



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 2460705

APPEAL by Pat and Frances Lynch care of Ger O'Keeffe Consulting engineers Limited of Friary Lane / 4 Day Place, Tralee County Kerry against the decision made on the 22nd day of January 2025 by Kerry County Council to grant, subject to conditions, a permission to Michael and Stephanie Cahill care of Donal Brosnan of Brosna, Tralee, County Kerry in accordance with the plans and particulars submitted with to the said Council.

Proposed Development: Construction of a dwelling house with an on-site wastewater treatment system comprising of a mechanical aeration unit, intermittent filter and soil polishing filter, new access road off existing site entrance and all associated site works, Brackaharagh, Castlecove, Caherdaniel, County Kerry.

Decision

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

Reasons and Considerations

Notwithstanding the proposal to use a tertiary treatment system and infiltration area and having regard to ground conditions within the site, the Board is not satisfied that it has been adequately demonstrated that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the Environmental Protection Agency's (EPA) Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). The proposed development would, therefore, be at variance with Objective KCDP 13-19 of the Kerry County Development Plan 2022-2028, would be prejudicial to public health and would 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 9th day of June, 2025.