

An Roinn Pleanála

Comhairle Contae Chiarraí,
Áras na Contae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Planning Department

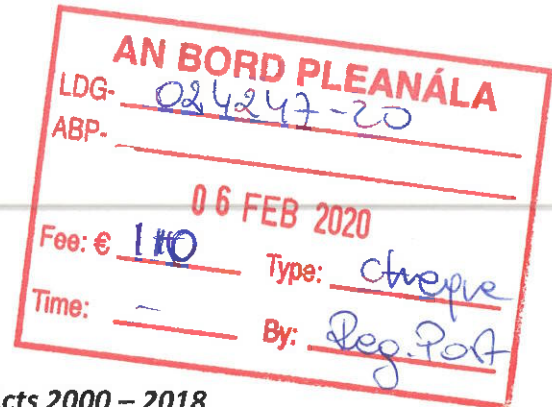
Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

LB/ML

5th February, 2020

An Bord Pleanála,
64 Marlborough Street,
Dublin



Planning and Development Acts 2000 – 2018
Declaration on Development and Exempted Development
(Section 5 of the Planning and Development Act 2000 – 2018)
Planning Register EX 810

Dear Sir/Madam

I refer to the above mentioned request for a Section 5 Declaration which was submitted to this Planning Authority on 29th January 2020 on behalf of Mrs Eilín Enright.

On behalf of this Planning Authority I now wish to refer the question as to whether the two gates which have been erected to provide access to an agricultural field from the ends of two private cul-de-sac service roads in an unfinished residential estate is or is not development or is or is not exempted development to An Bord Pleanála (ABP) for a decision as provided for under Section 5(4) of the Planning and Development Act 2000 – 2018.

Kerry County Council requested a declaration from An Bord Pleanála in relation to these gates previously. Under ABP Reference 08.RL.3516, ABP declared that the gates constituted development which is not exempted development. In the circumstances, it is considered that it would be appropriate for the matter to be handled by An Bord Pleanála.

Attached please find a copy of file register no. EX810 and a paying order in the amount of €110 being the prescribed fee as relayed to me by your office on 4th February 2020.

Yours Faithfully,

Liam Brosnan
Administrative Officer



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

AN BORD PLEANÁLA
06 FEB 2020
LTR DATED _____
LDG. _____
REMITTANCE ADVICE / FAISNÉIS ÍOCAÍOCHTA

An Bord Pleanála
64 Marlborough Street Dublin 1 Co Dublin
Ireland

Cheque No. 815238
Supp ID / Uimh. Aitheantais 171690
Date / Dáta 04/02/2020
Page / Leathanach 1/1

Your Ref/ Bhur dTagairt	Inv Date/ Dáta Sonraisc	Our Ref/ Ár dTagairt	AMOUNT/ SUM EUR	Payable Iníoctha EUR
EX810	04/02/2020	30957043	110.00	110.00
PAGE TOTAL / IOMLÁN AN LEATHANAIGH			EUR 110.00	110.00
GRAND TOTAL / MÓRIOMLÁN			EUR 110.00	110.00

WH = Withholding Tax CT = Subcontractors Tax RA = Non Resident Landlord
INT = Late Payment Interest, Rate = 8.00% CMP = Late Payment Compensation

To: AO Planning
From: SEE Planning
Date: 04/02/2020

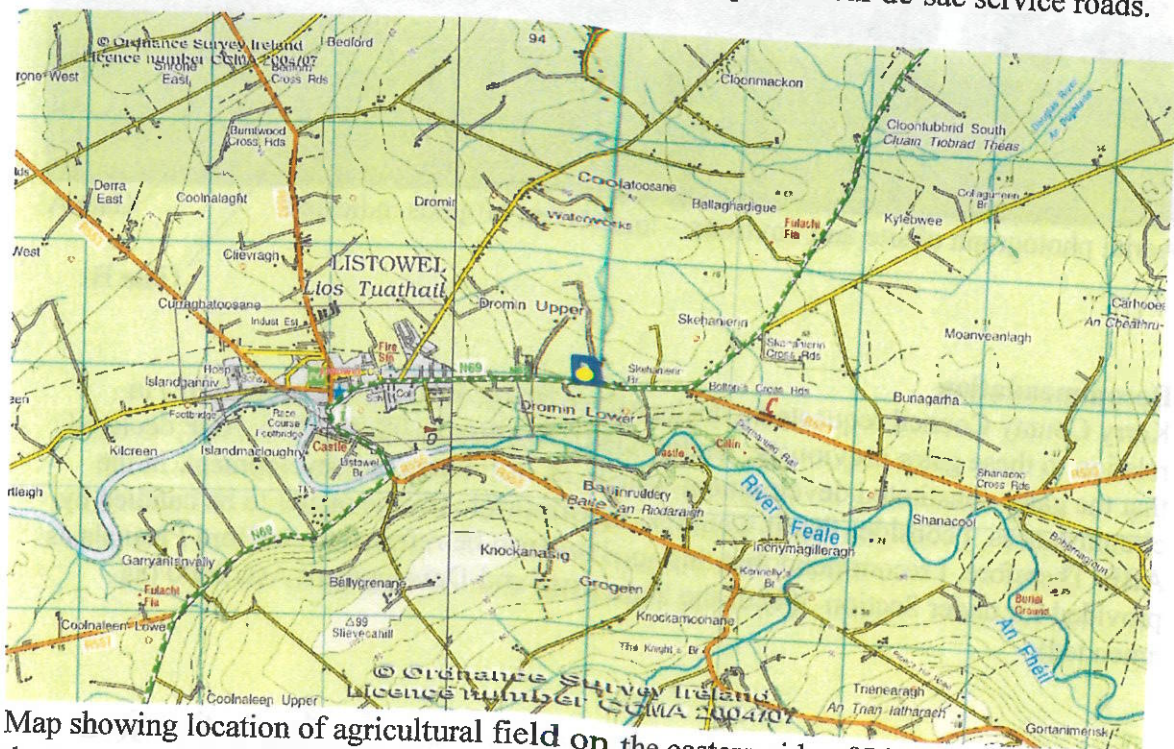
Re: Section 5 Reference EX810 – Eilin Enright, Dromin Upper, Listowel

Proposed Works

The referral relates to two gates which have been erected to provide access to an agricultural field from the ends of two private cul-de-sac service roads in an unfinished residential estate on the eastern outskirts of Listowel.

