



An
Bord
Pleanála

Inspector's Report

ABP-319618-24

Development	New site entrance & associated works
Location	Shronebeirne, Listowel, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23/762
Applicant(s)	Frances Murphy
Type of Application	Planning Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Frances Murphy
Observer(s)	None
Date of Site Inspection	6 th February 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.303 hectares and is located within the rural townland of Shronebeirne, County Kerry, which is located approximately 7km east of the town of Listowel. The site comprises of a detached single storey dwelling and is bounded by the local road L-1023 to the north, agricultural lands to the south and west and disused agricultural buildings to the east.

2.0 Proposed Development

- 2.1. Permission is sought to construct a new site entrance with splayed entrance walls and new entrance gates and associated works. The existing roadside boundary wall is to be removed and rebuilt.
- 2.2. The submitted site layout plan indicates that sightlines of up to 160 metres are achievable to the west and 80 metres are achievable to the east. No elevation drawings were provided as part of the application.

3.0 Planning Authority Decision

3.1. Decision

The planning authority (PA) decided to refuse to grant permission, by Order dated the 3rd of April 2024, for the following reason:

1. *The proposed entrance is located along a public road where sightlines are severely restricted. It is considered that the proposed development would endanger public safety by reason of a traffic hazard, because the traffic movements generated at the proposed entrance would likely cause an obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planning Report

There is 1 no. area planner (AP) report on file which assessed the development in terms of traffic safety. The assessment and recommendation to refuse was largely based on the report from the Listowel Municipal District Office. The recommendation to refuse was endorsed by the Senior Executive Engineer.

It is noted that there appears to be no reports on file prior to the further information request.

Other Technical Reports

Listowel Roads Office (dated 26/03/24) – This report assessed the further information response and raised concerns in relation to sightlines to the east of the site as they did not meet the required distances as per DN-GEO-03060 Table 5.5.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Relevant Planning History

None according to planning register and information on file.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

It is an objective of the Council to:

KCDP 14-36 Provide a safe road system throughout the County through Road Safety Schemes and to encourage the promotion of road safety in the County.

Volume 6 – Appendix 1 Development Management Standards and Guidelines

Section 1.20 Transport, Movement and Parking Standards

All applications seeking access on the road network will be assessed in accordance with national standards and guidance. Considerations will include: Classification of the road, Speed limit, Width, carrying capacity, Condition of the road, Drainage, Vertical and horizontal alignment of the road, Junctions in the vicinity, Nature, scale, type of activity seeking access to the road network, Traffic likely to be generated, type of vehicles and Technical design of access and sightline visibility and stopping distances and general safety. Sight distances and stopping sight distances should comply with current NTA road geometry standards and guidance documents listed above and any subsequent documents.

5.2. Natural Heritage Designations

The site is not located within any designated site. The nearest designated site is the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) which is located approximately 480 metres south of the subject site. The Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (SPA) (Site Code 004161) is located 1.1km east of the subject site. There are no Natural Heritage Areas in close proximity of the site.

5.3. Environmental Impact Assessment (EIA) Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. I refer the Board to Appendix 1 of the report in this regard.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal was lodged to the Board by Frances Murphy on 30th April 2024. The grounds of appeal are summarised as follows:

- There is an existing dwelling on the landholding that is 40 to 45 years old and was lived in up to 6 years ago.
- The applicant seeks to develop the house to make it more modern for day-to-day living. There is only an existing pedestrian access gate from the public road. Without site access the house will fall into disrepair.
- A proposed new vehicular access would be a lot safer than cars parking on the narrow set down area outside the boundary wall.
- The applicant also proposes to upgrade the existing wastewater treatment system to the rear of the dwelling, however, the current access arrangements prevent any of this work being carried out.
- After a further information request from Kerry County Council, the applicant provided improved sightlines and a report to prove the ambient speed on the public road. The proposed splayed entrance was moved further north and is the best that can be provided within the landholding boundary.

6.2. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issue in this appeal to be considered is in relation to traffic safety.

Traffic Safety

- 7.2. The PA's sole reason for refusal of the application was due to restricted sightlines from the proposed entrance. The submitted site layout plan indicates achievable sightlines of 80 metres to the southeast and 160 metres to the northwest of the proposed entrance. Having visited the site, I noted that this section of the L-1023 public road was within the 80kph zone.
- 7.3. Having reviewed Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023), I note that Table 1.3 of said document sets a desirable minimum stopping distance (DMSD) of 160 metres for a design speed of 85kph (i.e. 80kph). This can be reduced to 120 metres for one step below the desirable minimum and to 90 metres for two steps below the desirable minimum. TII publication DN-GEO-03060 (May 2023) sets out the standards and advice for the design of junctions and refers to DN-GEO-03031 for any allowable relaxations from the standard. Section 1.8 of DN-GEO-03031 sets out the relaxation principles including whether the junction is isolated from other junctions, is one where drivers have desirable minimum stopping sight distance and whether it would only affect a small proportion of the traffic.
- 7.4. I note the applicant's arguments that the subject site accommodates an existing dwelling and that the proposed access arrangements would be safer than parking vehicles along the layby in front of the dwelling. I am in agreement with this statement, however, I consider that there is still a requirement to ensure that any proposed vehicular entrance onto the public road does not endanger public safety.
- 7.5. Having inspected the site, I observed that sightlines to the southeast of the proposed entrance are restricted due to the horizontal alignment of the L-1023 and roadside boundary (which is outside the ownership of the applicant). Having travelled the road from the southeast towards the site, I was able to achieve the design speed of the

road, and on approach to the entrance location my view was constrained due to the horizontal alignment of the road. However, I also observed that the road was not heavily trafficked (which is also confirmed by the submitted survey) and the proposed entrance was isolated from other junctions with the nearest being c.100 metres to the southeast. Having regard to this, the Board may consider that there is scope to consider a relaxation of the 160 metres DMSD in accordance with the DN-GEO-03031 Section 1.8 relaxation principles. However, this would still require a sightline to the southeast of 120 metres which I note is not achievable in its current design form.

- 7.6. Furthermore, the Board should note that the applicant's landholding along the road frontage extends further northwest of the proposed entrance location. Therefore, I consider that the sightlines to the southeast have not been fully maximised by the applicant.
- 7.7. To conclude, it is my recommendation to the Board that permission should be refused by reason that the development would endanger public safety by reason of a traffic hazard, due to restricted sightlines in a southeasterly direction.

Other Issues

- 7.8. The Board should note that the application also seeks permission for splayed entrance walls and new entrance gates and boundary treatment, however, I note that no elevation drawings are provided as part of the documentation which illustrate these works. Therefore, if the Board is minded granting permission, I recommend that a condition is attached for the design of these works to be agreed in writing with the PA prior to commencement of the development.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 480 metres north of the Lower River Shannon SAC (Site Code 002165) and approximately 1.1km west of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161).

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this determination is as follows:

- To the minor scale and nature of the proposed development.
- Having regard to the absence of any hydrological connection to any European site, having reviewed the Environmental Protection Agency's AA Mapping Tool and having inspected the site.
- To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.

8.3. I consider that the development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is, therefore, not required. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this determination.

9.0 Recommendation

I recommend to the Board that permission is **Refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the traffic turning movements the development would generate on the road at a point where sightlines are restricted in a southeasterly direction.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gary Farrelly
Planning Inspector

11th February 2025

Appendix 1: EIA Pre-Screening

An Bord Pleanála Case Reference		ABP-319618-24	
Proposed Development Summary		Construction of new site entrance	
Development Address		Shronebeirne, Listowel, County Kerry	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes X Proceed to Q2.
			No No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No		Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	