

An  
Coimisiún  
Pleanála

**Direction**  
**CD-021259-25**  
**ABP-321542-24**

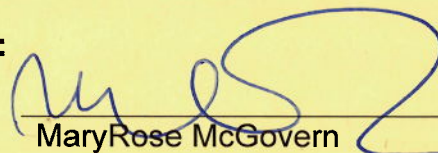
The submissions on this file and the Inspector's report were considered at a meeting held on 13/11/2025.

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

#### **Planning**

**Commissioner:**

**Date:** 13/11/2025

  
MaryRose McGovern

#### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

On the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Castlemaine Harbour SPA (site code: 004029) and Castlemaine Harbour SAC (site code: 000343), in view of the Conservation Objectives of those sites. An up-to-date, development specific Natura Impact Statement has not been submitted with the application and, consequently, scientific doubt remains as to the absence of adverse effects on these European Sites arising from the proposed development. In such circumstances the Board is precluded from granting permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

The Commission disagreed with the Inspector that the proposed development would fail to be adequately absorbed and integrated into the landscape at this location. It disagreed that the proposed development would constitute a visually discordant feature in its surroundings, or that it would set an undesirable precedent for other such prominently located development in the vicinity. The Commission was in agreement with the planning authority that, subject to conditions, the proposed development, would not be visually obtrusive in its context and would not seriously injure the amenities of the area.

**Note:**

The Commission noted that the subject site is within a Rural Area Under Significant Urban Influence, as identified in the Kerry County Development Plan 2022-2028, where housing is restricted to persons demonstrating local need in accordance with Objective KC DP 5-15. The Commission noted that this was a new issue which was not satisfactorily addressed by the information provided with the application and appeal. While ordinarily this would warrant further consideration and a request for further information, in this instance, given the substantive reason for refusal above, it was decided not to pursue this matter under the current appeal.