



An  
Bord  
Pleanála

## Inspector's Report ABP-300110-17

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<b>Development</b>	Agricultural entrance
<b>Location</b>	Knockmoohane, Listowel, County Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	17/805
<b>Applicant(s)</b>	Michael Carmody
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Carmody
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> February, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The location of the existing entrance seeking retention is approximately 6km south-east of the town of Listowel in County Kerry. There is an opening onto the public road, Regional Road R555, at a bend in the road and where the maximum speed limit applies for that road. There is also an access road from the entrance leading in a north-easterly direction into the adjoining hill with a gate at its end into a field.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise the retention of the agricultural entrance accessing Regional Road No. R555. Details submitted with the application showed the site area comprising the opening onto the public road and the access road into adjoining lands.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 10<sup>th</sup> October, 2017, Kerry County Council decided to refuse permission for the proposed development for one reason relating to the visual impact on the landscape.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted Development Plan policy and the Roads Report received. It was submitted that significant excavation works have taken place at the site that included removal of stone and mature trees in elevated ground over the R555 and the works have had a negative visual impact. While noting the entrance is onto a bend on the regional road, the Roads report recommendation was acknowledged. The proximity to the Lower River Shannon SAC some 50 metres from the site was noted and it was concluded that AA was not required. It was concluded that the proposal has had a significant visual impact on the landscape and a refusal of retention was recommended.

#### **3.2.2. Other Technical Reports**

The Rods Department recommended that permission be granted subject to conditions.

## 4.0 Planning History

I have no record of any planning application or appeal relating to this site.

## 5.0 Policy Context

### 5.1. Kerry County Development Plan 2015-2021

#### Landscape

The site is located within an area zoned 'Rural General', one of the areas constituting the least sensitive landscapes in the county. The Plan notes that, from a visual impact point of view, such areas have the ability to absorb a moderate amount of development without significantly altering their character.

Plan objectives for landscape protection include:

**ZL-1:** Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to peoples lives.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The entrance is the only entrance into the field, has adequate sight visibility, and is for tractor access to the appellant's field.
- It replaces two older entrances that were closed up and has been constructed to fit in with the landscape as much as possible.
- The entrance forms a shared entrance with an adjoining house owner.
- The applicant is willing to plant whitethorn and other native species to improve the visual impact of the entrance.

- The applicant and his family have been farming in the area for generations and require the use of the lands to make the operation viable.

## 6.2. **Planning Authority Response**

I have no record of any response to the planning appeal from the planning authority.

## 7.0 **Assessment**

- 7.1. I first note that the development for retention relates to the existing entrance that has been opened up onto Regional Road R555. The proposed development the subject of the appeal does not include any land clearance, trackway to a nearby field, etc.
- 7.2. I note the proposed entrance is intended as an agricultural entrance to serve as access to the appellant's farm lands. It is to be used as a tractor entrance. I am of the view that the use of this entrance for this purpose would not likely generate a significant volume of traffic onto the public road at this location to serve the agricultural use of the lands. Further to this, I note the reports from the Roads Section of the planning authority wherein no particular concerns were raised in relation to available sightlines from this entrance. Having inspected the site, I can confirm that visibility is sufficient in both directions along the R555 from this entrance and I do not consider that the proposed development forms a traffic hazard.
- 7.3. I note that the location in which the entrance has been developed is in an area designated 'Rural General' in the Kerry County Development Plan. This is an area referenced in the Kerry County Development Plan as one of the areas constituting the least sensitive landscapes in the county and that, from a visual impact point of view, has the ability to absorb a moderate amount of development without significantly altering its character. I submit to the Board that the entrance in this instance has a negligible impact on the visual amenity of the R555 onto which it accesses.

In reference to the physical impact on the lands on which the entrance has been developed, I note that they have no particular environmental designations in the County Development Plan (such as tree preservation orders or designated areas of particular archaeological, ecological, geological significance or other such

significance) that would prohibit the landowner from undertaking any clearance of the land on the roadside as has been undertaken to date.

Note 1: I note that the planning authority undertook a screening for Environmental Impact Assessment for this development. This is an application for the retention of an agricultural entrance. Furthermore, this is a development to which EIA does not apply and to which screening for EIA should not be undertaken. The Board will note that the outcome from undertaking screening for EIA when it should not be undertaken can have significant planning implications. No such screening is undertaken in this assessment.

Note 2: It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lower River Shannon SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

## 8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following, reasons, considerations and conditions.

## 9.0 Reasons and Considerations

Having regard to the siting of the proposed development within an area designated in the Kerry County Development Plan 2015-2021 as 'Rural General', an area that is considered, from a visual impact point of view, to have the ability to absorb a moderate amount of development without significantly altering its character, and to the minor visual impact arising from the opening of the entrance onto the public road, it is considered that the proposed development would not adversely impact on the visual amenities of the area, would not conflict with the development plan provisions

for development within areas designated 'Rural General', and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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Kevin Moore  
Senior Planning Inspector

5<sup>th</sup> February 2018