



An  
Bord  
Pleanála

## Inspector's Report

**ABP-320183-24**

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### Development

RETENTION: Permission to partly demolish section of existing agricultural storage shed and retention permission to retain the remainder of the shed.

### Location

Ardmore, Sneem, Co. Kerry.

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

2460259

### Applicant(s)

Diarmuid Breen

### Type of Application

Permission

### Planning Authority Decision

Refuse Retention

### Type of Appeal

First Party

### Appellant(s)

Diarmuid Breen

### Observer(s)

None

### Date of Site Inspection

4<sup>th</sup> August 2025

### Inspector

Mary Crowley

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.501 ha is located in a rural location, directly adjacent to the N70 Ring of Kerry National Secondary tourist route between Castlecove and Sneem in west County Kerry. It is square in shape and is lower than the road. The Bunnaw River bounds the site to the east. The existing shed, which is the subject of the retention and part demolition application, is positioned in the centre of the site with the surrounding area under a hard surface. The site is served by a splayed, gated entrance off the N70. The national secondary road in the vicinity of the site is governed by a central broken white line and does not have the benefit of hard shoulders or obvious grass margins. The 80km/h speed limit applies.
- 1.2. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## **2.0 Proposed Development**

- 2.1. Permission is sought to partly demolish a section of existing agricultural storage shed (148 sqm) and retention permission to retain the remainder of the shed, to not exceed 300sqm in size. The stated gross floor space of the existing building is 448 sqm.
- 2.2. The application was accompanied by a Cover Letter setting out the following as summarised:
- The applicant had previous plans for a forestry maintenance business. Now he wants to use the shed to store his farm machinery and is reducing the size of the shed to 300sqm to comply with Class 9 Part 3 of Exempted Development.
  - The application includes the TIA and Safety Audit previously submitted to support a retention application made in 2019. As road safety and condition have not varied much since and if anything, there is a reduction in traffic, the reports are still valid.
  - The only issue of relevance raised in the Safety Audit is that hedges should be trimmed to ensure the sightlines of 160m are maintained. Stated that the sightlines are in excess of 160m.
  - The applicant owns extensive lands on the northern side of the N70 and must be allowed to have a storage shed to allow him to operate his farm. If he is forced to

remove the current shed in its entirety, he will seek permission to reconstruct same on the northern side of the N70 where it will be far more intrusive on the landscape and nearby houses.

- Reference is made to the Spatial Planning and National Roads Guidelines which make allowances for a less restrictive approach to be taken on lightly trafficked section of National Secondary roads. Reference is made to Section 2 of the Guidelines which is set out in the Policy Section of this report below.
- Stated that no alternative access is possible.

2.3. The following documents also accompanied the application:

- Traffic Impact Assessment (March 2020)
- Road Safety Audit (Nov 2019)

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Kerry County Council (KCC) issued notification of decision to refuse permission for the following reason:

- 1) *Having regard to the location of the application site with access onto the N70 National Secondary Road at a location where the speed limit greater than 60km/h applies, the Planning Authority considers that the subject development, by itself or by the precedent it would set for other development, would be contrary to 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 materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The **Case Planner** having considered the application recommended that permission be refused for a single reason relating to traffic safety and that it would be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities and would contravene materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028. The notification of decision to refuse permission issued by KCC reflect this recommendation.

#### 3.2.3. Other Technical Reports

#### 3.2.4. Roads, Transportation & Marine Department

- The speed limit on this section of the N70 National Secondary Road is 80 kph and the sight distances available at the access are in accordance with the standards outlined in TII Publications
- Considering the information submitted with the application, the assessment in relation to the matter of the development being in compliance with planning policy is best made by the Planning Department

#### 3.2.5. County Archaeologist -

- No mitigation required.

#### 3.2.6. Environmental Assessment Unit

- *Appropriate Assessment (AA)* - There is no realistic pathway for impact or possibility that the proposal could have significantly affected a European Natura 2000 site. AA would not have been required for the development concerned.
- *Environmental Impact Assessment (EIA)* - There was no real likelihood of significant effects on the environment arising from the development. It is considered that the development concerned, would not have required either an EIA or a determination as to whether an environmental impact assessment would have been required.

