

An
Bord
Pleanála

Board Order
ABP-317790-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23/622

APPEAL by Charles Bigham care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 20th day of July, 2023 by Kerry County Council to refuse permission.

Proposed Development The construction of new dwelling house, outbuilding, wastewater treatment system and all other associated works including services and landscaping, all at Derreen Gardens, Derreen (Townland), Lauragh, Kenmare, County Kerry.

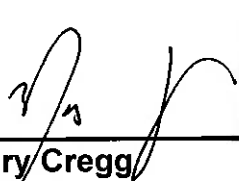

Decision

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

Reasons and Considerations

1. Having regard to the location of the site in an area Designated 'Other Rural Areas' in the Kerry County Development Plan 2022 - 2028 and to the fact that the applicant already has a residence on the Derreen estate and based on the information submitted with the application and the appeal, it is considered that the applicant has failed to adequately justify a need for permanent residential development in accordance with Development Plan Objective KCDP 5-16. The proposed development would, therefore, contravene Objective KCDP 5-16 and would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information submitted with the application and the appeal, and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Kenmare River Special Area of Conservation (Site Code: 002158), or any other European site, in view of the Site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

3. Notwithstanding the proposed tertiary treatment system, based on the proximity of water bodies, the direction of groundwater flow, the sloping terrain, uncertainty in relation to the location and level of bedrock and the difficulty of ensuring electricity supply to the pump, it is considered that there would be a reasonable risk to ground and surface water quality in the area. The proposed development would, therefore, be prejudicial to the natural environment and public health and would be contrary to the proper planning and sustainable development of the area.

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

Dated this 23rd day of April 2024.