow, the sloping terrain, uncertainty in relation to the location and level of bedrock and the difficulty of ensuring electricity supply to the pump, there is a reasonable risk to ground and surface water quality in the area. The proposed development would therefore be prejudicial to the natural environment and public health and contrary to proper planning and sustainable development of the area.

**Board Member**

  
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Mary Cregg

**Date:** 19/04/2024