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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/1263**

**APPEAL** by Annette Donnelly and Brian Curran of Lakelands Farm, Lake Road, Waterville, County Kerry against the decision made on the 19<sup>th</sup> day of February, 2018 by Kerry County Council to refuse a permission.

**Proposed Development:** Construction of a new dwelling and mechanical treatment unit, intermittent filter and polishing filter, new entrance and access road and all associated site works, all at Eightercua, Waterville, County Kerry.

**Decision**

**REFUSE permission for the above proposed development in accordance with 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. It is considered that the proposed development, which would result in the intensification of use of an access onto the N70, which is a strategic National Secondary Road, at a point where a speed limit of 100km/h applies and the sightlines at the junction are restricted in both directions, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, contravene Objectives RD-1 and RD-17 of the planning authority, as set out in the Kerry County Development Plan 2015-2021, to preserve the level of service and carrying capacity of the National Secondary road and to protect the public investment in the road network, and would be contrary to the proper planning and sustainable development of the area.
2. The site is located in an elevated position in an area designated in the Kerry County Development Plan 2015-2021 as an area of Rural Secondary Special Amenity, by reason of its sensitive landscape quality, in relation to which policy Objective ZL-1 seeks to control development in order to protect the landscape. It is considered that the construction of a house on the site, in conjunction with existing adjacent development, would result in a highly visible and obtrusive feature which would be detrimental to the high scenic amenity of the area. The proposed development would, therefore, contravene this objective and would be contrary to the proper planning and sustainable development of the area.

3. The site is located in close proximity to a National Monument as defined in the Record of Monuments and Places and the Sites and Monuments Record as Ke098 047, stone row and enclosure. Having regard to the submissions made in connection with the application and appeal, and to the absence of a Ministerial consent or a determination that such consent is not required, the Board is not satisfied that the proposed development would not adversely affect the setting of the National Monument. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**