



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/1224

APPEAL by Michael Horgan, Lakes and Rivers of Kerry, Salmon and Trout Conservation and Protection Association of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 20th day of March, 2019 by Kerry County Council to grant subject to conditions a permission to Rybuck Limited care of James Fitzgerald of Martello House, Ivy Terrace, Tralee, County Kerry.

Proposed Development: Excavate existing spoil material, to trunk up with clean building rubble, and construct a car park, at Castlemaine Road, Camp, Caherweesheen, Tralee, 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 hydrological link between the site and the European sites in Tralee Bay, the applicant has failed to submit sufficient information with respect to existing materials on the site, to the risk to water quality in the stream passing the site, and to the likelihood of significant effects upon the Conservation Objectives of the European sites to facilitate the Board in conducting a Stage 1 Screening Exercise of the proposal for the purposes of Appropriate Assessment, the Board is precluded from considering a grant of permission in such circumstances.
2. Having regard to the C2.1 industrial/enterprise/employment zoning of the site in the Tralee Municipal Local Area Plan 2018 - 2024, the redevelopment of the site to provide a car park would represent a sub-optimal outcome for a site that is well-placed for future employment usage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the car parking standards set out in the Kerry County Development Plan 2015–2021, and to the prospective user of the proposed car park who already has a car park to the north of the site which exceeds these standards, it is considered that the additional spaces now envisaged would cause the level of overprovision to increase markedly. The proposed development would, therefore, be contrary to Objective RD-14 of the County Development Plan, which promotes the adoption of sustainable modes of transport and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the traffic that would be generated by the proposal during both its construction and operational phases, and having regard to the proposed means of access to the site, which would utilise an existing shared access point off the heavily trafficked Castlemaine Road (N86), it is considered that the applicant has failed to demonstrate by means of a traffic assessment that the junction between this access point and the N86 would be capable of accommodating the additional traffic that would be generated. Furthermore, and having regard to Objective RD-16 of the Kerry County Development Plan 2015 – 2021, the applicant has not submitted, a workplace travel plan on behalf of the prospective user of the proposed car park. In the absence of such a plan, the applicant has failed to demonstrate that non-car-based travel to work options have been either explored or promoted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. Having regard to the identified high probability of fluvial and coastal flooding of the site, which places it in Flood Zone A under 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, and to the less vulnerable classification of the proposed car park development under these same Guidelines, the applicant has failed to demonstrate by means of a site-specific flood risk assessment that the proposal would not heighten the flood risk of the site and, by extension, the surrounding area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

John Connolly

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

Dated this day of 2019.