



An
Bord
Pleanála

Board Order ABP-320357-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 24/192

Appeal by Thomas King of The Farm, Clash West, Tralee, County Kerry against the decision made on the 11th day of July, 2024 by Kerry County Council to refuse outline permission.

Proposed Development: Construction of 38 number residential dwelling units with associated parking and new entrance road from Clash Road, and demolition of two number existing out-houses to accommodate same and all associated site works, all at The Farm, Clash West, Tralee, Count Kerry.

Decision

REFUSE outline permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. In the absence of sufficient details on traffic levels and details of access proposals and sightlines, it is considered that the proposed development would endanger public safety by reason of traffic hazard on account of the additional traffic turning movements the proposed development would generate onto Clash Road (L-2016) at a location where adequate sightlines have not been provided for as required by Section 1.5.10.5 (Entrance), Volume 6 of the Kerry County Development Plan 2022-2028. It is further considered that the site access arrangements, as currently proposed, would necessitate the removal of an extensive area of dense vegetation, ditches and mature trees and would also require the removal of a circa 70 metres stretch of hedgerow to the north-east of the proposed vehicular access which would be contrary to Objective KCDP 11-22 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. In the absence of sufficient information, including technical details on surface water likely to be generated and surface water management proposals, it is considered that the proposed development would give rise to an unacceptable pluvial flood risk and would not be compliant with Section 11.5 (Land Use & Flood Risk Management) and Section 13.2.4 (Storm Water Management) or Objectives KCDP 11-66, KCDP 11-69, KCDP 13-21 and KCDP 13-24 of the Kerry County Development Plan 2022-2028 which require the preparation of a surface-water management plan and the use of sustainable drainage systems to manage and reduce flood risk in accordance with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities and Technical Appendices issued by the Department of the Environment, Heritage and Local Government in November, 2009 and Circular PL2/2014. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. In the absence of an Ecological Impact Assessment or Biodiversity Impact Assessment for the proposed development, the Board is not satisfied that the proposed development would not contravene Volume 1, Section 11 and Objectives KCDP 11.1, KCDP 11.4, KCDP 11.21, KCDP 11.22, KCDP 11.25, KCDP 11.42 and KCDP 11.44 of the Kerry County Development Plan 2022-2028. The proposed development would cause significant adverse effects to, or interfere with, the ecology and biodiversity of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 19 day of March 2025.