Location of site

The gates in question are located at the ends of two private cul-de-sac service roads.



Map showing location of agricultural field on the eastern side of Listowel to which the two gates in question provide access.

AN BORD PLEANÁLA

06 FEB 2020

LTR DATED _____ FROM _____

LDC- _____

22- _____



Aerial photograph of site and environs – location of gates indicated

Gate A
Gate B

Recommendation

Kerry County Council requested a declaration from An Bord Pleanala (ABP) in relation to these gates previously. Under ABP Reference 08.RL.3516, ABP declared that the gates constituted development which is not exempted development. In the circumstances, I consider that it would be appropriate for the matter to be handled by ABP. Therefore, I recommend that this application be referred to An Bord Pleanala as provided for under Section 5(4) of the Planning and Development Act, 2000 (as amended).

*Michael J Spill SEE
4/2/2020*

AN BORD PLEANALA
06 FEB 2020
RECEIVED



Gate A. Height of top of gate over ground level = 1.7m. Height of gate posts = 2.25m

A

06 FEB 2020

DATE DATED _____ FROM _____



Gate B. Height of top of gate over ground level = 1.9m. Height of gate posts 2.4m

AN BORD PLEITIALA

06 FEB 2020

LTR DATED _____

LDG- _____

KERRY COUNTY COUNCIL
Planning Section

COMHAIRLE CHONTAE CHIARRAÍ
An Roinn Pleanála



Memo

30th January, 2020

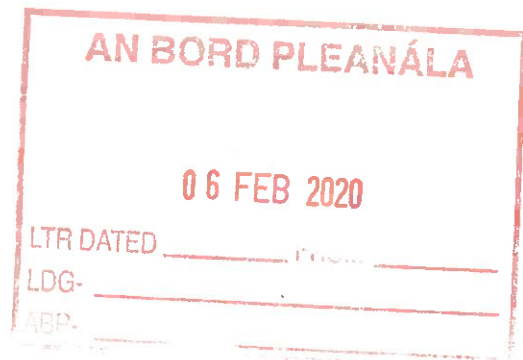
To Michael Lynch, S.E.E.

Re: EX810

I attach herewith Section 5 Application received from Mrs Eilín Enright.

Please let me have your observations before 24th ^{February} ~~January~~ 2020.

Michelle Lane
A.S.O. Planning.



Pierse Fitzgibbons Solicitors,
Market Street,
Listowel,
Co Kerry

30th January, 2020

Re: **Declaration and Referral on Development and Exempted
Development under and in accordance with Section 5 of the
Planning & Development Acts 2000 – 2018**

Dear Sir,

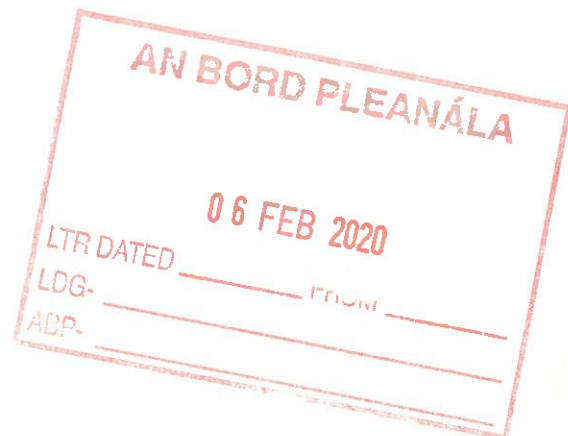
I wish to acknowledge receipt of your application for a Section 5 Declaration on behalf of Mrs **Eilín Enright**.

Register No. **EX810** refers and the Planning Authority will be in touch with you in due course.

I attached herewith receipt for same.

Yours sincerely,

ASO Planning





Cornhairle Contae Chiarraí
Kerry County Council

paid 80.00
30/01/20
#78577

CC-P27
09-2013_BG

FOIRM IARRATAIS ALT 5 SECTION 5 APPLICATION FORM

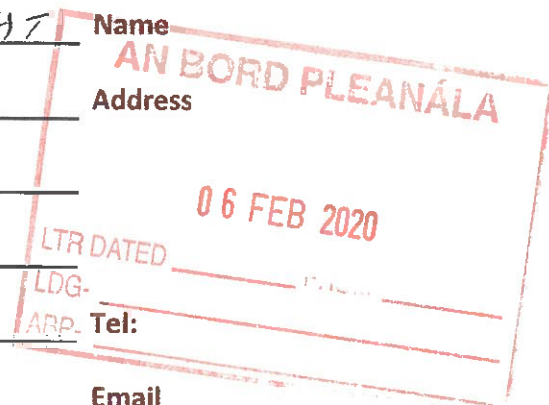
IARRATAS MAIDIR LE DEARBHÚ AR FHORBAIRT AGUS
AR DÍOLÚINE FORBARTHA (Alt 5 den Acht um Pleanáil
agus Forbairt leasaithe)

REQUEST FOR A DECLARATION ON DEVELOPMENT
AND EXEMPTED DEVELOPMENT (Section 5 of the
Planning & Development Act 2000 as amended)

TÁILLE €80 FEE

All personal data collected is in compliance with the requirements of the General Data Protection Regulation (GDPR) 2016, and Data Protection Acts 1988 to 2003. Individual privacy notices for each section/service are available at www.kerrycoco.ie

