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| Development | Dwelling house, garage, entrance and associated site works, served by a septic tank and intermittent filter and polishing filter at Ballahacommane, Mallow Road, Killarney, Co. Kerry |
| Planning Authority | Kerry County Council |
| Planning Authority Reg. Ref. | 16/162 |
| Applicant(s) | Gerard O'Connor & Norma Lynch |
| Type of Application | Permission |
| Planning Authority Decision | Grant subject to Conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Transport Infrastructure Ireland |
| Observer(s) | None |
| Date of Site Inspection | 19 th August 2016 |
| Inspector | Mary Crowley |

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site with a stated area of 0.595 ha is located in the townland of Ballahacommane c. 5km to the east of Killarney and is accessed off an existing minor cul de sac which serves a number of existing dwellings to the north together with farmland. The site forms part of an agricultural field. This private roadway is in turn accessed off the N72 National Secondary Road at a point where the 100km/h speed limit applies. The N72 in the vicinity of the site is governed by double white lines, one solid one broken and no hard shoulder. It was noted on day of site inspection to be well trafficked busy road with vehicles travelling at speed. The general area is characterised as rural with a significant number of one off housing and ribbon development.
- 1.2 A set of photographs of the site and its environs taken during the course of the site inspection is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

2.0 PROPOSED DEVELOPMENT

- 2.1 This is an application for permission to construct a single storey detached dwelling, single storey garage and associated site works, served with a septic tank, intermittent filter and polishing filter together with the widening and improvement of existing access on to the public road (N72).
- 2.2 The proposed source of water supply is a private well. The proposed surface water disposal is by means of a soakpit.
- 2.3 The application was accompanied by the following:
- Cover Letter
 - Design Report
 - Letter of consent from the landowner. Stated that the applicant is the nephew of the owner of the site and that the applicant is the “favored nephew”
 - Road Safety Audit
 - Site Characterisation Form, details of proposed wastewater treatment system and associated information

3.0 TECHNICAL REPORTS

- 3.1 **Transport Infrastructure Ireland (TII)** considers that the scheme is at variance with official policy in relation to control of development on / affecting national roads as outlined in the “Spatial Planning and National Roads Guidelines for Planning Authorities’ (2012).
- 3.2 The **County Archaeologist** states that there are no recorded monuments in the

immediate area of the proposed development and that no mitigation is required.

3.3 The **Killarney Municipal District Engineer** states that the land required to implement the recommendations of the Road Safety Audit is outside the boundary of the site subject to the planning application and therefore the recommendation of the Audit would be unenforceable. In a further “final” report it is stated that further to the recommendation of the Road Safety Audit being actioned, adequate sight distance will be afforded to the junction of the private road and the N72 National Secondary Road. Recommended conditions attached.

3.4 The **Case Planner** was satisfied that the applicant met the Councils Rural Settlement Policy and that the scheme complied with the Objective 7.2.13. It was noted that the application was accompanied by a Road Safety Audit which related to the roadway serving the proposed dwelling house and to the junction improvements with the N72. This is considered to be a “significant change” from the last application. Further stated that the Roads Engineer is satisfied with the proposals subject to the junction improvements being carried out prior to the commencement of development works. Accordingly the Planner recommended that permission be **granted** permission subject to conditions. The notification of decision to grant planning permission issued by Kerry County Council reflects the recommendation of the Planner.

4.0 OBSERVATIONS / OBJECTIONS / PUBLIC REPRESENTATIVES TO KERRY COUNTY COUNCIL

4.1 Cllr Michael Gleeson submits his full support for the application as the development is intended as a family residence for the applicants.

4.2 Danny Healy Rae T.D submits his strong support for this application. In a further submission it is stated that the applicant hopes to build on family land, that the applicant is the favourite nephew and that he wants to build beside his uncle as he needs help and attention and the nephew is seeing after him.

5.0 PLANNING AUTHORITY DECISION

5.1 Kerry County Council issued notification of decision to **grant** planning subject to 22 conditions. Condition No 10 required the recommendations of the Road Safety Audit to be implement in full prior to commencement of work on site.

6.0 PLANNING HISTORY

6.1 No planning history pertaining to this site has been made available with the appeal file. It is however noted that TII their appeal refer to *the planning history on the subject site and the previous refusal of planning permission by Kerry County Council*

(file ref 15/369 refers). This history file has not been made available with the appeal file. However I would draw the Boards attention to two recent appeal decisions proximate to the current appeal site. Both local authority planning decisions were appealed by TII and are relevant to this appeal.

