



An
Bord
Pleanála

Board Order
ABP-313595-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/235 (Tralee)

APPEAL by Clodagh and Niall O'Dowd of Barrow Lodge, Barrow West, Ardfert, County Kerry against the decision made on the 28th day of April, 2022 by Kerry County Council to refuse permission.

Proposed Development: Retention of part of the extreme southernmost section of the 'as build' boundary wall and supporting structure that divides Barrow Lodge and Barrow House, all at Barrow Lodge, Barrow, Ardfert, County Kerry.

Decision

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

Reasons and Considerations

The Board had regard to

1. the Kerry County Development Plan 2022-2028, including objective KCDP 11-78 to protect the landscapes of the county by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area,
2. the location of the development proposed for retention in an area which is designated as visually sensitive,
3. objective KCDP 11-1 of the development plan to ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives, and
4. the development proposed for retention in and adjacent to Tralee Bay Complex Special Protection Area (Site Code: 004188) and Akeragh Banna and Barrow Harbour Special Area of Conservation (Site Code:000332).

The Board considered that the findings and conclusions of a Stage I Appropriate Assessment screening should be documented, with the necessary supporting evidence and objective criteria, including in relation to enabling works, site access and construction methodologies, in order to reasonably establish that there is no potential for significant effects from the development proposed for retention.

The Board also considered the provisions set out in the development plan that shall apply to development in a visually sensitive landscape including that the development be designed and sited to ensure that it is not unduly obtrusive and extending development into unspoilt coastal areas is to be avoided.

Having regard to the sensitivity of the landscape, the pattern of development in the area, and the requirements of the EU Birds and Habitats Directive, the Board considered that the development proposed for retention is not consistent with the Kerry County Development Plan 2022-2028.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the Appropriate Assessment screening to be insufficient in terms of scope and detail and that the development proposed for retention would not accord with 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 *14th* day of *July*, 2023.