Ainm	<u>MRS KILIN ENRIGHT</u>	Name	<u>MRS KILIN ENRIGHT</u>
Seoladh	<u>DROMIN UPPER</u>	Address	<u>DROMIN UPPER</u>
	<u>LISTOWEL</u>		<u>LISTOWEL</u>
	<u>CO. KERRY</u>		<u>CO. KERRY</u>
Teil.	_____	LTR DATED	<u>06 FEB 2020</u>
R-phost	_____	LDG-	_____
	_____	ARP- Tel:	_____
Ainm/Seoladh Gníomhaire	<u>PIERSIE KIRK GIBBONS</u>	Name/Address of Agent	<u>PIERSIE KIRK GIBBONS</u>
	<u>SOLICITORS</u>		<u>SOLICITORS</u>
	<u>MARKET ST., LISTOWEL</u>		<u>MARKET ST., LISTOWEL</u>
Teil.	<u>068-50900</u>	Tel:	<u>068-50900</u>
Láthair an Suímh Ábhartha	<u>DROMIN UPPER</u>	Location of Subject Site	<u>DROMIN UPPER</u>



An Struchtúr Cosanta é nó 'bhfuil sé laistigh
de chúirtealáiste Struchtúir Chosanta?

NO

Is this a Protected Structure or within the
cartilage of a Protected Structure?

Más é, 'bhfuil Dearbhú faoi Alt 57 den Acht
um Pleanáil agus Forbairt 2000 iarrtha nó
eisithe don fhorbairt ag an tÚdarás Pleanála?

If yes, has a Declaration under Section 57 of
the Planning and Development 2000 been
requested or issued for the property by the
Planning Authority?

An eol duit aon imeachtaí
forfheidhmithe ar an suíomh seo?
Má tá, tabhair sonraí le do thoil

Are you aware of any enforcement
proceedings connected to this site?
If yes, please supply details

YES. ENFORCEMENT PROCEEDINGS
ISSUED ON 11/8/17. They are adjourned
in first and CIRCUIT COURT
Register no 11 372 - MR. VAW SCHOOL

An raibh iarrata(i)s pleanála ar an suíomh seo
cheana? Má bhí, tabhair sonraí le do thoil

Were there previous planning application(s)
on this site? If yes, please supply details

NOT BY APPLICANT. The Cahirdown
estate has been subject to many applications

Sínithe:
Signed

Elio Wright

Dáta:
Date

22/1/20

AN BORD PLEANÁLA
06 FEB 2020
LTR DATED _____
LDG- _____
ADP- _____

NÓTAÍ:

Ní mór 4 chóip de léarscáil den láthair shuímh
leis an suíomh imlínte go soiléir i ndearg a
chur ar fáil agus táille €80 leis. Cuir 2 chóip de
phleananna/tuairiscí breise srl. a theastaíonn
uait bheith mar chuid den iarratais.

NOTES:

Application shall include 4 copies of the Site
Location Map with the site clearly outlined in
red and a fee of €80. Please submit 2 copies
of any additional plans/reports etc you may
wish to be included as part of the application.

Seol na h-iarratais líonta go 'n seoladh thíos:

Send your completed applications to:

An Roinn Pleanála,
Comhairle Contae Chiarraí,
Ráth Teas, Trá Lí, Co. Chiarraí.

T. (066)7183582
F. (066) 7120328
www.kerrycoco.ie

Planning Department,
Kerry County Council,
Rathass, Tralee, Co. Kerry.

The Chief Planning Officer
Kerry County Council
Ratass
Tralee
Co. Kerry

Our Ref: RP/LLM/P75 /0001

AN BORD PLEANALA

28 January 2020

REGISTERED POST

06 FEB 2020

LTR DATED _____ FROM _____

Re: **Mrs Eilín Enright, Dromin Upper Listowel, Co. Kerry – Client/Applicant**
Farm Gates at Dromin Upper, Listowel
Agricultural Gates Exemption Under Section 5 Planning Act 2000

Dear Sir,

We refer to the Planning Authority's declaratory jurisdiction under section 5 of the Planning and Development Act 2000 as amended.

We write this letter on behalf of Mrs Eilín Enright, Dromin Upper, Listowel, Co Kerry, the owner of the farm gates in issue at the above address. Mrs Enright is the daughter of and successor in title to Mrs Marie Olive Pierse. The farm was owned previously by her mother, Mrs. Olive Pierse, also of the same address. Both Mrs Pierse and Mrs Enright live in separate dwelling houses at Dromin Upper, Listowel, Co. Kerry.

The lands in issue are not a protected structure nor located within the curtilage of a dwelling house

We are the Agents on behalf of Mrs Enright.

For the purpose of this Section 5 application, the following is emphasised:

1. Request in writing for a Declaration under section 5 of the Planning and Development Act 2000 as amended

We enclose herewith a request in writing for a declaration of exemption under section 5(i) on the following question.

The Declaration sought is as follows:

“That development, resulting in the construction of two gates Gate (A) and Gate (B) in a farmer's field for the purposes of agriculture and the user for that purpose of the farm gates occupied together with the land so used at Dromin Upper, Listowel, Co. Kerry, for agricultural purposes (foliage including eucalyptus and decorative fir trees/forest produce) is exempted development within the meaning of section 5 of the Planning and Development Act 2000 as amended.”

2. The prescribed fee

We enclose herewith cheque in the amount of €80.00 which we understand to be the prescribed fee.

3. Details of the works carried out

The development and works carried out in early 2010 was the construction of two farm gates for agricultural use in the boundary hedge and ditch of what is now Mrs Enright's field and the private road in the Cahirdown Wood Estate. The precise location is described in a Topographical Survey

06 FEB 2020

prepared in May 2017 by J M Surveys Ltd, Kanturk, Co Cork included in the List of Plans, Reports and Photos, etc submitted with this application. The Topographical Survey serves as a ~~Site Location Map~~ for the purposes of this application. Mrs Pierse's Field now Mrs Enright's field is outlined in red as required by your Section 5 Application Form is the main area to be used for the foliage farm together with 2 acres immediately to the north of that field. Foliage comprises forest produce such as eucalyptus for foliage and decorative conifers/fir trees. The 2 acres to the north of Gate (D) on the Topographical Survey is often a very wet area.