- 6.2 **PL08.245297 (Reg Ref 15/428)** – Kerry County Council granted permission for the construction of a dwelling house served by septic tank and percolation area including all associated ancillary site works at Ballahacommane, Killarney, County Kerry. This site is immediately north of the current appeal site. This decision was appealed by TII. The Board refused permission for the following reason:

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 or by 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 Spatial Planning and National Roads Planning Guidelines (January 2012) and the NRA Traffic & Transport Assessment Guidelines (2007). 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 favourably considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 6.3 **PL08.245394 (PA Ref 15/495)** – Kerry County Council granted permission for the construction of a new dwelling house, garage, septic tank and percolation area and the carrying out of all associated site services at Ballahacommane, Killarney, County Kerry. This site is on the south side of the N72. This decision was appealed by TII. The Board refused permission for the following reason:

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 a speed limit of 100 km/h applies. Having regard to the location of the site, it is considered that the proposed development by itself or by the precedent it would set for other relevant 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 and would materially contravene Kerry County Development Plan 2015-2021 objective RD-17 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 (January 2012) and the National Roads Authority and Traffic and Transport Assessment Guidelines (2007). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.0 THE DEVELOPMENT PLAN

7.1 The operative plan for the area is the **Kerry County Development Plan 2015 – 2021**. The proposed development is located in an area zoned **Rural General** which is covered by Section 3.3.2.1 of the Plan. The site is also located in an area categorised as **Stronger Rural Area**. Objectives relevant to the site are as follows:

- **Objectives RS-1 – RS-6** relate to the general provisions in terms of rural housing policy.
- **Objective RS-10** – to facilitate the provision of dwellings for persons who are an intrinsic part of the rural community in which they are raised, subject to compliance with normal planning criteria and environmental protection considerations.
- **Objective RS-11** – to consolidate and sustain the stability of the rural population and to promote a balance between development activity in urban areas and villages and the wider rural area.
- **Objective RD-17** - Protect the capacity and safety of the national road and strategically important regional road network in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (January 2012) and the NRA Traffic & Transport Assessment Guidelines (2007).

7.2 With regard to access to National Roads **Section 7.2.1.3 – Access onto the N69, N70, N72 and N86** sets out the following:

In relation to access onto the above routes, the PA has formed the opinion that due to the:

- Rural and dispersed nature of the population
- Average size of farm landholdings in the county
- Strategic nature of the National Secondary Route, lack of alternatives, peninsular nature of the county and large number of existing enterprises located on these routes

It is not possible in relation to the said routes to implement the policies and objectives of the Minister, as outlined in the Spatial Planning and National Road Guidelines 2012 and accordingly the creation of a new access onto these roads shall require compliance with all of the following criteria-

- The applicant is a son or daughter or favoured niece or nephew of a landowner inheriting the family farm or the proposed access relates to the development of a fixed resource or renewable energy project, and
- There is no suitable alternative non-national public road access available and
- The existing access to the landholding does not conform or cannot be made to conform with the NRA Design Manual for Roads and Bridges (DMRB Guidelines) and
- The development otherwise accords with the Development Plan.

Development resulting in the intensification of an existing access will be favourably considered where all of the following criteria can be complied with:

- There is no suitable alternative non-national public road access available, and
- The existing access conforms to the standards set out in the DMRB Guidelines and
- The existing development otherwise accords with the Development Plan, and
- The development will contribute to the achievement of National objectives in the NSS and RPGs e.g. employment creation.

7.3 **Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012** sets out the following:

7.4 Section 2.5 states that the policy of the PA will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

7.5 Section 2.6 states that the PA may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the

advice of the NRA and having followed the approach as detailed including lightly trafficked sections of national secondary routes.

7.6 Such areas would be confined to lightly trafficked national secondary roads serving structurally weak and remote communities where a balance needs to be struck between the important transport functions of such roads and supporting the social and economic development of these areas. In such areas, policies in development plans permitting new accesses to national secondary roads may be considered acceptable where the following criteria apply:

- Traffic volumes are low and are forecast to remain below 3000 AADT (as verified by the NRA) for the next 20 years;
- There is no suitable alternative non-national public road access available;
- The development otherwise accords with the development plan, and
- Safety issues and considerations can be adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges.