### 3.3. Prescribed Bodies

#### 3.3.1. Transport Infrastructure Ireland (TII)

- The application is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)
- The application documents indicate inaccurate commentary related to Exceptional Circumstances which are not in accordance with those set out in the Guidelines.

### 3.4. Third Party Observations

3.4.1. None

## 4.0 Planning History

4.1. There are a number of previous planning applications and appeals on this site and a referral that may be summarised as follows:

- **Reg Ref 15/85** - Permission to retain the shed was refused for two reasons relating to access onto the national primary road and absence of effluent disposal proposals.
- **Reg Ref 16/297** – Permission to retain the access was refused.
- **ABP 301739-18 (Reg Ref 18/231)** – Permission refused on appeal for the retention of an agricultural machinery storage shed for a single reason relating to traffic safety as follows:

*1) Having regard to the location of the development for which retention is sought with access onto the N70 National Secondary Road, at a location where the maximum speed limit of 100 km/h applies, the Board is not satisfied, on the basis of the submissions made with the planning application and the appeal, that the development for which retention is sought constitutes an exceptional circumstance or meets the criteria for which an access onto this National Road can be considered as per section 7.2.1.2 of the current Kerry County Development Plan. It is considered that the subject development, by itself or by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, due to the nature of the traffic likely to be generated by the use of this shed for agricultural contracting, as proposed, would be contrary to 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 contravene materially objective RD-17 of the Kerry County Development Plan to preserve the level of services and carrying capacity of the National Secondary Road. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.*

The following note was attached to the decision:

*Note: The Board noted the applicant’s agent’s reference, in the ground of appeal, to exempted development if the subject structure were to be reduced to “the exempted area of 300 sq metres”. Having regard to its conclusion above that the development in question represents a traffic hazard, the Board is of the view that any exemption for a smaller structure at this location would not apply by reason of the restrictions on exemption set out in Article 9 (1)(a)(iii) of the Planning and Development Regulations 2001, as amended.*

- **ABP 306859-20 (Reg Ref 19/1249)** – Permission refused on appeal for the retention of an agricultural machinery storage shed for essentially the same reason as the previous refusal issued by ABP (301739) as follows:
  - 1) *Having regard to the location of the development to be retained with access onto the N70 National Secondary Road, at a location where the speed limit of 80km/h applies, the Board is not satisfied, on the basis of the submissions made with the planning application and the appeal, that the proposal constitutes an exceptional circumstance or meets the criteria for which an access onto the said road can be considered as per section 7.2.1.2 of the current Kerry County Development Plan. It is considered that the proposed development by itself or by the 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 and would contravene materially objective RD-17 of the Kerry County Development Plan to preserve the level of services and carrying capacity of the National Secondary Road. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

- **ABP-309911-21 (Reg Ref EX885)** – Referral decision that the construction of a farm storage shed is development and is not exempted development.

## **5.0 Policy Context**

### **5.1. National Guidelines**

- 5.1.1. **Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG 2012)** - Section 2.5 Required Development Plan Policy on Access to National Roads states that in relation to lands adjoining national roads to which speed limits greater than 60 km/h apply:

*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 to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

- 5.1.2. Section 2.6 Exceptional Circumstances states that notwithstanding the provisions of Section 2.5 above:

*Planning authorities 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 outlined below.*

- 5.1.3. Section 2.6 (2) Lightly trafficked Sections of National Secondary Routes states that:

*A less restrictive approach may also apply to areas where additional development may require new accesses to certain lightly-trafficked sections of national*

*secondary routes. 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 3,000 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.*

## **5.2. Regional Guidelines**

### **5.2.1. Southern Regional Assembly Regional Spatial Economic Strategy 2020 – 2032**

- ***RPO 140 International Connectivity*** - *It is an objective to:*
  - b. To sustainably maintain the strategic capacity and safety of the national roads and rail network including planning for future capacity enhancements to ensure effective land transport connections to the major ports, airports and markets.*
- ***RPO 151 Integration of Land Use and Transport*** - *The following principles of land use and transport integration will guide development:*
  - e. Land use development in smaller rural towns will optimise public transport and sustainable travel integration within settlements. Public transport interchange will be facilitated to encourage modal shift to public transport and sustainable travel between settlements and on approach to settlements. The strategic transport function of national roads will be maintained and protected in accordance with national policy;*
- ***RPO 153 Capacity of Inter-Urban Road Connections*** - *It is an objective to protect, improve and maintain the operation of the National and Strategic Regional inter-urban road connections within and between the cities, settlements, ports and airports by providing effective policies in Local Authority County Development Plans (CDP), Local Area Plans (LAP) and Strategic Development Zones (SDZs)*