The field in issue is described as "Ms Pierse's Field" on the Survey. The two gates are marked Gate (A) and Gate (B) on the survey. These are two farm gates now less than 2 metres high and were constructed into the boundary hedge in a manner similar to farm gates throughout the countryside. They are kept locked, except when in use which has been infrequent.

The agricultural user proposed with the farm gates is the growing of a foliage crop for horticultural purposes as described below.

Each farm gate has an entrance onto the private roadway, which is not taken in charge on the Cahirdown Wood Estate, Listowel. These private roads eventually lead at some distance to the Listowel to Tarbert N69 national road. The farm gates are constructed at the end of two cul de sacs as described on the survey, each cul de sac having gates at one side only.

Mrs Enright's Field (marked "Mrs Pierse's field") and the area immediately to the north of it is low lying and prone to sodden conditions and occasional flooding in wet weather. The field is unusable in such conditions and is inaccessible from the Gate (D) at the top north end of the field, because of the sodden nature of the land immediately to the north of Gate (D).

Mrs Pierse (the previous owner) had previously sold the lands comprised in the Cahirdown Wood Estate and The Grove (adjoining the Listowel to Tarbert N69 National Road) as described in the Survey to the undertaking that obtained planning permission for the houses constructed on the Cahirdown Wood estate. However, Mrs Pierse retained a private right of way for access from her farmer's field as described in the Survey onto the private road when constructed on the Cahirdown Wood Estate. This right of way now inures for the benefit of Mrs. Enright. A copy of the reservation of a right of way is described in the copy deed has already been furnished to the County Council and the Right of Way accepted by them.

4. Details of the proposed agricultural user of the lands in conjunction with the two farm gates

Mrs Enright holds a B.Sc Degree and a M.Sc. Degree in Agricultural Science from University College Dublin. The lands are presently placed in an EU scheme to encourage low density user of the farmland. This is a Glas Scheme (Green Low Carbon Agricultural Scheme). Mrs Enright resides on the lands in the family dwelling house with her young family. Otherwise, she is a secondary school teacher at the Christian Brothers School, The Green, Tralee. Agricultural Science is one of her subjects in secondary school.

The agricultural use proposed in conjunction with the farm gates is the growing of a foliage crop for use in the horticulture and flower arrangements industry. This requires maintenance in the early season and harvesting in late autumn by hand in November and early December. Thereafter, rapid transport of the foliage to cold storage by small van and trailer is required to preserve the crop. The farm gates facilitate this agricultural use and purpose. The crop is consistent with reducing carbon emissions from farmland. Such user of land is actively encouraged by the Department of Agriculture, Food and the Marine and by the Department of Communications, Climate Action and Environment.

Mrs Enright proposes to develop the 4.5 acres of this field together with approximately 2 acres of the field to the north of Gate (D) for foliage horticulture. Foliage is the growing of plants such as eucalyptus to a height of 1 to 2 metres in rows about 1 metre apart. Small decorative conifers and decorative fir trees are also planted. The planting, harvesting and maintenance of the foliage crop is manual by workers using handheld clippers, sprayers on their back and small lawnmowers. The maintenance of decorative conifers or other small decorative trees is by way of ride on lawnmowers in the dry season. When harvested, it is necessary to transport the foliage rapidly for cold storage and eventual user in the horticultural industry both locally and for export. Foliage is similar to flowers

06 FEB 2020

and requires prompt transfer for safe cold storage. Similar concerns apply to the decorative trees. The two farm gates will enable the harvesting of the crop and early transport to cold storage. The planting of the foliage crop requires the field to have been ploughed initially and rowed or beds made in advance in the dry season when the field may be entered from the northern end through Gate D.

The harvesting by hand is with hand clippers and is hard work and mainly done during the pre-Christmas season when access through area north of Gate (D) is not passable.

The proposed horticulture crop is further described in a report of Tony O'Keeffe, consulting engineer, dated the 11 May 2017 enclosed with this application. Photographs of similar foliage crops are included. These photos relate to foliage at the townland of Bunagarha nearby where Mrs Enright has an interest in a larger (40 acres) foliage farm to the one envisaged in this application (6 acres)

The user will not generate significant traffic movements. The initial ploughing can be in the early dry season and entry secured through the Gate (D) at the northern top end of the field.

Tony O'Keeffe, consulting engineer, commissioned a traffic survey on the Cahirdown Wood estate in May 2017. The Traffic Survey by Abacus Transportation Services is included in the documents submitted with this application. It is an annexe in the report of Mr O'Keeffe. The estimated user of the Gates (A) and (B) is estimated at 150 - 300 vehicles per annum. This would be less than 1% of the total vehicles entering and leaving the estate.

See letter of Forest Produce Ltd dated the 13th December 2019 herewith on the likely vehicle movements. This company maintains and harvests the Bunagarha foliage farm above which can be visited. This letter confirms 150 traffic movements as the probable number of movements in a calendar year.

This traffic survey on the Cahirdown Wood estate supports the submission that any traffic movement generated by the maintenance and harvesting of the crop would be minimal in the overall context of traffic movements with the estate. When not used for maintenance or harvesting, the gates are locked.

This traffic survey is submitted in circumstances where no traffic survey was made before by the County Council or An Board Pleanala prior to its declaration made on the 5 April 2017 and included in the documents enclosed with this application.

5. Are you aware of any enforcement proceedings connected with this site? [This is a question on the draft Section 5 Application Form]

Yes, enforcement proceedings were issued on the 11 August 2017 entitled *Kerry County Council v Marie Olive Pierse and Eilín Olive Pierse*

They are presently adjourned to the Circuit Court sitting at Listowel on the 4 February 2020. This application is without prejudice to any lawful defences Mrs Pierse and Mrs Enright have in relation to that Motion and Proceedings.

