



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/604

APPEAL by Griffin Brothers Constructing Limited care of Frank Coffey Consulting Engineer of Daly's Lane, Killorglin, County Kerry against the decision made on the 2nd day of September, 2020 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: Construction of eight number dwellings and all associated services at Cois Abainn, 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 identified high probability of fluvial and pluvial flooding attendant upon the site, which places it in Flood Zone A under the Planning System and Flood Risk Management Guidelines (2009), it is considered that the proposed development is in an area at risk of flooding. Having regard to the information submitted with the application and appeal, it is considered that the applicant has failed to demonstrate by means of a flood risk assessment, that the proposed development would not lead to flood risk attendant at the site and in the surrounding area. In the absence of a site-specific flood risk assessment, the Board is not satisfied that the proposed development would not have an adverse impact on the site and on lands outside the site by means of increased flood risk. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the planning history on the site and in particular permission PL08.125366 (00/2480), which required by condition number 2(a) that the site provide a childcare facility at this location, it is considered that the proposed development to provide for single use housing only at this location, would result in an absence of a creche facility to serve the overall residential development in this area, would represent a sub-optimal outcome for the site and environs, would be contrary to the provisions of condition number 2(a) of permission PL08.125366 (00/2480), and would be contrary to objective SC-8 of the Kerry County Development Plan 2015-2021, which seeks to ensure that all large scale residential development take account of the need to provide appropriate community facilities such as childcare facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the hydrological link between the site and the Natura 2000 sites in Tralee Bay - the Tralee Bay and Magharees Peninsula West to Cloghane Special Area of Conservation (Site Code 002070) and the Tralee Bay Complex Special Protection Area (Site Code 004188) and on the basis of the information submitted with the application and appeal, it is considered that the applicant has failed to submit sufficient information with respect to the risk to water quality in the stream passing the site, and the likelihood of significant effects upon the conservation objectives of the said Natura 2000 sites, to facilitate the Board in conducting a Stage 1 Screening Exercise of the proposal for the purposes of an Appropriate Assessment. Accordingly, in these circumstances, the Board is precluded from granting permission.

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

Dated this day of 2021.