*promoting effective traffic management and transport demand management. It is a requirement for CDP's, LAP's and SDZ's to consider all alternative modes and public transport options in tandem with traffic demand options.*

### 5.3. Development Plan

- 5.3.1. The operative plan for the area is the **Kerry County Development Plan 2022-2028**. Relevant policies and objectives are set out as follows:

#### 5.3.2. Chapter 11 Environment

- 5.3.3. The site is within an area designated as a Visually Sensitive Area (KCC Development Plan Map Browser). Section 11.6.3.1 states that these areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected. It is an objective of the Council to

***Objective KCDP 11-77** - Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.*

***Objective KCDP 11-78** - Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.*

#### 5.3.4. Chapter 14 Connectivity

- 5.3.5. Section 14.4.1.1 Access onto National Roads 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 Planning Guidelines (DoECLG January 2012). Reference is made to Section 2.5/2.6 of the Guidelines (see above). In relation to Lands adjoining National Roads to which

speed limits greater than 60 km/h *apply it is an Objective of this plan to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

5.3.6. National Primary and Secondary Routes - It is an objective of the Council to

**KCDP 14-29** - *Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.*

**KCDP 14-30** - *Avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

#### 5.4. Natural Heritage Designations

5.4.1. There are no European designated sites within the general vicinity of the site.

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) (c1.35km)
- Kenmare River SAC (Site Code 002158) (c1.4km)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The first party appeal was prepared and submitted by Frank Coffey Consulting Engineers on behalf of the applicant, Diarmuid Breen, and may be summarised as follows:

6.1.2. **Background** - The applicant provides a detailed history and commentary in relation to the appeal site and its planning history all of which has been noted and is available to view on the appeal file.

6.1.3. **Lightly trafficked Sections of National Secondary Routes** – The applicant makes reference to Section 2.6 Exceptional Circumstances and in particular development onto “Lightly-trafficked Sections of National Secondary Routes” (set out in full in Section 5.1 of this report above). The applicant submits that

- Traffic Volumes are low and forecast to remain below 3,000 AADT for the next 20 years. The Traffic Impact Assessment (TIA) submitted refers. Submitted that on volume grounds alone this appeal qualifies under "Exceptional Circumstances"
- There is no suitable alternative location with access to a non-national public road available to the applicant.
- The development otherwise accords with the development plan.
- In regard to safety, the main issue is the exit and sightlines at the exit. The sightlines provided at the entrance from the N70 National Secondary Route are in accordance with the NRA Design Manual for Roads and Bridges. The report from KCC South & West MD Engineer states that the sightlines at the entrance from the N70 are in accordance with TII Publications. This is supported by both the Safety Audit (SA) and Traffic Impact Assessment (TIA) submitted and conducted in 2020 but still be regarded as current given that the traffic on the N70 has not increased significantly.

### 6.1.4. Appeal

- The applicant has decided to partly demolish the shed and retain a shed not exceeding 300sqm. The element of demolition will, he hopes, make some restitution for having exceeded the exempted size in the first instance. The

reduced shed size will also naturally reduce usage and this also reduces traffic to and from the shed.

- The gate entrance/exit always existed and was constructed by Kerry Co. Co. as part of the road widening carried out in the early 2000's. It is wider now - but the width is a requirement for sight distance rather than any need to accommodate a higher traffic volume.
- Kerry Co. Co. Roads Department Engineers have deemed the entrance to be safe, i.e. has more than enough sight distance.
- The speed limit on the N70 at the appeal site is reduced to 80kph.
- The Spatial Planning and National Roads Guidelines for Planning Authorities allows for "Exceptional Circumstances" and a less restrictive approach on lightly trafficked sections of National Routes - as contained in Chapter 2.6(2) - is permitted. Capacity is not an issue in this case as the forecast AADT for 2040 is well below the threshold of 3000 AADT. The relevant Chapter 2.6 also contains an illustrative photograph (page 14) which is almost a copy of the appeal environment - and surely points the way in this case.
- Section 7.2.1.1 of CDP 2015 - 2021 allowed a derogation - and this section was operative and available to the PA right through the planning history of the appeal site - but the PA chose to dwell on a mistaken perception that the appellant has access to a local public road - but surely it can now be accepted that he does not.
- Sustainability - from purely a sustainability and carbon footprint - as well as physical footprint - point of view, it makes no sense to force the appellant to demolish a shed, which has now ameliorated into the landscape - only for him to erect again in the main body of his farm - further west and higher up the hill. On the basis of natural law, he is entitled to a shed and he needs a shed to run his farm - and the PA could not deny him his opportunity to make a livelihood from his land.