6. Were there previous planning application(s) on this site? [This is a question on the draft Section 5 Application Form]

The applicant has not submitted any planning application on the site and farmer's field in issue.

There have been many planning applications on behalf of the undertaking which owns the lands comprised within the Cahirdown Wood estate.

7. Previous referral under section 5 of the Planning and Development Act 2000 as amended on the site

An Bord Pleanala issued a declaration under section 5 on the 5 April 2017 on a referral by Kerry County Council under section 5(4) of the Planning and Development Act 2000 that the forming of two entrances at a field at the end of two cul de sacs is development and is not exempted development at

Cahirdown Wood Estate, Listowel, Co Kerry, as it would endanger public safety by reason of a traffic hazard or obstruction of road users.

This follows an earlier finding by Kerry County Council on the 21st October 2010 that the gates were exempted, and a later finding dated the 10th January 2012 that they were not so. See paragraph 8(d) below and the Memos of Mr Chris van Schoor, executive planner, Planning, Kerry County Council.

The documents relied upon in this application were not before An Bord Pleanala when it made its declaration on the 5 April 2017. These were not admitted by the High Court for that reason because they were not before An Bord Pleanala. This includes the Report of Tony O’Keeffe, consulting engineer and the Traffic Survey on Cahirdown Wood estate conducted by Abacus Transportation Services.

This application for a Declaration under section 5(1) of the Planning and Development Act 2000 is an application based on the facts and documents not brought to the notice of the Planning Authority and the submissions made herein.

8. Other matters relied upon by the applicant

The applicant relies on the following matters in this referral application:

a) Planning and Development Act 2000, section 4(1)(a)

Section 4 provides as follows:

“(1) The following shall be exempted development for the purpose of this Act – (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with the land so used;”

The user of the applicant’s farm at Dromin Upper, Listowel together with the two farm gates for agricultural purposes is therefore exempted development under the Planning and Developments Act 2000, section 4(1)(a).

The farm gates are buildings occupied with the land so used, that is for agricultural use and are contemplated by the above statutory exemption. The user of the land for the proposed agriculture use in conjunction with the two farm gates is central to the statutory exemption set forth.

The agriculture user in contemplation is also the low-density user of land for foliage and cognate decorative tree planting encouraged by the Department of Agriculture, Food and the Marine and the Department of Communications, Climate Action and the Environment. It complies with all EU requirements in the context of concerns on carbon emissions nationally.

The agricultural user of the farm gates is comparable to the manner in which farm gates have been used and constructed in hedgerows and boundary fences throughout the countryside for the purposes of agriculture.

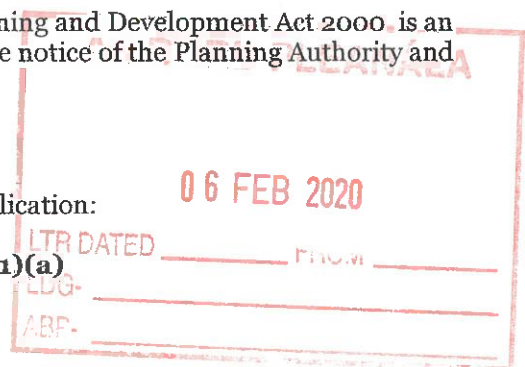
Section 4(1)(a) of the 2000 Act remains in its original language unamended.

b) Planning and Development Regulations 2001, Article 6(1) and CLASS 9, *Sundry Works*

The two farm gates come within the definition of “Exempted Development” within Article 6 being development of a class specified in Column 1 of Part 1 of Schedule 2 and comply with the conditions and limitations in column 2 opposite the mention of that class in column 1.

CLASS 9 describes *Sundry Works* as follows: “The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.”

The conditions and limitations in column 2 states: “The height of any such structure shall not exceed 2 metres.”



Gates (A) and (B) on the Topographical Survey come within the definition “of any gate or gateway.” Neither of the two farm gates also do not exceed 2 metres.

An Bord Pleanála did not consider the exemption for gates under Article 6(1) and CLASS 9 of the Planning and Development Regulations 2001 as amended in its Declaration dated the 5 April 2017 under section 5(4) of the Planning and Development Act 2000.

AN BORD PLEANÁLA
06 FEB 2020
LDG-
ABP-
FROM

c) Distinguish Planning and Development Regulations 2001, Article 9(1)(a)(iii)

An exemption under Article 6(1) of the Planning and Development Regulations 2001 are subject to restrictions on exemption described in Article 9.

Article 9(1)(a)(iii) provides that development to which Article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users. Article 9(1)(a)(iii) of the 2001 Regulations should have no application to the two farm gates in issue as they are to be used for the purposes of agriculture in the manner provided for in section 4(1)(a) of the Planning and Development Act 2000.

Separate and apart from this, the exemption for gates in Article 6 and CLASS 9 of the 2001 Regulations considered below also assists.

The user of the two farm gates for the purposes of agriculture is of a nature and type contemplated by farm gates constructed in hedges and ditches throughout the countryside.

Without prejudice to this submission, a traffic survey has also been prepared explaining the minimum traffic movements contemplated throughout a calendar year. Harvesting of the foliage/forestry crop takes place in November and early December.

Estimate traffic movements of small vans and trailers during harvesting and maintenance of 150 to 300 in a calendar year would not amount to a traffic hazard or obstruction of road users in Cahirdown Wood estate.

See Report of Tony O’Keeffe, consulting engineer, and the Traffic Survey by Abacus Transportation Surveys referred to in Mr O’Keeffe’s report.

d) Planning and Development Regulations 2001, Article 6(1) and CLASS 11, Sundry Works

While primary reliance is placed on CLASS 9 under the 2001 Regulations, CLASS 11 may have relevance. It is in the same *Sundry Works* CLASS as CLASS 9 on Gates considered above. CLASS 11 provides for the following exemption:

“The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of —

- (a) any fence (not being a hoarding or sheet metal fence), or
- (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.”

