



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2360201

APPEAL by Peter Barry of Lisloose, Tralee, County Kerry against the decision made on the 24th day of November, 2023 by Kerry County Council to grant a permission to Ned O'Shea and Sons (Rock) Limited care of Brendan Williams Architects of Design Studio, The Orchard, Ballydunlea, Tralee, County Kerry.

Proposed Development: Application for a 10-year planning permission for the following:

- (a) Demolition of disused agricultural outhouses/sheds and ancillary structures.
- (b) Construction of 235 number residential units in the following breakdown;
 - (b1) Eight number four-bedroom two-storey dwellings, 83 number three-bedroom two-storey dwellings, 34 number two-bedroom two-storey dwellings, four number two-bedroom single storey dwellings, which comprise of a mix of semi-detached and terraced typologies;
 - (b2) 48 number one-bedroom apartments in 12 number two-storey blocks of four apartments each;

- (b3) 10 number one-bedroom apartments and 11 number two-bedroom apartments with underground car parking in four storey Block J1, 10 number one-bedroom apartments and 11 number two-bedroom apartments with underground car parking in four storey Block J2, eight number one-bedroom apartments and eight number two-bedroom apartments, a 93.1 square metres size retail unit and 226.4 square metres size creche in four storey block J3.
- (c) All associated car parking, bicycle parking, roads, paths, boundary treatments, drainage works and services, landscaping and all associated and ancillary works as shown on the planning application drawings.

On a site at Lisloose, Tralee, 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 the following;

- (a) the Kerry County Development Plan 2022-2028 (KCDP), Table 14.3 of the development plan Volume One – Written Statement which lists the Tralee Northern Relief Road (Phases 1 and 2) as one of the Priority Roads Infrastructure Projects over the plan period and beyond,

- (b) the Tralee Town Development Plan contained in Volume Two - Town Development Plans of the county development plan which shows the 'Indicative Northern Relief Road' through the western area of the site from a location at the junction of Bracker O'Regan road and Monavalley Industrial Estate,
- (c) to the Tralee Town Zoning Map in Volume Four - Maps which shows the 'Indicative Northern Relief Road' through the western area of the site from a location at the junction of Bracker O'Regan road and Monavalley Industrial Estate and travelling north and east to connect to the Forge Cross roundabout,
- (d) to the provisions of Objective KCDP 14-27 which seek to provide, or facilitate the sustainable provision of all road infrastructure projects set out in Table 14.3 with priority given to infrastructure serving the Key Towns, to Objective KCDP 14-32 which seeks to reserve lands and prohibit development in areas identified for both the immediate and long term provision and improvement of roads throughout the County and the construction of roads as indicated in Table 14.3, and to Map B, and
- (e) Objective TR-RI-02 of the Tralee Municipal District Local Area Plan 2018-2024 which seeks to facilitate the development of the Tralee Northern Relief Road.

The Board considered that the layout of the proposed development makes no provision for the Indicative Tralee Northern Relief Road indicated on the Tralee Town zoning map in Volume Four – Maps of the county development plan, indicated on Map A of the Tralee Town Development Plan contained in Volume Two - Town Development Plans of the county development plan and indicated on Map B of the Tralee Municipal District Local Area Plan. It is considered, therefore, that the proposed development would materially contravene objectives KCDP 14-27 and KCDP 14-32 of the Kerry County Development Plan 2022-2028, and Objective TR-RI-02 of the Tralee Municipal District Local Area Plan 2018-2024. The proposed development

would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, notwithstanding that the proposed Northern Relief Road was cited in the Local Authority's Large Residential Development opinion dated 19th April 2023 among the issues that it had regard to in coming to the recommendation that the proposed development constituted a reasonable basis to make the planning application, the Board could not be satisfied that the proposed development would not unduly affect or preclude the provision of the Northern Relief Road as indicated, or materially contravene the Kerry County Development Plan 2022-2028.



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

Dated this *16th* day of *April* 2024.