



An
Bord
Pleanála

Board Order
ABP- 314128-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/1107

Appeal by Portal Asset Holdings Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 22nd day of June, 2022 by Kerry County Council to grant permission, subject to conditions, to Ross Building and Maintenance Solutions Limited care of Declan Noonan and Associates of Upper Main Street, Dingle, County Kerry.

Proposed Development: Construction of a three-storey apartment block consisting of 10 number units, served by associated car and bicycle parking, and an external waste bin amenity enclosure, the units to be connected to public services and also to include all associated site works all at Port Road, Inch/Coollegrean, Killarney, County Kerry, as revised by the further public notices received by the planning authority on the 26th day of May, 2022.

Decision

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

Reasons and Considerations

Having regard to the proximity of the subject site to the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) it is considered that:

- (a) the proposed development would result in increased artificial lighting generated at both the construction and operational phases of the development which would impact on Lesser Horseshoe Bats that commute along routes to the west of the Port Road/Deenagh River, and
- (b) the proposed development has not given adequate consideration to the protection and retention of mature trees and hedgerows on, and adjacent to, the site boundaries which would support foraging bats.

It is further considered that the Appropriate Assessment Screening submitted with the application does not provide sufficient scientific reasoning to clearly eliminate the likelihood of significant adverse effects.

In view of the site's conservation objectives and qualifying interests and having regard to the Appropriate Assessment Screening submitted with the application, it is considered that the applicant has failed to demonstrate that the proposed development would not adversely affect the integrity of a European site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Liam Bergin

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

Dated this 19th day of December 2023.