The conditions and limitations on CLASS 11 are similar to CLASS 6 above. They require that the height of any new structure shall not exceed 2 metres.

So far as may be necessary, reliance is also placed on CLASS 11 regarding the two farm gates in issue. This submission is supported by an internal Memo from Kerry County Council, dated the 21 October 2010 entitled “Alleged Unauthorised Development Site Report” prepared by Chris van Schoor, Executive Planner, Planning. This Memo with accompanying photographs of what are Gate (A) and Gate (B) on the Topographical Survey.

Following a description of the gates and their location the Memo concluded that the gates and user were exempted development under CLASS 11. “From the perspective of the owner of the original field, work involving changes to the fence or ditch bounding the field is exempted under Class 11 (this

would not apply to fences that are within or bounding the curtilage of the dwelling house, but this was not relevant here).”

We learnt of this Planning Department Memo following a Freedom of Information Acts request in 2018. This Memo was not disclosed to An Bord Pleanala. Mr Van Schoor in a subsequent Memo dated the 10 January 2012 on “Alleged Unauthorised Development Site Report” reported that the same gates were not exempted in reliance on Article 9(1)(a)(iii) of the 2001 Regulations. The memo concluded that the gates would endanger public safety by reason of traffic hazard or obstruction of road users. No traffic survey appeared to have been carried out by the County Council or by An Bord Pleanala.

The earlier Memo dated the 21 October 2010 was not brought to the notice of An Bord Pleanala. If it had been included in the documents submitted, it would have brought to the notice of the Board the relevance of the Gates exemption in Article 6(1) CLASSES 9 and 11 in the *Sundry Works* CLASSES described the 2001 Regulations.

- (c) The County Council as the local Planning Department has a special expertise and knowledge of the Planning and Development Acts and the Planning and Development Regulations and should consider whether any other exemptions in the Regulations apply in respect of this application, e.g. Forestry.

9. List of plans, drawings, etc submitted with this application

Enclosed are the following copy documents.

- a) Topographical Survey prepared by J M Surveys Ltd, Kanturk, Co Cork in May 2017. There have been no material alterations to the lands described and the date of this application.
- b) Report prepared by Tony O’Keeffe, consulting engineer, Kanturk, Co Cork, dated the 17 May 2017. There have been no material alterations to the lands described and the date of this application.
- c) Traffic Survey conducted by Abacus Transportation Surveys on the Cahirdown Wood estate in May 2017. This is an annexe in the report of Mr O’Keeffe of 18/5/2017 (also enclosed). There have been no material alterations to the lands described between the report and the date of this application.
- d) Declaration by An Bord Pleanala dated the 5 April 2017 in *Kerry County Planning Register Reference Number U732/05, PLA 641, An Bord Pleanala Reference 08.RL.3516* under section 5(4) of the Planning and Development Act 2000 as amended.
- e) Letter dated 13th December 2019 from Forest Produce Ltd to Mrs Eileen Enright.

We understand that you already have all of the documents used before An Bord Pleanala and the High Court. If you require any more of these documents, please let us know.

We would be anxious to discuss this application for a Declaration under section 5 with the planning officer and your legal adviser as soon as practicable either on site or in your offices.

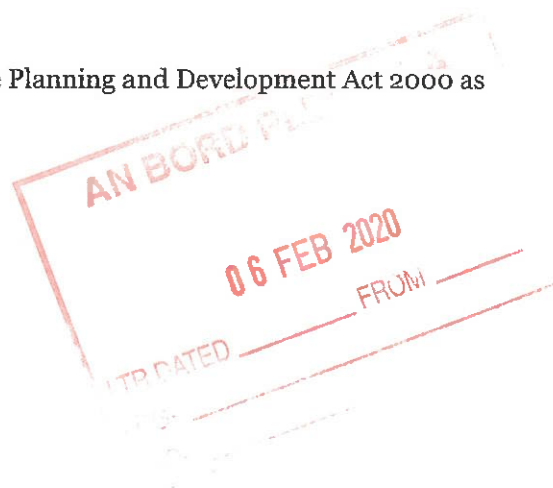
10. Summary

Application for a Declaration under section 5(1) of the Planning and Development Act 2000 as amended is enclosed herewith.

We look forward to your acknowledgment.

Yours faithfully,


MICHAEL FITZPATRICK
Direct Dial 068 50930
FAX 068 21692
Email: law@pierce.ie



Tony O'Keeffe & Partners

Consulting Engineers

Greenane House, Kanturk, Co. Cork.

Tel.: (029) 50366. Fax.: (029) 50195.

E-mail: fristinitialsurname@tonyokeeffes.com

YOUR REF:

RP/MC/P75

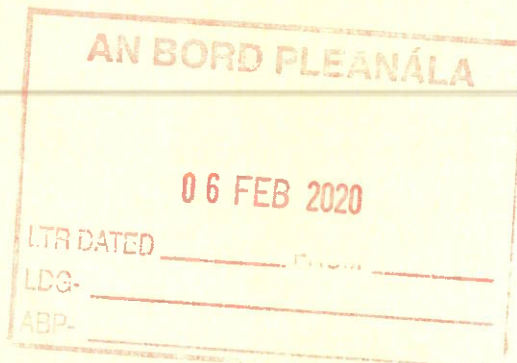
OUR REF:

38328KAD

DATE:

11th May 2017.

Mr Robert Pierse,
Solicitor,
Pierse Fitzgibbon Solicitors,
Market Street,
Listowel,
Co Kerry



RE: MARY OLIVE PIERSE AND EILEN ENRIGHT -V- AN BORD PLEANALA

Dear Sir,

I confirm having attended at Dromin Upper and Cahirdown Wood on both the 19th April 2017 and the 4th May 2017 to consider the technical arguments in this case and wish to advise as follows.

DECLARATION

"It is the duty of an expert to assist the Court as to matters within his or her field of expertise. This duty overrides any obligation to any party paying the fee of the expert."

