

An  
Coimisiún  
Pleanála

Commission Order

ACP-323587-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kerry County Council**

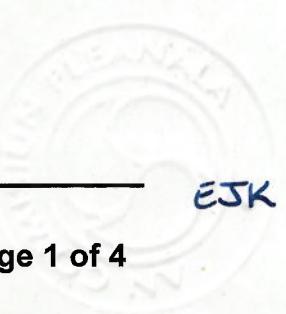
**Planning Register Reference Number: 25/60523**

**Appeal** by Thomas King against the decision made on the 12<sup>th</sup> day of August, 2025 by Kerry County Council to refuse outline permission.

**Proposed Development:** Outline Permission to construct 34 number semi-detached residential units with associated parking, driveways, green areas and new entrance road from Clash Road and all associated site works, all at The Farm, Clash West, Tralee, County Kerry.

### **Decision**

**REFUSE Outline Permission for the above proposed development for the reasons and considerations set out below.**



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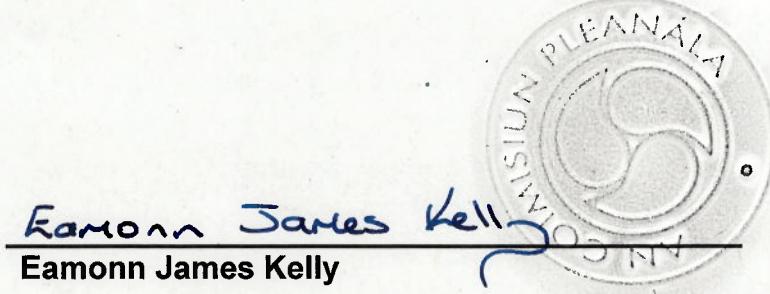
## **Reasons and Considerations**

1. Having regard to the 'S1 - Education' zoning objective pertaining to the majority of the site in the Tralee Municipal District Settlements Plan (Variation Number 1 of the Kerry County Development Plan 2022-2028) where the objective is to provide for education facilities and related development such as ancillary accommodation, and the nature of the proposed development not representing ancillary accommodation to any educational facility, it is considered that the proposed development would materially contravene the zoning objective pertaining to the majority of the site as set out in the Kerry County Development Plan 2022-2028, as varied. 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 and calculations 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 risk of pluvial flooding and would be contrary to Section 11.5 (Land Use and Flood Risk Management), Section 13.2.4 (Stormwater Management), and Objectives KCDP 11-66 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 system measures which are site-specific and which restrict surface water run-off to greenfield rates. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Section 1.20 (Volume 6, Appendix 1) of the Kerry County Development Plan 2022-2028 requires the submission of a Traffic and Transport Assessment and a Road Safety Audit for planning applications for developments with significant potential to generate traffic and/or which could have a significant impact on a major road. In the absence of such information, and having regard to the nature and scale of the proposed development and the additional traffic turning movements that would be generated onto the Clash Road (L-2073), it is considered that the proposed development would contravene Section 1.20 of the development plan and would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. In the absence of an Ecological Impact Assessment or Biodiversity Impact Assessment for the proposed development, the Commission is not satisfied that the proposed development would not contravene Objective KCDP 11-22 of the Kerry County Development Plan 2022-2028 (Volume 1) and Objective KCDP TR-53 of the Tralee Municipal District Settlements Plan. 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.
5. Having regard to Section 1.5.2 of the Kerry County Development Plan 2022-2028 which states that the number of units to be provided in a site should be determined with reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) or any update thereof and to Section 3.3.3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered the proposed development seeks to facilitate a density of residential growth that is not in compliance with the density requirements set out in the development plan or the Sustainable Residential Development and Compact Settlements

Guidelines for Planning Authorities (2024) and thus materially contravenes Objective KCDP SP-8 of the Tralee Municipal District Settlement Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

6. Having regard to Section 1.5.3.1 (Mix of Dwelling Types) of the Kerry County Development Plan 2022-2028 which states that planning applications for fifteen or more residential units will be required to incorporate a variety and choice of housing units by type and size, it is considered the proposed development does not contain a satisfactory housing mix and therefore contravenes Objective KCDP SP-10 of the Tralee Municipal District Settlement Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Eamonn James Kelly

Eamonn James Kelly

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 15<sup>th</sup> day of January, 2026.