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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20/109**

**APPEAL** by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 28<sup>th</sup> day of May, 2020 by Kerry County Council to grant subject to conditions a permission to Simon Daughton and Katie Burke care of Michael Burke of Curraheen, Tralee, County Kerry.

**Proposed Development:** Erection of a new bungalow, complete with septic tank and trench system and all ancillary site works associated with same, complete with a new entrance on to private access road at Curraheen, Tralee, 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 N86 at a point where the general speed limit of 100 kilometres per hour applies, and where the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road.

2. The proposed development would militate against national policies on the control of access to national roads, as set out in ‘Spatial Planning and National Roads: Guidelines for Planning Authorities’ published by the Department of the Environment, Community and Local Government in January 2012, which seek to preserve the level of service and carrying capacity of national roads, to protect public investment in same, and to control frontage development that adversely affects road safety. Furthermore, the proposed development would be contrary to Objective RD-17 of Kerry County Development Plan 2015-2021 which seeks ‘to protect the capacity and safety of the national road network in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines’. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020**