BACKGROUND INFORMATION

We have reviewed in detail the Panning Inspectors report prepared by Mary Crowley, Senior Planning Inspector dated the 20th March 2017.

This report bears reference **RL08.RL3516**.

The planning history of the site is accurately set out in the Planning Inspector's report.

This relates to two previous Planning Applications – **Registration No. 08/1033** for refusal for the construction of an agricultural entrance at Dromin Upper, Listowel, and **Registration No. 374/10** for refusal for the construction of an access for the purposes of planting, maintaining and harvesting forage at Dromin Upper Listowel.

Partners:

TONY O'KEEFFE, B.E., M.I.E.I.

PAT O'CONNELL, B.E., M.I.E.I.

Denis McCarthy, Dip. Arch.

Vincent O'Hara, B.E., H. Dip.
(Mech. Eng.) MSc, M.I.E.I., O.H.S.I.

William O'Keeffe, B.E.
MSc CEng, M.I.E.I.

VAT NO: IE 6533714Q

Both reasons referred to a "traffic hazard because the access was directly onto a national secondary route – the N69 where the maximum speed limit applies."

FACTUAL POSITION

We arranged to have a detailed topographical survey carried out on the lands at Cahirdown Wood for the purposes of this judicial review claim.

At the bottom of the map, we have shown running east west, the N69 which is the Listowel to Tarbert Road.

On the extreme left hand side at Point No 1, we have shown the existing entrance to the Pierser family homes and their existing farmyard from the N69.

Adjacent to this at Point No 5 we have displayed a recessed entrance to Cahirdown Wood Estate and its development.

We have also shown on that map the location of the internal roadwork in Cahirdown Estate, together with the off-road parking areas.

You will note that there are in the southern internal circulation road, there are five such off- road parking areas, and on the northern circulation road, there are three off -road parking areas.

On the eastern section of that hammer heads of both circulation roads, we have shown the position of two gates marking A and B leading into Ms Pierser's field to the east.

This field is approximately 4.5 acres in area.

DETAILED DESCRIPTION OF FIELD

Apart from the two gates marked A and B, there is a further gate marked Gate E on the north-western side of the field.

This gate now effectively leads to a builder's compound no longer in the ownership of Ms Pierser.

My instructions are that when the farm was initially purchased in 1966 and agricultural traffic would come from the public road (N69) at Point No 2, where there is still an opening, and cut through the grove area just to the north of the N69, and then agricultural traffic having entered the property through Gate 2 would then make its way through what is the green area for Cahirdown Estate and into the field, the subject matter of these proceedings, through Gate E.

06 FEB 2020

LTR DATED _____

LDG- _____

Given that the area of Cahirdown Wood is no longer in the ownerships of Ms Pierse, this Gate E is effectively redundant, but is shown on our map purely for factual accuracy.

The other gate at the northern end of the field is Gate D, which leads to the field to the north of that and access to that field can be gained from the farmyard.

We will reference this through photographs at a later stage in this report.

The only other gate from the field is Gate C which does not lead to the public road, but leads into the grove area, a section of which is still retained by Ms Pierse, and the purpose of Gate C is for access for maintenance purposes of the grove area, the trimming of the trees etc.

If one looks along the eastern boundary of this field, there is a sod and stone fence and there is no access from the field onto what is a private roadway to the east of the field.

Dealing with this private roadway in some detail, you will note that there are a pair of double gates near the access point to the public road, but these gates remain open, and we have shown a number of houses on that road – Mulvihill's house to the east of that private roadway – O'Brien's Cottage and also Stack's premises.

We have also shown an agricultural Gate F just to the north of O'Brien's Cottage, but this does not lead to the Pierse property, but rather leads to what was formerly known as Stacks Lane.

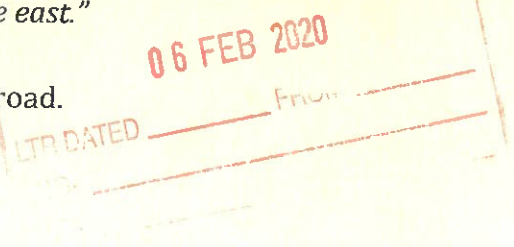
We have shown the position of Stacks Lane by the means of dotted lines and we have also shown the route by which the cattle are brought for milking through Stacks Lane to the adjacent property.

Again, Ms Pierse has no legal rights whatever to create an access onto this road.

I refer to Paragraph 5.3.7 of the Planning Inspector's report on Page 12 of same.

"It is submitted that there is a good quality farm road running along the eastern side of the field in question and that the land owner has the option to open the gates onto it if required. Gates on this side of the field would not give rise to an issue of traffic hazard which is the stated reason Kerry County Council are objecting and pursuing the gates on the western side. furthermore, they would not give rise to any conflicts arising from the resident use of the lands to the west and the agricultural use of the land to the east."

This is factually incorrect as the road to the East is a private road.



Again, it seems to me that this information has come to the Inspector from an examination of Kerry County Council correspondence and I believe that this "misinformation" coloured the Inspector's approach to the crucial issue.

TECHNICAL CONSIDERATIONS

I think one must accept from a technical point of view that a new farm entrance onto the busy N69 could give rise to a traffic hazard from the point of view of the fact that maximum speed limit applies to the public road of 100kmph in that area, and slow moving vehicles entering or leaving the property could endanger public safety.

However, in that context the existing vehicular entrance to Cahirdown Woods has a splayed and recessed entrance where good sightlines prevail, and there is no difficulty with using that entrance from a technical point, provided of course that the traffic being generated from Gates A and B does not, of their own accord, become a hazard **within the** Cahirdown Estate development.

In that context, I have reviewed in detail the proposed use of this field.

Currently the field is being grazed by cattle accessing the field from Gate D.

In other words, at present this field is used directly in conjunction to the adjacent field to the north and its continued use for grazing proposes will always be intrinsically linking with the field to the north.

