

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Kerry County**

**Planning Register Reference Number: 16/162**

An Bord Pleanála Reference Number: PL 08.246576

**APPEAL** by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 15<sup>th</sup> day of April, 2016 by Kerry County Council to grant subject to conditions a permission to Gerard O'Connor and Norma Lynch care of Shane Kavanagh of 'Tiriúil', Muckcross Road, Killarney, County Kerry.

**PROPOSED DEVELOPMENT:** Construction of a single storey detached dwelling, single storey garage, entrance and associated site works served with septic tank, intermittent filter and polishing filter, the widening and improvement of existing access onto the public road, all at Ballahacommane, Mallow Road, Killarney, 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 proposed development would result in the intensification of the use of an existing access onto the N72 National Secondary Road at a location where the maximum speed limit of 100 km/h applies. Having regard to the location of the site, it is considered that the proposed development, by itself and by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, would contravene 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. Furthermore, the proposed development would contravene objective RD-17, as set out in the Kerry County Development, 2015 – 2021, which seeks to protect the capacity and safety of the national road network in the County and ensure compliance with the said national Guidelines. The proposed development would also be contrary to Section 7.2.1.3 of the Development Plan, which sets out the circumstances under which intensification of an existing access onto the N72 would be favorably considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located within an Area under Strong Urban Influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, and in a Rural Area under Strong Urban Influence as set out in the Kerry County Development Plan 2015 – 2021, where housing is restricted to persons demonstrating local need in accordance with the provisions of that Plan. On the basis of the documentation on file, the Board is not satisfied that the applicants have adequately demonstrated that they come within the scope of the housing need criteria as set out in the Guidelines or in the Development Plan for a house at this location. In the absence of an identified locally based need for the house, the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2016.**