#### **6.1.5. Conclusion**

- This appeal is centred on one issue - exit/entry onto the N70, National Secondary Route at a location where traffic is very low. The Board are asked to view this appeal on purely technical grounds and leave aside the fraught planning history.

- The Council engineers have on more than one occasion deemed the entrance to the shed safe by declaring the sight distance at the entrance conforms with DMRB
- The RSA and TIA indicate no danger or perceptible impact on capacity
- The Spatial Planning and National Roads Guidelines for Planning Authorities actually supports this case
- The existing KCP 2022-2030 contains several objectives and statement supporting rural development and agriculture and by allowing this appeal objectives KCDP 9-37, supporting rural development and employment and KCDP 9 - 42, supporting farm development are two of the many relevant supporting objectives relevant to this case.

6.1.6. The appeal was accompanied by the following documents:

- Extract from Spatial Planning & National Roads Guidelines for Planning Authorities (Section 2.6 Exceptional Circumstances)
- Traffic Impact Assessment (March 2020)
- Road Safety Audit (Nov 2019)
- Site Location Map
- Site Layout map
- Landownership Map

## **6.2. Planning Authority Response**

6.2.1. None

## **6.3. Observations**

6.3.1. None

## **6.4. Further Responses**

6.4.1. None

## **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 report/s of the local authority, and having inspected the site, and having regard to the relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle
- Access onto the N70 National Secondary Road
- Traffic Safety

### **7.2. Principle**

- 7.2.1. Permission is sought to partly demolish a section of existing agricultural storage shed (148 sqm) and retention permission to retain the remainder of the shed, to not exceed 300sqm in size. The stated gross floor space of the existing building is 448 sqm.
- 7.2.2. The appeal site is in a rural area designated as a Visually Sensitive Area in the current County Development Plan. The shed is located below the road and the applicant is proposing to construct a mound in front of the shed in order to mitigate visual impact.
- 7.2.3. In terms of visual impact, the proposed reduction in overall scale of the existing shed is acceptable. In terms of use I am satisfied that the use of the shed for agricultural use (storage of farm machinery) can be dealt with by way of suitably worded condition should the Commission be minded to grant permission.
- 7.2.4. I am satisfied that the applicant meets the siting and design criteria as set out in the Development Plan save for the vehicular access and public safety to be discussed below.

### **7.3. Access onto the N70 National Secondary Road**

- 7.3.1. This appeal is centred on one issue, namely direct exit/entry onto the N70, National Secondary Route where the 80km/h speed limit applies and the relevant national and local policy objectives to protect the carrying capacity of the national road network. In line with the comments of the previous Inspectors who have considered this



development, reference to the fact that were the floor area of the shed constructed to 300 sq.m. it would constitute exempted development provisions of Class 9 of the Planning and Development Regulations, 2001, as amended, is not relevant to the current appeal in relation to traffic safety and access onto the N70.

7.3.2. As set out above KCC County Council refused planning permission for a single reason as summarised:

- Location of the site with access onto the N70 National Secondary Road at a location where the speed limit greater than 60km/h applies
- Contrary to 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” which seeks to secure the efficiency, capacity and safety of the national road network.
- Contravene materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028
- Contrary to the proper planning and sustainable development of the area.

