

An
Coimisiún
Pleanála

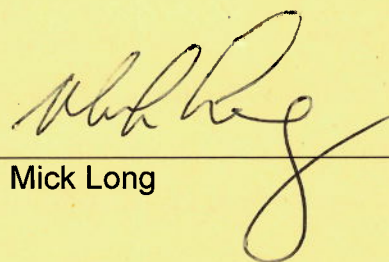
Direction
CD-021808-26
ABP-319722-24

The submissions on this file and the Inspector's report were considered at a meeting held on 22/01/2026.

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

Planning

Commissioner:



Mick Long

Date: 23/01/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the documentation provided with the application, to the observations made on site by the Commissions' Scientist and Ecologist incorporated into the Inspector's report, to the most recent water quality sampling results available for the River LOO_010 and to the absence of any water quality monitoring data for the watercourse which flows through the site (piped) which is a tributary of the River Loo, the Commission cannot be satisfied that the proposed development and development proposed to be retained, individually or in combination with other plans and projects would not be likely to have a significant effect on the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment Special Area of

Conservation (site code: 000365) in view of the site's conservation objectives. The Commission cannot therefore be satisfied that a remedial Natura Impact Statement is not required. In such circumstances, the proposed development would not comply with Objective KCDP 11-2 of the Kerry County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

2. Having regard to the documentation provided with the application, to observations made on site, to the most recent water quality sampling results available for the River Loo_010 (IE_SW_22L040400) and to the absence of any water quality monitoring data for the watercourse which flows through the site (piped), the Commission cannot be satisfied that the proposed development and development proposed to be retained would not result in the risk of qualitative deterioration of the River Loo_010, either on a temporary or permanent basis. The proposed development and development proposed to be retained would, therefore, be contrary to Development Plan Objective KCDP 13-1, which seeks to ensure compliance with the Water Framework Directive, and to the proper planning and sustainable development of the area.

Note:

Given the substantive nature of the reasons for refusal the Commission did not seek additional information on the existing development on site. On the basis of the information submitted with the application and following review of the planning history for the site, it appears to the Commission that no permission exists for the piping of an existing stream through the site and the proposed development and development proposed to be retained would represent the consolidation of unauthorised development on this site.