7.7 The **Sustainable Rural Housing - Guidelines for Planning Authorities 2005** states inter alia that where the *'applicant comes within the development plan definition of need'*, people who have roots in or links to rural areas, and are part of and contribute to the rural community planning permission will be permitted subject to an occupancy condition, provided they meet the normal requirements in relation to matters such as road safety, proper disposal of waste water and satisfy the *"normal planning considerations relating to siting and design"*.

8.0 GROUNDS OF APPEAL

8.1 The third party appeal has been prepared and submitted by Transport Infrastructure Ireland (TII) against the decision to grant planning permission for a dwelling house and associated works *which results in the intensification of a direct private lane access to the N72*. The main points of the appeal may be summarised as follows:

8.2 **National Policy** – The Spatial Planning and National Roads Guidelines for Planning Authorities (2012) state, in relation to lands adjoining national roads to which speed limits greater than 60kph apply, that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads. TII considers that the provision of new a new house accessing the N72 at the location concerned, regardless of the housing circumstances of the applicant, will inevitably increase traffic movements onto and off the N72, national secondary road, and as such the proposal is at variance with the provision of official policy.

8.3 **Local Development Plan Policy** – The grant of permission is inconsistent with the provisions of the Kerry County Development Plan 2015 – 2021, in particular Section

7.2.1.2 and Objective RD-17. It is considered that the proposed development, in conjunction with other permitted development, accessed via a private laneway, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic, including turning movements, that would be generated onto the national route N72 at a point where a speed limit of 100 km/h applies, and would interfere with the free flow of traffic on the road. TII notes the planning history on the subject site and the previous refusal of planning permission by Kerry County Council (Reg Ref 15/369 refers) and in relation to other planning appeals in the vicinity, the Authority notes the decisions of the Board in relation to Reg Ref 15/428 and 15/495.

8.4 **Road Safety Consideration** – TII acknowledges the a Road Safety Audit has been undertaken for the application and assessed by the Council, however, it is the Authority's opinion that any improvements in road safety, in this regard are more than off-set by the increased turning movements that will inevitably arise from the intensification of use of the access to the N72, national secondary road, at a location where a 100kph speed limit applies.

8.5 **Protecting Public Investment** – The Board will be aware of the priority to ensure adequate maintenance of the national road network in order to protect the value of previous investment outlined by Government in the "Infrastructure and Capital Investment 2012 – 2016: Medium Term Exchequer Framework (2011).

9.0 **RESPONSE OF THE PLANNING AUTHORITY**

9.1 Kerry County Council acknowledges the importance of safeguarding the National Road Network in accordance with National Policy.

9.2 Kerry County Council does not consider that a grant of permission for this development is in breach of National Policy. There is no new access point onto the N72 being created at this location and it is extremely unlikely that any additional traffic movements will result from the proposed development.

9.3 Traffic from the proposed development does not access directly onto the N72 but rather to a minor road (not taken in charge). The County Development Plan reflects the importance of the National Road Network in Section 7.2.1.2 and in Objectives RD-17, RD-18 and RD-19. The development of an additional residence facilitating a household, already residing in the location would not constitute an intensification of traffic movements from the minor private roadway in to the national network.

9.4 This application was subject to a detailed technical assessment in relation to sight lines in accordance with the National Standards, a Road Traffic Audit, consideration of the existing situation on the ground and the impact of the proposed development in this context. The Council Engineer in examining the application has set out in

detail the requirements considered necessary for the improvement of sight distance and improved safety of access and egress at the junction of the minor roadway and the N72.

9.5 The Planning Authority reached its decision on the ground that there would be no significant increase in traffic movements as a result of this development, the direct access would be onto an existing minor roadway and the development would offer the prospect of improved safety at this location by improving the junction with the minor roadway with the N72 for both the proposed development and the four existing dwellings and farm lands served by the private road.

10.0 FIRST PARTY RESPONSE TO THE APPEAL

10.1 The proposed house is for Gerard O'Connor & Norma Lynch's use as a full time year rounds residence. Both are in full time employment in the Killarney area and both have lived in Killarney area all their lives and are extremely anxious to build their own home on the site that the applicant is inheriting from his uncle under the favoured nephew of the landowner scheme.

10.2 The farm holding and lands are located alongside the N72. The only available access to the farm is from a private roadway accessing the N72. The applicant has control of the lands at the junction of the private road and the N72 . The applicant has agreed to undertake all the proposed significant improvements to this existing N72 junction.

10.3 The applicants have resided on the farm since 2009 and use the existing private road on a daily basis. The provision of a new house for the applicant will therefore not result in an intensification of use onto and off the N72.

