



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321243-24

---

<b>Development</b>	Truck storage building and associated works
<b>Location</b>	Meanus, Tralee Road, Castleisland, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	24348
<b>Applicant(s)</b>	Daly Transport Limited
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Daly Transport Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> October 2025
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated site area of 0.962 ha, is located in a rural area in the townland of Meanus, c. 2.2km north west of Castleisland, Co. Kerry.
- 1.2. The site is located immediately north of the N21 National Primary Road and is accessed via a narrow cul de sac local road, c. 100m from the local road's junction with the N21.
- 1.3. The site is part of a larger landholding, stated to extend to 4.98 ha. The lands are a mix of scrub, grassland and areas of soil/stone deposition. The surrounding area is primarily agricultural with scattered one-off rural housing along local roads.

## 2.0 Proposed Development

- 2.1. The proposed development is described as a vintage truck storage building with ancillary site development works.
- 2.2. The proposed building is a rectangular pitched roof steel framed structure with metal cladding. It has dimensions of 39m x 18m and a height of 8.61m. Two large roller shutter doors are proposed on the southern elevation, with a pedestrian entrance on the eastern elevation. The interior of the building is indicated in the submitted drawings as being entirely open with no toilet facilities or other elements identified.
- 2.3. The proposed building would sit on a hardstanding area with a 10m wide access road and localised widening of the local road is proposed between the site and the N21 junction (750mm each side). The area of the local road identified for widening is outside of the 'red line' site boundary.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** permission for the following 2 No. reasons:
  1. It is considered that the proposed development would be contrary to Objectives KCDP 14-29 & KCDP 14-30 of the Kerry County Development Plan 2022-28, which seek to:

- 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.
- 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.

It is considered that the proposed development would be contrary to the policies as set out above, would set an unwanted precedent for similar such development and would therefore be contrary to the proper planning and sustainable development of the area.

2. Based on the information submitted and in the absence of pre-development archaeological testing on site, the Planning Authority is not satisfied that the proposed development would not negatively impact on the archaeological heritage of the County. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report:**

- EIA is not required. There is no real likelihood of significant effects on the environment.
- There is no likely potential for significant effects to Natura 2000 sites.
- No negative visual impacts. The site is well screened from the N21.
- Proposed development would be contrary to Objectives KCDP 14-29 and 14-30 and would set an unwarranted precedent for similar such development in the rural area. Refusal recommended on this basis.

- County Archaeologist is seeking further information, but this is unnecessary given the application is to be refused on other grounds. A reason 'based on the information submitted' is to be included.
- No negative impacts on any neighbouring residential amenity.
- Refusal recommended.

#### 3.2.2. Other Technical Reports:

- County Archaeologist: No recorded monuments in proximity to the site. Given the scale of the site, pre-development archaeological testing should be carried out prior to any grant of permission.

### 3.3. Prescribed Bodies

#### 3.3.1. Transport Infrastructure Ireland

- Proposed development is at variance with official policy in relation to the control of development on/affecting national roads.
- Proposed development would adversely affect the operation and safety of the national road network for the following reasons:
  - Spatial Planning and National Roads Guidelines for Planning Authorities state, at Section 2.5, that the policy is 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 of greater than 60kph apply. The proposal would result in the intensification of an existing direct access, contrary to policy.
  - Proposed development is located on a national road where the maximum speed limit applies and would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of extra traffic.

#### 3.3.2. Inland Fisheries Ireland

- Site is adjacent to the Maine\_020 watercourse, flowing into river Maine and Maine estuary part of Castlemaine Harbour SAC. This watercourse is spawning ground for salmonids and must be protected.

- Westerly watercourse must not be drained or altered. Riparian vegetation to be left untouched permanently.
- Good site management practices to be adopted to prevent contamination of surface waters.
- Drainage from hard standings and structures should be dealt with by means of nature-based solutions which would reduce negative impact on water quality of the river Maine, mitigate against climate change and possible damage to river regimes.
- With regard to road surface widening, IFI seek a fisheries survey including eels, prior to planning being granted.
- If fish are present, including eels, measures must be taken to ensure protection of fish and habitats. IFI seek for the watercourse to remain untouched.

