

An
Coimisiún
Pleanála

Direction
CD-021839-26
ACP-323443-25

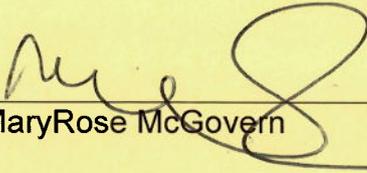
The submissions on this file and the Inspector's report were considered at meetings held on 08/12/2025 and 28/01/2026.

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

Planning

Commissioner:

Date: 03/02/2026


MaryRose McGovern

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to Objective KCDP 6-27 of the Kerry County Development Plan 2022-2028, which seeks, *inter alia*, to support development of outreach and community services for an expanding and ageing population, to the location of the subject site on lands zoned "Community Services Facilities" under the Listowel Municipal District Local Area Plan 2020-2026, which is an area designated for educational, institutional and civic land uses, and generally includes community related development including schools & colleges, residential healthcare institutions and, where appropriate, the provision of ancillary accommodation and facilities, and having regard to the zoning sub-categorization of the subject site, of "Education (S1)", which has an objective to provide for educational facilities, described in the Kerry County Development Plan 2022-2028 as areas '*Providing for the wide range of educational*

facilities and related development. Where appropriate the provision of ancillary accommodation and facilities will be accommodated, it is considered that the proposed development of 9 detached dwelling units, which is not ancillary to educational facilities, would constitute a material contravention of the zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In reaching its decision to refuse permission, the Commission agreed with the Inspector that the subject site is located within a Small/Medium Town Edge where, in accordance with the Sustainable and Compact Settlements, Guidelines for Planning Authorities (2024), it is a policy and objective that densities in the range of 25dph to 40dph (net) shall generally be applied. The Commission agreed that the density of the proposed development stated to be 11 units/hectare, would not be in compliance with these guidelines, and would be unacceptable at this location, resulting in an inefficient, wasteful and unsustainable use of serviceable, zoned land within the settlement boundary of Ballybunion. The Commission also agreed with the Inspector that the proposed narrow tract of approximately 280m² of public open space, located at the entrance to the development, close to the roadway, was not centrally located within the scheme, and appeared to be residual space, incidental in nature, remaining after the placement of the proposed dwellings and drainage infrastructure. The Commission agreed with the Inspector that the public open space provision did not meet the requirements of the Kerry County Development Plan 2022-2028. The Commission considered however that the issues of density and public open space could be satisfactorily addressed as part of the design of an amended scheme, but as a result of the refusal reason outlined above, these matters were not pursued any further as part of this appeal.