10.4 It is imperative that the applicant lives on the farm. The scheme is in accordance with National Spatial strategy and the County Development Plan.

11.0 OBSERVATIONS

11.1 There are no observations recorded on the appeal file.

12.0 SECTION 131 RESPONSES

12.1 TII made a submission reiterating a number of points made in its original appeal submission. Additional comments may be summarised as follows:

12.2 The introduction of an additional house will inevitably bring about additional vehicular movements arising from day to day occupation, patterns of activity associated with same and trips generated by other services, utilities, visitors etc.

- 12.3 An AADT of over 5000 vehicles is recorded for the N72 in proximity to the subject site and is not considered a lightly trafficked road for the purposes of 'exceptional circumstances' in accordance with the provisions of Section 2.6 of the relevant guidelines.
- 12.4 The guidelines recommend that such areas would be confined to lightly trafficked sections of national secondary roads serving structurally weak and remote communities where a balance needs to be struck between the important transport function of such roads and supporting the social and economic development of these areas. Such circumstances are not reflective of the N72 at this location.
- 12.5 The N72 is of strategic importance connecting Killarney and Killorglin, the north county Cork area, Mallow NSS hub town and Waterford. The communities along same are not typically isolated or remote peninsular locations as referenced in Section 7.2.1.3 of the Plan. Nor is there an absence of alternative road networks in the area that might be the case in the western seaboard peninsular locations. The area is not reliant on the strategic national road network as the primary means of access to the local communities.
- 12.6 TII acknowledges the applicants proposed improvements to the private lane junction with the national road and addressed by conditions applied to the permission by Kerry County Council. The TII does not consider that the proposed works would offset the traffic hazard created by the additional traffic, including turning movements, that would be generated onto the N72 at a point where a speed limit of 100 kph applies, arising from the subject development which would interfere with the free flow of traffic on the road.
- 12.7 No exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations.

13.0 ASSESSMENT

- 13.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key issues relating to the assessment of the appeal are:

- (1) Principle / Policy Consideration
- (2) Traffic Impact
- (3) Screening for Appropriate Assessment
- (4) Other Issues (Development Contributions)

14.0 PRINCIPLE / POLICY CONSIDERATION

- 14.1 This is an application for single one off house and treatment system in a rural area of Co Kerry. Map 3.1 of the Kerry County Development Plan 2015 - 2021 indicates that the site in question is located within an area designated as '*Stronger Rural Area*' where it is an objective of the Council to *facilitate the provision of dwellings for persons who are an intrinsic part of the rural community in which they are raised* (Objective RS-10 refers). In these areas population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong rural/agricultural economic base. However the stated key challenge in these areas is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.
- 14.2 In recognition of these characteristics and to consolidate and sustain the stability of the rural population, it is a plan requirement that applicants have intrinsic links to the area. It is submitted that the proposed house is for Gerard O'Connor & Norma Lynch's use as a full time year round residence, that both are in full time employment in the Killarney area, both have lived in the Killarney area all their lives and the applicant is inheriting the site from his uncle under the favoured nephew of the landowner scheme. Further the applicants have resided on the farm since 2009. In this regard I consider that sufficient supporting detail to corroborate his claim as to genuine links to the area has been provided with the application and appeal response. As such the applicant can be seen to comply with the settlement location policy for the area. In addition adequate information has been provided to demonstrate the suitability of the site for effluent disposal by means of septic tank.
- 14.3 On the basis of the available information, I am satisfied that the applicant has demonstrated and intrinsic links to the area and satisfies the relevant eligibility criteria set out in Development Plan.

15.0 TRAFFIC IMPACT

- 15.1 The proposed development site will be accessed via a new entrance arrangement onto an adjacent narrow private roadway that will enter the public roadway from this public roadway using a pre-existing junction with the N72 national secondary road, at a location where a 100 kph speed limit applies.
- 15.2 As noted on day of inspection the N72 at this location is well trafficked along which the 100 kph speed limit applies. The road is relatively straight in the vicinity of the access with vehicles noted to be travelling at speed. A double white line, one broken, prohibits overtaking save in certain conditions. The area is characterised by a notable level of ribbon development with individual accesses onto the N72.

