



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/1242

APPEAL by Sean Daly of Tubbrid, Kenmare, County Kerry and by Thomas Randles of Upper Clontoo, Kilgarvan, County Kerry against the decision made on the 24th day of August, 2018 by Kerry County Council to grant subject to conditions a permission to Dolent Properties LP care of Meitheal Design Partners of 15 Father Matthew Quay, Cork.

Proposed Development: Demolition of existing dwellinghouse and detached shed, the construction of an access road, new entrance onto public road and ancillary works. Permission is also sought for a residential development to comprise of 50 number two-storey dwellings, connection to existing public services at the public road and associated landscaping, ancillary works and associated site services to complete the development. All at The Parsonage, Bell Height, Kenmare, County Kerry. Further public notices were received by the planning authority on the 19th day of June, 2018 and the 28th day of June, 2018.

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. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Kenmare wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. In the absence of improved wastewater treatment capacity, the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the planning application and the appeal and in absence of a Natura impact statement, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Kenmare River Special Area of Conservation (Site Code: 002158) or any other European Site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.

3. Having regard to the residential zoning objective for the site, the provisions of the Kenmare Functional Area Local Area Plan 2010-2016 relating to compliance with relevant guidelines as set out in objective H-11 and the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May, 2009, it is considered that the proposed development would not be developed at a sufficiently high density to provide for acceptable efficiency in land usage given the proximity of the site to Kenmare town centre and established social and community facilities in the vicinity and would not conform to the minimum densities of 20-35 units per hectare on the edge of centre sites in small towns and villages recommended in the Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.