7.3.3. This reason for refusal is reinforced in the TII submission which sets out that the development would be at variance with official policy in relation to the control of development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network

7.3.4. It is noteworthy that this appeal represents the 6th time the applicant has engaged with the planning system in seeking to secure planning permission at this location and the 4th time the scheme has come before the Commission (appeal and referral case). The Planning Authority reason for refusal in this current case is similar to the two previous reasons for refusal issued by the Commission on this site. I refer to Section 4.0 of this report above where the full wording of both reasons is set out. Both Kerry County Council and the Commission has been consistent in its refusal on the grounds of contravention of the Kerry County Development Plan 2015 in relation to access onto National Roads and the Spatial Planning and National Roads Guidelines 2012. While out with the remit of this appeal it is noted that the file does not appear to have been

referred to the Enforcement Section of Kerry County Council which would not be an unreasonable trajectory for such a case. However, this a matter for the Local Authority and is not relevant to the consideration of this appeal.

- 7.3.5. As documented the previous two reasons for refusal were assessed under the Kerry County Development Plan 2015 where Section 7.2.1.2 Access onto National Routes therein stated that the creation of an access or the intensification of usage of an existing access onto a National Road shall only be considered where it is in compliance with Spatial Planning and National Roads Planning Guidelines (2012). The 2015 Development Plan further stated that in compliance with Section 2.6 of the Guidelines the following ‘exceptional circumstances’ as agreed with the NRA shall pertain in County Kerry whereby new accesses or the intensification of existing accesses will be considered along the following sections of the National Secondary Network:

*N70 Killorglin-Cahersiveen-Kenmare - Criteria*

- *There is no suitable alternative non-national public road access available.*
- *The development otherwise accords with the Development Plan.*
- *Safety issues and considerations can be adequately addressed in accordance with the NRA’s design manual for roads and bridges*

- 7.3.6. The current appeal before the Commission is considered under the Kerry County Development Plan 2022-2028. There is no obvious commensurate exceptional circumstances designation, policy or objective pertaining to this section of the N70 in the current plan. However, Section 14.4.1.1 Access onto National Roads of the current Development Plan is very clear where it states that *in relation to Lands adjoining National Roads to which speed limits greater than 60 km/h apply it is an Objective of this plan to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*
- 7.3.7. In addition to the foregoing objective there are two further objectives in relation to access onto National Primary and Secondary Routes in the current Development Plan,

that support the Council position and that are referenced in the Local Authority reason for refusal as follows:

- **KCDP 14-29** - *Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.*
- **KCDP 14-30** - *Avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

7.3.8. Again, there is no ambiguity in these objectives whereby it is clear Council policy to safeguard the carrying capacity and safety of National Secondary Routes and avoid the creation of additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. These objectives align with the requirements of the Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) and are considered reasonable.

7.3.9. Notwithstanding the long planning history pertaining to the site together with the detailed submissions setting out the reasons for the development, it remains that when the shed was erected, irrespective of the proposed reduction in size now proposed, an access point to serve the new development onto a National Secondary Road to which speed limits greater than 60 km/h apply was created and irrespective of the use or the associated frequency of use, resulted in the generation of increased traffic at this location. To permit the continuation of such a development would endanger public safety by reason of traffic hazard and obstruction of road users and would contravene national and local policy. Refusal is recommended.

#### **7.4. Traffic Safety**

- 7.4.1. It was evident on day of site inspection that this is more than just an appeal in relation to the interpretation of policy. This is also a matter of safety. This is a dangerous opening. The policies set out at National, Regional and Local level do not support the granting of permission where there is a clear danger to road users and the public.
- 7.4.2. The site is on the eastern side of the N70 National Secondary Road at a point which is relatively straight and where the 80kph speed limit applies. The N70 does not have the benefit of hard shoulders or obvious grass margins along this stretch of road.
- 7.4.3. As observed and experienced first hand on day of site inspection sight lines are extremely restricted at this access point. I refer to the Road Safety Audit (2019) (RSA) submitted with the application where it states that DMURS requires sightlines of 160m in both directions at a 3m setback and that same should be provided at the proposed entrance. The RSA also recommends that the visibility envelop be kept clear of all obstructions over 600mm in height.
- 7.4.4. It is stated that the sightlines are in excess of 160 m. However, the required sightlines and unobstructed visibility envelop as required by DMURS were not available on site on day of site inspection. In fact the sightlines are so restricted that on day of site inspection it was necessary to exit my car, stand on the road edge and observe approaching traffic before returning to my car and edging out cautiously. I refer to my site inspection photos together with Photo No 1 & 2 in Appendix A of the RSA that substantiate the restricted sight lines.
- 7.4.5. I am concerned, given the restricted width of the road that does not have the benefit of a hard shoulder or obvious grass margins and notwithstanding the recommendation set out in the RSA, that even if the hedges are trimmed that there will be inadequate sightlines available. Inadequate sightlines at this access / exit junction may lead to a collision between vehicles using the N70 and vehicles existing the development or decelerating to enter the development access.
- 7.4.6. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this National Secondary Road at a point where

sightlines are restricted in both directions. I am not satisfied that this matter can be adequately addressed by way of condition. Refusal is recommended.