### **3.4. Third Party Observations**

3.4.1. One third party observation was received from Sandra O'Connor, a resident of the cul de sac local road, and can be summarised as follows:

- Property owner operates a transport and cold storage business nearby which is developed to capacity. Observer is concerned that the shed may be used for commercial storage and logistics activities that generate noise and traffic movements. Can the council ensure the use is limited to vintage trucks?
- Proposal will access the N21 within a 100kph speed limit zone. This development would be better suited to an industrial estate or area with lower speed limit. Council policy is to minimise traffic generated from existing access points onto national roads with speed limits exceeding 60kph.
- N21 junction is already dangerous due to traffic volumes. As it is close to the Castleisland Bypass roundabout, the hard shoulder is often used as a lane, conflicting with turning movements onto the cul de sac. Adding trucks is going to increase the likelihood of an accident or a fatality.

- Proposal to widen the road by 1.5m is insufficient given that the current carriageway is c. 3m wide. This will not provide enough space for two vehicles to pass safely.
- The road is in very poor condition. Adding more vehicles will exacerbate its deterioration.

## **4.0 Planning History**

### **4.1. Reg. Ref. 88/93**

- 4.1.1. Planning permission granted in 1993 for a two storey dwelling house.

## **5.0 Policy Context**

### **5.1. Spatial Planning and National Roads Guidelines for Planning Authorities 2012**

- 5.1.1. Section 2.5 sets out 'Required Development Plan Policy on Access to National Roads'. It states that:

"With regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined below.

Lands adjoining National Roads to which speed limits greater than 60 kmh 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."

### **5.2. Kerry County Development Plan 2022 – 2028**

- 5.2.1. The site is not within a designated 'Visually Sensitive Area' and there are no designed Views & Prospects in the vicinity of the site. The site therefore falls within

'Rural General' landscape designation. Section 11.6.3.2 of the Development Plan relates to 'Rural General' areas and states that:

"Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designed to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings."

5.2.2. Section 14.4.1 of the Development Plan states that:

"It is an overall objective of the Plan to provide for balanced growth throughout the County by promoting the strengthening of rural communities and to provide sustainable infrastructure to facilitate job creation in these areas. The road network throughout the County and particularly the national road network is a vital element of this infrastructure. It is essential that they are maintained to the highest standards possible and that their efficiency, safety and carrying capacity is maximised. The creation of additional entrances onto these roads reduces their carrying capacity and safety and is contrary to the overall objective of improving the infrastructure serving rural areas."

5.2.3. Section 14.4.1.1 of the Development Plan relates to 'Access onto National Roads'. It 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".

5.2.4. The following Objectives are noted:

- **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.

### 5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or in close proximity to any sites with a natural heritage designation. The closest European Site is the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA c. 3.2km to the north of the appeal site.
- 5.3.2. The River Maine is located c. 1.3km to the south of the appeal site and enters the Castlemaine Harbour SAC, SPA and pNHA c. 18km south west of the appeal site. A watercourse runs in a southward direction along the local road to the east of the site, which it is proposed to widen, and discharges to the River Maine. Another watercourse runs in a southward direction to the west of the south and would also appear to discharge to the River Maine.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged by Daly Transport Limited and can be summarised as follows:
- Application was by Daly Transport Limited, not Mike Daly as per refusal notice.
  - Minimum use vintage vehicle storage facility with no daily vehicle movements.
  - Building line in excess of 70m from boundary of national primary road.
  - No direct access to national primary road via county road.



- More than 215m adequate stopping sight distances from county road onto national primary road.
- Double vehicle width and resurfacing for 100m of county road improvements proposed by Daly Transport at their own cost for safer local traffic. Only one vehicle at a time can access this county road, leading to dangerous congestion at the N21 junction.
- Objector claims without evidence that existing storage facility at Ahaneboy is at full capacity. This is incorrect and misleading as there is 6,000 sq m of available site for future storage at Ahaneboy (annotated map submitted with appeal).
- Why would Daly Transport fragment their storage facilities 3 miles apart?

## 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 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 issues in this appeal to be considered are as follows:

- Roads and traffic.
- Archaeology.
- Impact on watercourse – **new issue**.

