



Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/431

APPEAL by Maria O'Connor and Kieran McEnery care of Brendan Nolan Consultant Engineering Limited of 28 Church Street, Listowel, County Kerry against the decision made on the 24th day of February, 2022 by Kerry County Council to refuse permission.

Proposed Development: Construction of a dwellinghouse, domestic garage, treatment unit and raised sand polishing filter and associated site works at Gurteennacloona, Ballylongford, County Kerry, as revised by the further public notices received by the planning authority on the 9th day of August, 2021.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.



Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2022-2028, the poorly drained ground conditions on site, together with the very high seasonal water table, the cumulative pressures on water resources resulting from the number of houses in the vicinity served by individual wastewater systems/septic tanks, and, notwithstanding the documentation submitted in connection with the planning application and the appeal, the Board is not satisfied that the site is suitable for the treatment and disposal of wastewater arising from the proposed development in accordance with policy objective KCDP 13-19 of the Kerry County Development Plan 2022-2028. Furthermore, the Board is not satisfied that the proposed development would not pose an unacceptable risk to water resources in the area. The proposed development would constitute an unacceptable risk of pollution, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Eamonn James Kelly
Eamonn James Kelly

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *20th* day of *June* 2023.