

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 15/972

An Bord Pleanála Reference Number: PL 08.246106

APPEAL by Seamus Griffin and Caroline Galvin care of Declan Noonan and Associates of Upper Main Street, Dingle, County Kerry against the decision made on the 5th day of January, 2016 by Kerry County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of a dwellinghouse with attic accommodation served by a septic tank and percolation area, dwelling to be accessed via an existing vehicular entrance and to include all associated site works at Glanbane, Tralee, County Kerry.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The “Spatial Planning and National Roads - Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government (2012) seek in Section 2.5 “to avoid the...generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply.” Objective RD-17 of the Kerry County Development Plan 2015-2021 seeks to protect the capacity and safety of the national road network in the County and ensure compliance with these Guidelines. The proposed development of a house at this location would result in the intensification of use of an agricultural access on to the N22 national primary road, where a speed limit of 100 km/h applies. It is considered that the additional and conflicting turning movements generated by the proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would contravene the provisions of the said Guidelines and of Objective RD-17 of the County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the substantial evidence on file of very wet ground conditions, the Board considers that this site is unsuitable for the disposal of foul effluent. The proposed development would, therefore, be prejudicial to public health, and would result in a risk of environmental pollution in an area identified by the Environmental Protection Area as being at high risk from domestic waste water pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.