## **7.2. Roads and Traffic**

- 7.2.1. As detailed above, the appeal site is accessed via a narrow local road which is a cul de sac accessed from the N21 National Primary Road outside Castleisland at a location where the maximum speed limit of 100km/hr applies. The cul de sac serves c. 3 No. houses and agricultural lands.
- 7.2.2. The proposed development consists of a vintage truck storage building and ancillary development and the appellant has not identified any locational rationale for locating the development at the appeal site which is in a rural unzoned area and not adjacent to the appellant's dwelling or place of business. The stated floor area of the proposed building is quite sizable at 716 sq m, as is the proposed hardstanding area, and no details of the number of trucks to be stored or the nature of the usage were provided in the application or in the appeal, other than a statement that there would be no daily vehicle movements. In any event, I do not consider that it would be feasible to effectively control the number of truck movements by way of condition.
- 7.2.3. Notwithstanding the lack of detail provided by the appellant, I note that the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/hr apply is contrary to both national policy, as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, and local policy as set out in Objectives KCDP 14-29 and 14-30 of the Kerry County Development Plan 2022-2028.
- 7.2.4. A drawing submitted with the application indicates 215m sight distances being available from the local road onto the N21. While the number of additional turning movements may be low, as contended but not quantified by the appellant, I consider that truck turning movements to and from a major National Primary Road where the maximum speed limit applies onto a narrow local road would constitute a traffic safety hazard and be contrary to national and local policy relating to such roads.
- 7.2.5. I recommend that permission be refused for this reason.

## **7.3. Archaeology**

- 7.3.1. The Planning Authority's second reason for refusal related to the absence of pre-development archaeological testing, with the Planning Authority not being satisfied

that the proposed development would not negatively impact on the archaeological heritage of the County.

7.3.2. I note that the appellant did not address this second refusal reason in their appeal.

7.3.3. As there are no recorded archaeological features on or in the vicinity of the site, there is no particular reason to believe that the site is of high archaeological potential.

7.3.4. There is, of course, the potential for unrecorded archaeological features to be present at the site and I consider that the issue of archaeology could be addressed by way of condition, if the Commission were minded to grant permission.

7.3.5. For this reason, and since I am recommending refusal on the basis of the national roads issue, I do not recommend that the Planning Authority's second reason for refusal be included.

#### **7.4. Impact on Watercourse – New Issue**

7.4.1. I note the submission made by IFI to the Planning Authority, as summarised above.

7.4.2. A watercourse with the designation Maine\_020 runs in a southerly direction along the edge of the cul de sac local road to the east of the site, which the appellant proposes to widen. This watercourse connects to the River Maine c. 1.3km to the south of the appeal site.

7.4.3. The IFI submission also refers to a 'westerly' watercourse, which would appear to refer to a separate watercourse that runs along the western boundary of the landholding, c. 250m from the proposed building, and which is also a tributary of the River Maine. They state that this watercourse must not be drained or altered. Noting the considerable separation distance and that no works are proposed in the vicinity of that watercourse, I am satisfied that it will not be affected by the proposed development.

7.4.4. The appellant is proposing to widen and resurface c. 100m of the local road at their own cost. The lands required to undertake these works are not entirely within the 'red line' site boundary or the 'blue line' land ownership boundary and the appellant did not submit any letter of consent in relation to this area. Furthermore, no details of

the implications of the proposed road widening on the adjacent watercourse were provided.

- 7.4.5. This may be considered a new issue and the Commission may wish to seek the views of the appellant or further information. However, having regard to the substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

## **8.0 EIA Screening**

- 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**

- 9.1. I have considered the proposed development in light of the requirements of s.177U of the Planning and Development Act 2000 as amended.
- 9.2. The appeal site is located in a rural area and comprises the construction of a truck storage building and hardstanding area and associated works.
- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. 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 effect on a European Site.
- 9.5. The reason for this conclusion is as follows:
- Nature of the works: e.g. small scale and nature of the development.
  - While there is a hydrological connection via the watercourse along the edge of the cul de sac local road to the River Maine located c. 1.3km to the south of the appeal, the River Maine enters the Castlemaine Harbour SAC and SPA c. 18km south west of the appeal site. Given this distance and the effects of dilution and settling out of sediment etc. I consider there is no real likelihood

of any contaminants reaching the European Site in the event of a spillage/pollution event, having regard to the nature and scale of the proposed development.

- 9.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

- 10.1. I recommend that permission be **refused** for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is accessed from the heavily-trafficked National Primary Road N21 at a point where a speed limit of 100 km/h applies and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road.

The proposed development would also contravene objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028 (which are considered reasonable) to preserve the capacity and safety of the National Primary Road and to avoid the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply.

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.

---

Niall Haverty  
Senior Planning Inspector

11<sup>th</sup> November 2025

## APPENDIX 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-321243-24</b>	
<b>Proposed Development Summary</b>	Truck storage building and associated works	
<b>Development Address</b>	Meanus, Tralee Road, Castleisland, Co. Kerry	
<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, 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>EIA is Mandatory. No Screening Required</b>		<b>N/A</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>		<b>N/A</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:** \_\_\_\_\_