## **8.0 Environmental Impact Assessment**

- 8.1. 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 (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **9.0 Appropriate Assessment Screening Determination**

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) or Kenmare River SAC (Site Code 002158) in view of the conservation objectives of this/ these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

- 9.2. This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

## **10.0 Water Framework Directive**

- 10.1. The site is located in a rural area of west Kerry between Castlecove and Sneem and is surrounded by agricultural lands and one-off houses. The Bunnaw River bounds the site to the east. There is no water supply, wastewater management treatment system or surface water disposal proposed on the site. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies
- Absence of any meaningful pathways to any waterbody
- The absence of any effluent generation on-site

10.4. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

11.1. Having considered the contents of the application the provision 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 following reason and considerations and subject of the conditions outlined below.

## 12.0 Reasons and Considerations

- 1) Having regard to the location of the development to be retained with direct access onto the N70 National Secondary Road, at a location where the speed limit of 80km/h applies, it is considered that the proposed development by itself or by the precedent it would set for other development, would endanger public safety by

reason of traffic hazard and obstruction of road users, due to the nature of the traffic likely to be generated by the use of this shed for agricultural storage, as proposed, 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 contravene materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2) It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on this National Secondary Road at a point where sightlines are restricted in both directions north and south.

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.

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**Mary Crowley**  
**Senior Planning Inspector**  
**2<sup>nd</sup> September 2025**

### 13.0 Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-320183-24</b>
<b>Proposed Development Summary</b>	Demolition of a section of existing agricultural storage shed (148 sqm) and retention permission to retain the remainder of the shed, to not exceed 300sqm in size.
<b>Development Address</b>	Ardmore, Sneem, Co. Kerry
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	<b>State the Class and state the relevant threshold</b>



<b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector** \_\_\_\_\_ **Date** \_\_\_\_\_

**DP/ADP** \_\_\_\_\_ **Date** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## 14.0 Appendix 2 – Appropriate Assessment Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP 320183-24</b>	
<b>Brief description of project</b>	<p>Normal Planning Appeal</p> <p>See Section of 2.0 of the Inspectors Report</p> <p>Demolition of a section of existing agricultural storage shed (148 sqm) and retention permission to retain the remainder of the shed, to not exceed 300sqm in size all with access off the N70.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site is in a rural area.</p> <p>No animals are kept at the site. No effluent would be generated as a result of or from the proposed development.</p> <p>There is no water supply, wastewater management treatment system or surface water disposal proposed on the site. The application form and associated plans and particulars refer.</p> <p>The Bunnow River bounds the site to the east which discharges to Bunnow Harbour approx. 1.6km to the south. Bunnow Harbour is within the Kenmare River SAC (Site Code 002158).</p>
<b>Screening report</b>	<p>No</p> <p>KCC screened out the need for AA</p>
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	<p><b>KCC Environmental Assessment Unit</b> - There is no realistic pathway for impact or possibility that the proposal could have significantly affected a</p>

	European Natura 2000 site. AA would not have been required for the development concerned.
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## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality / disturbance.

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk there are as follows:

- Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) (c1.35km)
- Kenmare River SAC (Site Code 002158) (c1.4km)

Please note that the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC overlaps with Killarney National Park SPA (004038) and Iveragh Peninsula SPA (004154) and is adjacent to Ballinskelligs Bay and Inny Estuary SAC (000335), Castlemaine Harbour SAC (000343), Castlemaine Harbour SPA (004029), Blackwater River (Cork/Waterford) SAC (002170) and Blackwater River (Kerry) SAC (002173).

