

---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

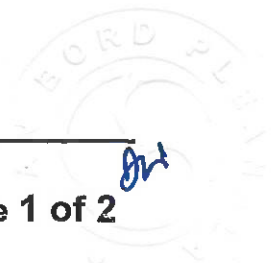
**Planning Register Reference Number: 20/461**

**APPEAL** by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 21<sup>st</sup> day of April, 2021 by Kerry County Council to refuse permission to Cromane Seafoods Limited care of Rory McGillycuddy and Associates of 3 Annadale Road, Dromavally, Killorglin, County Kerry.

**Proposed Development:** As revised by further public notices received by the planning authority on the 26<sup>th</sup> day of March, 2021, the proposed development now consists of construction of an office and welfare building, decommissioning of existing holding tank, and installation of a wastewater treatment unit, uv filter, polishing filter and all associated site works at Cromane Lower, Killorglin, 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

Having regard to the planning history of the site, the location of the site in an area at risk of flooding, and the nature of the proposed development which includes the provision of a wastewater treatment system in close proximity to the foreshore, based on the limited details provided in the application and the appeal in relation to the appropriateness and capacity of a satisfactory effluent treatment and disposal system to be installed and sustained on the site and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Sites Castlemaine Harbour Special Area of Conservation (Site code: 000343) and Castlemaine Harbour Special Protection Area (Site code: 004029), in view of the Sites' conservation objectives. Accordingly, in such circumstances, the Board is precluded from granting permission.



**Dave Walsh**

**Member of An Bord Pleanála**

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

Dated this *3<sup>rd</sup>* day of *September* 2021.