- 15.3 Both the applicant and Kerry County Council considers that the improvements to the junction with the N72 as set out in the Road Safety Audit can be secured to meet the TII's requirements for same and that the proposal would not result in an intensification in the use of this junction. The applicants state that have resided on their Uncles the farm since 2009 and use the existing private road on a daily basis and therefore the proposal for an additional dwelling would not bring about an intensification of use. While the farm land holding appears to be accessed from this laneway it is unclear where the Uncles house is. For example is it on the N72 or located on this private roadway. Regardless I would not subscribe to this view and would tend to concur with the views of TII that the introduction of a further house on this laneway would lead to additional vehicular movements arising from the day to day occupation and patterns of activity associated with same. While Road Safety Audit proposes improvements to the junction with the N72 and the necessary consent to undertake the works has been secured I do not consider that this addresses the fundamental issue arising, namely the intensification of the use of the access.
- 15.4 Section 7.2.1.2 of the Development Plan states that the creation of an access or the intensification of usage of an existing access onto a National Road shall be only considered where it is in compliance with the Spatial Planning and National Roads Plannign Guidelines (2012). In addition it is a stated National Road Objective (RD-17) of the Kerry County Development Plan to protect the capacity and safety of the national road and strategically important regional road network in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (2012) and the NRA Traffic & Transport Assessment Guidelines (2007).
- 15.5 The Kerry County Development Plan 2015 – 2021 provides for “exceptional circumstances” where a less restrictive approach to the control of access to national roads will apply. In this regard access to the N70 (part of) and N71, national secondary roads, subject to satisfying stated criteria in the Development Plan as agreed with TII may constitute “exceptional circumstances”. TII state that this does not extend to the more heavily trafficked N72 national secondary road onto which the appeal site accesses. Section 7.2.1.3 of the Development Plan sets out further provision in relation to “exceptional circumstances” on other national roads in the County including the N72. TII state that such additional “exceptional circumstances” were not agreed with TII and are considered to be at variance with the provision of the Spatial Planning and National Roads Planning Guidelines (2012). Further the provisions of Section 7.2.1.3 of the Development Plan appear to directly conflict with Objective RD-17 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 (January 2012) and the NRA Traffic & Transport Assessment Guidelines (2007). In such an instance I submit that a development plan statement must be considered subordinate to the stated objective and to the

upholding of national policy and guidance. As such I consider that the said guidance and the views as expressed by the appellant should prevail.

- 15.6 I consider that there are no exceptional circumstances to justify what would be a contravention of national policy. To allow a favourable decision in this instance would set an undesirable precedent for comparable development. It is my considered view that the additional turning movements associated with this view dwelling accessing the private lane directly to / from the N72 at a location where a 100 kph speed limit applies raises road safety concerns. To permit the proposed development would be at variance with official policy to preserve the level of service and carrying capacity of national roads and to protect the public investment in such roads as outlined in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Overall I agree with TII that to grant permission in this instance has the potential to compromise the safety and efficiency of the national road network at a location where the 100kph speed limit applies and would be at variance with official policy. Refusal is recommended.

16.0 SCREENING FOR APPROPRIATE ASSESSMENT

- 16.1 The site is within c 2km of the nearest point of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC - Site Code 000365. The qualifying interests include a number of habitats and species dependent on water quality including freshwater pearl mussel, brook and river lamprey. To date generic conservation objectives apply, namely to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance to favourable conservation status of those habitats and species at a national level.
- 16.2 The proposal would not have a direct impact on the designated site. In terms of indirect effects there are no streams or watercourses in the vicinity of the site and, as such, there is no direct hydrological connection between the site and the SAC. Effluent disposal is by means of septic tank and percolation area and as evidenced both by the tests carried out on behalf of the applicant the results of which are submitted in support of the application and subsequently by the PA the site is deemed suitable for such.
- 16.3 Taking into consideration the small scale nature of the development as proposed, the absence of any direct pathway via a watercourse and the relative separation between the sites, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site number 00365 in view of the site's conservation objectives. An appropriate assessment (and submission of a NIS) is not therefore required.

17.0 OTHER ISSUES (DEVELOPMENT CONTRIBUTIONS)

17.1 **Development Contributions** – Kerry County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). The proposed development does not fall under the exemptions listed in the “Exemptions from the Payment of Development Contributions” Section of the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

18.0 CONCLUSION AND RECOMMENDATION

18.1 Having considered the contents of the application, the provisions of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

19.0 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 or by 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 Spatial Planning and National Roads Planning Guidelines (January 2012) and the NRA Traffic & Transport Assessment Guidelines (2007). 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.

Mary Crowley,
Senior Planning Inspector
24th August 2016

Report Ends MC