



An
Bord
Pleanála

Board Direction
BD-019873-25
ABP-321804-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/06/2025.

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

Reasons and Considerations

Notwithstanding the proposal to use a tertiary treatment system and infiltration area and having regard to ground conditions within the site, the Board is not satisfied that it has been adequately demonstrated that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). Therefore the proposed development would be at variance with Objective KCDP 13-19 of the Kerry County Development Plan 2022-2028, would be prejudicial to public health and would therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Eamonn James Kelly
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Date: 06/06/2025

Note

The Board noted the Inspector's second recommended reason for refusal concerning the absence of a Natura Impact Statement with respect to Lesser Horseshoe Bat at Kenmare River Special Area of Conservation. However, the Board

did not agree that a 10 year old data record constituted a sufficient basis for an ex-situ impact necessitating the preparation of a Natura Impact Statement particularly in the context of the site-specific conservation objectives defined by a list of attributes and targets for this qualifying interest inter alia focused on measures relating to potential auxiliary roosts within the European Site. The Board considered therefore that this matter could more appropriately have been addressed by condition through a pre-construction survey to ensure strict protection of bats wherever they occur rather than in the context of appropriate assessment.