



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 18/324

APPEAL by James Vaughan care of Peter Lavelle Building Surveyors of Doonard Lower, Tarbert, County Kerry against the decision made on the 1st day of June, 2018 by Kerry County Council to refuse permission.

Proposed Development: Dwelling house, waste water treatment plant, access road and all ancillary works at Leitrim West, Moyvane 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 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. Having regard to the fact that the family landholding includes alternative frontage onto the local road network it is considered that 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. 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 for Planning Authorities, 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 would 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 would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.