

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 16/834

An Bord Pleanála Reference Number: PL 08.247551

APPEAL by William Cashman of Loch Coirean, Waterville, County Kerry against the decision made on the 20th day of October, 2016 by Kerry County Council to grant subject to conditions a permission to Anthony Antonides care of Griffin Project Management of 51 New Street, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (1) Retention of partially constructed boathouse, and (2) completion of boathouse at Waterville, County Kerry.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In coming to its decision the Board had regard, inter alia, to:

- (a) the modest nature and extent of the development proposed to be retained and completed,
- (b) the proposed use of the structure as a boathouse in a lakeshore location,
- (c) the provisions of the Kerry County Development Plan 2015-2021,
- (d) the pattern of development in the area,
- (e) the planning history of the site,
- (f) the submissions and documentation on file including:
 - (i) the Ecological Survey of a Site and Impact Assessment and the Screening for Appropriate Assessment carried out by Ecofact Environmental Consultants on behalf of the applicant, and
 - (ii) the report of the planning authority's Biodiversity Officer and the screening for Appropriate Assessment carried out by the planning authority, and
- (g) the report of the planning Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the Inspector's screening assessment and conclusion, as set out in the Inspector's report, in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board is satisfied that the development, either individually or in combination with other plans or projects, would not have been likely to have had a significant effect on the Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), or any other European site, in view of the site's Conservation Objectives.

Proper Planning and Sustainable Development Conclusion

It is considered that the development proposed to be retained and completed, would not seriously injure the amenities of the area or of property in the vicinity, would not detract from the character or setting of any primary or secondary special amenity areas, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the limited nature and extent of the development proposed to be retained and completed and to the planning history of the site as set out under planning register reference number 14/877, An Bord Pleanála reference number PL 08.244945 under which the Board considered that the matter of visual impact had been addressed. In the latter file the Inspector concluded that the development, that is, both the wall and boatshed, "would not be unduly visually intrusive and would not contravene the provisions of the county Development Plan as regards the control of development in areas of secondary special amenity value". The Board further considered that the remaining Appropriate Assessment issue in respect of the boat house was adequately addressed in the current application.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The works to complete the proposed development shall be carried out in accordance with good construction practices and with the Method Statement for Completion of Boathouse (Appendix 3) as submitted to the planning authority on the 29th day of August, 2016.

Reason: In the interest of the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.