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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/905**

**Appeal** by the Board of Management of Sliabh a Mhadra National School care of Brendan Nolan Consulting Engineer Limited of 28 Church Street, Listowel, County Kerry against the decision made on the 27<sup>th</sup> day of May, 2021 by Kerry County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Decommission existing septic tank, install a concrete wastewater treatment system, drip distribution system and associated site works at Sliabh a Mhadra National School, Sliabh a Mhadra, Ballyduff, County Kerry.

**Decision**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 (h) and the reasons therefor.

## Reasons and Considerations

Having regard to the policies and objectives as set out in the Kerry County Development Plan 2015-2021 and the advice contained in the Environmental Protection Agency Treatment Manuals for Small Communities, Business, Leisure Centres and Hotels, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, the Board was satisfied that condition number 2 (h) is not warranted. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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.

*DR. Maria Fitzgerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this *8<sup>th</sup>* day of *Feb.* 2022.