



An
Bord
Pleanála

Board Direction
BD-002048-19
ABP-301930-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 7th 2019.

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

Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside the heavily trafficked National Secondary Road, N69, at a point where a speed limit of 100 Km/h applies and the traffic turning movements generated by the development, which would have the effect of intensifying the use of an existing entrance onto this national road, would interfere with the safety and free flow of traffic on the road. The proposed development would also contravene the objectives of the Kerry County Development Plan 2015 – 2021, and in particular section 7.2.1.3, which considers accesses that would result in intensification of an existing access only where there is no suitable alternative non-national public road access available, and having regard to the fact that the family landholding includes alternative frontage onto the local road network. Furthermore, it is considered that the proposed development would be contrary to the Ministerial Guidelines, as set out in the Spatial Planning and National Roads Guidelines, issued by the Department of the Environment, Community and Local Government in January 2012, to preserve the level of service and carrying capacity of the National Road Network. The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the poorly-drained ground conditions on site in evidence during the site inspection, the cumulative pressures on water resources resulting from the number of premises in the vicinity served by individual waste water systems/septic tanks, and the designation of this area as being 'at serious risk' under the Environmental Protection Agency domestic waste water risk classification, and notwithstanding the documentation submitted in support of the application and appeal, the Board is not satisfied that the proposed development will not pose an unacceptable risk to water resources in the area, in particular surface water resources. The proposed development would, therefore, constitute an unacceptable risk of pollution, would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

Note: The Board concurred with the recommendation of the Inspector regarding the lack of housing need of the applicant, in that he had not demonstrated that he had any identified locally-based social or economic need for a house at this rural location, or that his housing needs could not be satisfied by locating in a nearby settlement. However, the Board considered that this matter would represent a new issue in the context of the appeal, and decided not to include this as a further reason for refusal, having regard to the substantive reasons for refusal set out in the Board Order.

[Please issue a copy of this Direction with the Board Order to the applicant, observer and planning authority.]

Board Member

Date: 7th January 2019

Philip Jones