

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/70

APPEAL by Crystal Fountain Residents care of Liston and Company of 8 Day Place, Tralee, County Kerry against the decision made on the 3rd day of November, 2020 by Kerry County Council to grant subject to conditions a permission to Dromjam Limited and MUT 109 Limited care of Rory McGillycuddy and Associates of 3 Annadale Road, Killorglin, County Kerry.

Proposed Development: Construction of (a) 19 number detached dwellinghouses (13 number previously granted under planning register reference numbers 08/1797 and 08/91797), (b) 14 number semi-detached dwellinghouses, (c) three number terrace dwellinghouses (previously granted as two number work/live units under planning register reference numbers 08/1797 and 08/91797), (d) access road, (e) landscaped open space areas, (f) connection of foul sewer main to existing main and storm sewer to existing attenuation area, and (g) all associated site works at Dromcairn, Camp, Ballyseedy, 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. The site of the proposed development is located outside the settlement boundary of Tralee. It is an objective (Objective CS-5) of the current Kerry County Development Plan to have regard to sequential development and the prioritisation of sustainable infill and brownfield development in the assessment of development proposals in the urban area. Furthermore, Objective US-1 of the development plan seeks to ensure that future housing in urban areas in the county are located on lands zoned for residential use and in towns and villages, residential development shall be located in the town/village centres or immediately adjacent to town/village centres (based on the sequential approach); on serviced lands; and in accordance with the development guidance document of the plan. These objectives are considered reasonable. It is considered that the proposed development on un-zoned lands would be contrary to these objectives and would, as such, contravene the objectives of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

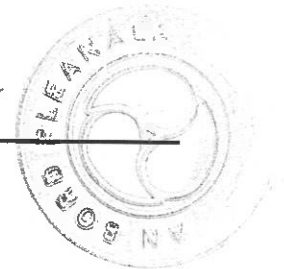
2. Having regard to the identified high probability of fluvial and pluvial flooding attendant upon the site, which places it in Flood Zone A under the Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in November 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 an up-to-date 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.



Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 4th day of May 2021.