



An  
Bord  
Pleanála

## Board Order

**ABP-320557-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 24/60319**

**Appeal** by Tello Developments Ballyard Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 18<sup>th</sup> day of July 2024 by Kerry County Council to refuse permission for the proposed development.

**Proposed Development:** Alteration to development previously approved under planning register reference number 23/251 comprising (i) the omission of condition number 10 and the associated removal of the emergency access route connecting the subject site to the unnamed road to the south; and (ii) all ancillary works, inclusive of revised landscaping and boundary treatments, necessary to facilitate the development at lands South of Tralee Bay and Wetlands Eco and Activity Centre, Ballyard, 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 proposed development, comprising the omission of condition number 10 and the associated emergency access route from the residential scheme permitted under planning register reference number 23/251, would result in the removal of the emergency access from the scheme provided to serve future residents and emergency vehicles. The applicant has failed to adequately demonstrate that the main access road is sufficient to serve as the only access route to the residential scheme in design flood events, and that the emergency access route would therefore be unnecessary. As such, the proposed development would contravene materially a condition attached to an existing permission for development, would be contrary to the requirements of the Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 and would, therefore, be contrary to the proper planning and sustainable development of the area.



Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 16<sup>th</sup> day of May, 2025.