



An  
Bord  
Pleanála

**Board Direction**  
**BD-001087-18**  
**ABP-301739-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 11<sup>th</sup> 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

Having regard to the location of the development for which retention is sought with access onto the N70 National Secondary Road, at a location where the maximum speed limit of 100 km/h applies, the Board is not satisfied, on the basis of the submissions made with the planning application and the appeal, that the development for which retention is sought constitutes an exceptional circumstance or meets the criteria for which an access onto this National Road can be considered as per section 7.2.1.2 of the current Kerry County Development Plan. It is considered that the subject development, by itself or by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, due to the nature of the traffic likely to be generated by the use of this shed for agricultural contracting, as proposed, would be contrary to national policy in relation to the control of development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network, and would contravene materially objective RD-17 of the Kerry

County Development Plan to preserve the level of services and carrying capacity of the National Secondary Road. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted the applicant's agent's reference, in the ground of appeal, to exempted development if the subject structure were to be reduced to "the exempted area of 300 sq metres". Having regard to its conclusion above that the development in question represents a traffic hazard, the Board is of the view that any exemption for a smaller structure at this location would not apply by reason of the restrictions on exemption set out in Article 9 (1)(a)(iii) of the Planning and Development Regulations 2001, as amended.

*[Please issue a copy of this Direction to the parties, with the Board Order.]*

**Board Member**

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Philip Jones

**Date:**

11<sup>th</sup> September 2018