



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/1029

APPEAL by Paul Shanahan care of Paul O'Dowd and Associates of Old Mill Lane, Charles Street, Listowel, County Kerry against the decision made on the 11th day of December, 2017 by Kerry County Council to refuse permission to the said Paul Shanahan.

Proposed Development House at Ballyeagh, Ballybunion, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

The proposed development is in an area which is deemed to be at risk of flooding, by reference to the Irish Coastal Protection Strategy Study (ICPSS) Mid Range and High Range Future Scenarios at risk of flooding in a 1 in 200-year event. Having regard to the provisions of the current Development Plan for the area and to “The Planning System and Flood Risk Management Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in November, 2009 in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of a justification test with adequate examination of flood plain, surface water management and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.