



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/786

APPEAL by Lakes and Rivers of Kerry care of Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 26th day of February, 2018 by Kerry County Council to grant subject to conditions a permission to Allman Contracts Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry.

Proposed Development: A waste management facility for the recovery of inert waste material for the purposes of land reclamation for agricultural activity at Garrynadur, Lispole, 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

1. Having regard to the nature and scale of the proposed development and to the location of the site, partly on steeply sloping lands adjoining the River Owenalondrig, at a location where the watercourse provides suitable habitat for salmon and trout, and to the fact that a substantial element of the proposed works have been carried out on site prior to the determination of the planning application and appeal, the Board is not satisfied, notwithstanding the proposed buffer zone, that the proposed development would not give rise to an unacceptable risk of water pollution and sedimentation, due to run-off of soils and other material, which would be likely to have a detrimental effect on the water quality of the river. It is considered that the proposed development would seriously injure the amenities of the river and its environs and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board considers, having regard to the nature of the proposed development, that a mandatory Environmental Impact Assessment Report would have been required for this development as it exceeds the threshold of 25,000 tonnes per annum under Class 11(b) Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (as amended).

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

Dated this day of 2018.