



An
Bord
Pleanála

Board Order
ABP-317454-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22920

APPEAL by the Board of Directors of the Kerry Rape and Sexual Abuse Centre CLG care of Teicniul-Priory Consulting Engineers Limited of The Courtyard, Fairhill, Killarney, County Kerry against the decision made on the 31st day of May, 2023 by Kerry County Council to refuse permission.

Proposed Development: Construct a counselling centre, comprising of counselling rooms, offices and associated rooms, a separate ancillary plant room, access road, and all associated site services at Reen, Ross Road, Killarney, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 6th day of April 2023.

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Decision

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

Reasons and Considerations

1. Based on the information submitted with the planning application, the Board is not satisfied in relation to the adequacy of the mitigation measures proposed to ensure the proposed development, in particular the proposed lighting scheme, would not adversely affect the foraging and/or commuting routes of the Lesser Horseshoe Bat in the environs of the proposed development site. Therefore, adverse effects on the integrity of a European Site, namely the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site code 000365) cannot be excluded. In addition, the proposal is considered not to be in compliance with Objective KA 22 of the Kerry County Development Plan 2022-2028 which seeks to ensure that there is no significant increase in artificial light intensity adjacent to Lesser Horseshoe Bat roosts named in the Conservation Objective Report for the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Oct 2017) or along commuting routes within 2.5 kilometres of those roosts. Having regard to the above, the proposed development is, therefore, considered to be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site in an area which is prone to flooding, and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of

flooding of the site or of property in the vicinity. Furthermore, arising from the historical raising of ground levels on site through the infilling of land, the Board is not satisfied that the development carried out to date has not adversely affected the flood storage regime of the surrounding area, which would give rise to the risk of exacerbation of flooding elsewhere. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

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

Dated this 27th day of June 2024.