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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/628**

**APPEAL** by Tom and Nora Brick care of Ger O’Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry and by Brendan Murphy and Deirdre O’Sullivan of Lower Teer, Brandon, Tralee, County Kerry against the decision made on the 19<sup>th</sup> day of March, 2021 by Kerry County Council to grant subject to conditions a permission to John and Anna Lyne care of Sugrue Design of Ballinvosherig, Tralee, County Kerry.

**Proposed Development:** (A) Erection of a single storey dwelling, serviced by a mechanical treatment unit and polishing filter, (b) vehicular access and (c) all associated site works at Lisnakealwee, Brandon, County Kerry. Further public notices were received by the planning authority on the 22<sup>nd</sup> day of February, 2021.

**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 retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands is a stated objective of the County Council as expressed in the current Kerry County Development Plan (Objective NE-32). The proposed development would necessitate the removal of a substantial length of roadside hedgerow in order to achieve adequate sightlines and would also involve the culverting of an existing stream within the site which in combination would seriously damage the ecology, visual amenities and rural character of the area and would conflict with an objective of the development plan, which seeks to conserve and protect such features and with the Guidelines on Sustainable Rural Housing, issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the site including the presence of a watercourse and number of surface water drains crossing the site and in the absence of a flood risk assessment, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

*Terry Ó Niadh*

**Terry Ó Niadh**

**Member of An Bord Pleanála**

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

Dated this *12<sup>th</sup>* day of *August*, 2021.

