



An
Bord
Pleanála

Board Order
ABP-317521-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/90

APPEAL by Myriam Dennehy of Cools, Headford, Killarney, County Kerry and by Others against the decision made on the 22nd day of June, 2023 by Kerry County Council to grant subject to conditions a permission to Barry and Catherine McAuley care of Hickey Design and Associates of 10 Priory Paddocks, Muckcross Road, Killarney, County Kerry.

Proposed Development: Construction of a dwelling house and garage served by a wastewater treatment system and polishing filter at Cools, Headford, Killarney, County Kerry.

Decision

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

Reasons and Considerations

1. The Board could not be satisfied on the basis of the restricted site area and prevailing soil conditions as well as the non-submission of an updated site characterisation assessment, that effluent from the development could be satisfactorily treated and disposed of on-site notwithstanding the proposed use of a tertiary wastewater treatment system. The Board was also concerned that the proposed development could result in an excessive concentration of development served by septic tanks and/or individual wastewater treatment systems in the area. The proposed development would, therefore, be prejudicial to public health.
2. It is considered that the proposed development is excessive having regard to the restricted nature of the site, could not easily be assimilated into the local environment and, therefore, would not comply with the design guidance provided in the rural design guidelines contrary to objective KCDP 5-22 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be visually obtrusive in this rural area and, therefore, would be contrary to the proper planning and sustainable development of the area.



Joe Boland

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

Dated this ^{9TH} day of ^{May} 2024