

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

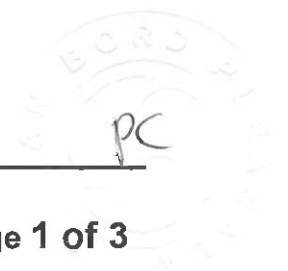
Planning Register Reference Number: 21/1004

APPEAL by Ross Building and Maintenance Solutions Limited care of Social Housing Company Limited of Upper Main Street, Dingle, County Kerry against the decision made on the 26th day of October, 2021 by Kerry County Council to refuse permission.

Proposed Development: Construction of (a) 10 number two-storey semi-detached dwellinghouses, and (b) two number two-storey apartment blocks consisting of four number apartments in each, all served by an access road and connected to public services, and also to include associated site works, at Bothar Finnihy, Glanerough Estate, Dromneavane, Kenmare, 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. It is considered that the proposed development would be premature by reference to the existing capacity deficiencies in the Kenmare Wastewater Treatment Plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and the appeal and particularly having regard to the absence of an examination of the likely significant effects the proposed development would have on the conservation objectives of the Kenmare River Special Area of Conservation (Site Code: 002158) in relation to the proposed connection to the Kenmare Wastewater Treatment Plant which is deficient in capacity, and which discharge from the plant flows into the Finnihy River and has a hydrological connection to Kenmare River Special Area of Conservation (site code 002158), the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects, would not result in adverse effects on the integrity of

Kenmare River Special Area of Conservation (Site Code: 002158) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from considering a grant of permission for the proposed development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this *26* day of *April* 2022.