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Killarney National Park, Macgillicuddy's Reeks and Caragh River	9 species plus wetlands and habitats. (NPWS 23 <sup>rd</sup> October 2017) <a href="https://www.npws.ie/protected-sites/sac/000365">https://www.npws.ie/protected-sites/sac/000365</a>	c1.35 km to the west	Proximity	N

Catchment SAC  (Site Code 000365)				
Kenmare River SAC  (Site Code 002158)	4 species plus wetlands and habitats.  (NPWS 25 <sup>th</sup> April 2013)  <a href="https://www.npws.ie/protected-sites/sac/002158">https://www.npws.ie/protected-sites/sac/002158</a>	c1.4km to the south	Hydrology	No

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

#### Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC

Direct - None.

Indirect – None

Given the distance between the subject site and the SAC, the presence of the existing shed on site, the proposed development could not be considered to affect the Qualifying interests associated with this SAC.

#### Kenmare River SAC

Direct - None.

Indirect - localised, temporary, low magnitude impacts from noise, dust and demolition / construction related emissions to surface water during construction. In the absence of surface water management proposals on the site there may be a weak hydrological link to the SAC from surface water runoff entering the Bannow River to the rear of the site.

Comment - The nature, scale and extent of the proposed works, the established shed on the site, the absence of a direct hydrological link, implementation of standard construction techniques, and distance from receiving features connected

to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests listed.

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.

No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

**Screening Determination**

**Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites namely, Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) and Kenmare River SAC (Site Code 002158) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- The absence of any effluent being generated on the subject site, the hydrological distance to Bunnow Harbour, and the dilution capacity of the River Bunnow,
- The considerations of the planning authority in its screening report.

## 15.0 Appendix 3 - Water Framework Directive Impact Assessment Screening

Water Framework Directive Impact Assessment - Stage 1 Screening			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála Ref. No.</b>	ABP-3220183-24	<b>Townland, address</b>	Ardmore, Sneem, Co. Kerry
<b>Description of project</b>		Permission to partly demolish section of existing agricultural storage shed and retention permission to retain the remainder of the shed	
<b>Brief site description, relevant to WFD Screening</b>		<p>The site is in a rural area and there is an existing shed on site. There is a public road to the west with agricultural land to the north, east, and south. No effluent is to be generated by the proposed development. There is no water supply, wastewater management treatment system or surface water disposal proposed on the site.</p> <p>The Bunnaw River bounds the site to the east which discharges to Bunnaw Harbour approx. 1.6km to the south. Bunnaw Harbour is within the Kenmare River SAC (Site Code 002158).</p>	

Proposed surface water details		No surface water details have been provided with the scheme. It is stated in the application form that proposed water disposal is “not applicable”.				
Proposed water supply source & available capacity		N/A				
Proposed wastewater treatment system & available capacity		N/A				
Other		N/A				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified Waterbody	Distance to (m)	Waterbody name(s) (code)	WFD Status	Risk of not achieving WFD Objective	Identified pressures on the waterbody	Pathway linkage to water feature
River Waterbody	c20m	Derreendrislagh (IE_SW_21D990950)	Good	Not at risk	Non identified	Surface water run off



<b>Groundwater Waterbody</b>		Underlying site	Beara Sneem (IE_SW_G_019)	Good	Not at risk	Non identified	Drainage to groundwater
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
<b>No.</b>	<b>Component</b>	<b>Waterbody receptor</b>	<b>Pathway (existing and new)</b>	<b>Potential for impact/ what is the possible impact</b>	<b>Screening Stage Mitigation Measure</b>	<b>Residual Risk (yes/no) Detail</b>	<b>Determination to proceed to Stage 2. Is there a risk to the water environment?</b>
1.	River Body	Derreendrislagh	Surface water run off	Water Pollution - Deterioration of surface water quality from pollution of surface water run-off during site preparation and demolition / construction	Implement CEMP	No	Screened out

2.	Groundwater	Beara Sneem	Drainage through soil / bedrock	Spillages and general construction activity	Implement CEMP	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	River Waterbody	Derreendrislagh	Surface water run-off	Deterioration of surface water quality	Incorporation of silt and oil interceptors to ensure clean discharge	No	Screened out
2.	Groundwater	Beara Sneem	Drainage through soil / bedrock	Deterioration of groundwater quality	SuDS and greenfield discharge rates	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	Decommissioning is not anticipated as this is a permanent development.						