

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kerry County

Planning Register Reference Number: 15/1173 (Tralee)

An Bord Pleanála Reference Number: PL 08.247425

APPEAL by Tommy Moynihan care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 26th day of September, 2016 by Kerry County Council to grant subject to conditions a permission to Boyle Brothers Construction 2004 Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry.

PROPOSED DEVELOPMENT: Construction of a new access road from the existing N70/N22 roundabout at Camp, Tralee, to connect with the existing Manor Retail Park internal road, at Manor West, Tralee, County Kerry. The proposed development was revised by further public notices received by the planning authority on the 30th day of August, 2016.

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 Board is not satisfied, on the basis of the information submitted and having regard to the publication 'Spatial Planning and National Roads, Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in January 2012, the site location, and its relationship with the national road network, that the proposed development would not contravene national policy to preserve the level of service and carrying capacity of the national road network and to protect the public investment in the network. Furthermore, it is considered that the construction of an access road onto the Tralee Bypass at the location proposed does not presently find support in local development plan policy and, in the absence of a 'plan-led' approach, would constitute an uncoordinated developmental approach to the subject site and adjoining zoned lands. The proposed development would, therefore, be contrary to Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on, or adversely affect the integrity of, the Tralee Bay and Magharees Peninsula, West to Cloghane Special Area of Conservation (Site Code: 002070) or the Tralee Bay Complex Special Protection Area (Site Code: 004188), in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from giving further consideration to the granting of permission for the proposed development.

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

Dated this day of 2017.