When considering whether the agricultural use of the field and the use of Gates A and B constitute a traffic hazard, one must consider two factors in detail:

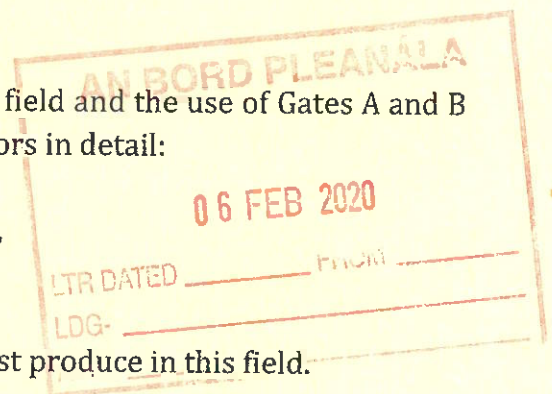
- a) The type of traffic that would be generated and,
- b) The volume of traffic generation.

I am instructed that it is proposed that to develop forest produce in this field.

Eilen Piense has advised that she proposes to develop the 4.5 acres in this field, together with approximately 2 acres of the field to the north for Forest Produce.

The development eventually involves ploughing and planting trees in this area.

A single furrow ploughing system is used to plough the field and after the initial ploughing and planting is done, subsequently the traffic generated by this undoubtedly exempted development would be a jeep or a van with a trailer and a ride-on type lawn mower, or a small type chainsaw.



The harvesting is done manually.

Accordingly therefore, I am satisfied that apart from the initial agricultural type vehicles which would need to access the lands for ploughing, that the ongoing maintenance traffic to and from these lands would be similar to domestic vehicles which are presently used in the Cahirdown Woods Estate and would not generate a traffic hazard in my opinion.

The Cahirdown Woods Estate is an open plan Estate and thus excellent sightlines prevail for vehicles entering or leaving Gates A and B.

During the occasion of my visits there, it was noted that one resident is a lorry driver and brings his lorry home at night. Other residents drive vans for work and park their vans adjacent to their home.

I am advised that the harvesting and maintenance programme will NOT generate more than 300 van or jeep movements per annum.

I do not consider that the type of traffic that would be generated for the maintenance of this undoubted agricultural activity could constitute a traffic hazard or would generate the type of volumes of traffic that would endanger public safety.

PHOTOGRAPHS

I am attaching herewith a series of photographs which I have taken and which will be of assistance.

Photographs (1) and (2)

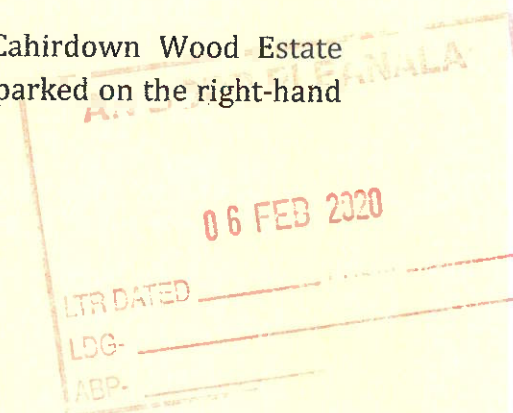
These photographs show typical views looking along the Cahirdown Wood Estate internal circulation road. You will note the position of a lorry parked on the right-hand side of the road and two vans on the left-hand side.

Photograph (3)

This photograph shows a close-view of Gate B.

Photographs (4) to (6)

These photographs show close view of Gate B.



Photograph (7)

This photograph shows a view of the current chain and padlock on the gate.

Photograph (8)

This photograph shows a view taken from Gate B facing west along the internal circulation road from the hammer-head in the Estate.

Accordingly therefore, this is where vans servicing the forest product harvesting would enter into the hammer-head.

There are clear signs available and I do not consider that this type of traffic generation would create a traffic hazard.

Photograph (9)

This photograph shows a view of Gate A.

Photograph (10)

This photograph shows a view taken from Gate A facing west.

Again, there are excellent sightlines of footpaths and of all the open plan areas and the individual areas of all the houses on the left-hand side of the photograph.

Photograph (11)

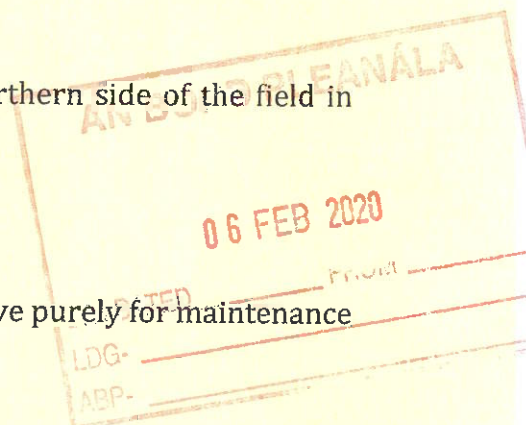
This photograph shows a view of Gate D which is on the northern side of the field in question.

Photograph (12)

This photograph shows a view of Gate C which leads to the grove purely for maintenance purposes.

Photograph (13)

This photograph shows a view of the double gates at the entrance to the private road to the east of the field in question.



Photograph (14)

This photograph shows a view of Gate F adjacent to the Stack holding. Note this gate does not access Ms Pierse's lands.

Photograph (15)

This photograph shows a further view of this gate in relation to the houses constructed along the private road.

Photographs (16) to (19)

These photographs show views of the type of forest produce that is anticipated that would be maintained at a height of approximately 1m in height, and are clipped by means of a general operative traveling between the adjacent furrows with a ride-on type lawn mower and the trimmings or clippings are then put into crates and transported off side by vans or jeeps.

CONCLUSIONS

The Planning Inspector considered the observations of the third parties in making her detailed planning report.

One of the observations suggested for example that Entrance No 2 off the N69 was available, and if that entrance was to be used, then agricultural vehicles could travel towards the east along that grove area and enter the field through Gate C.

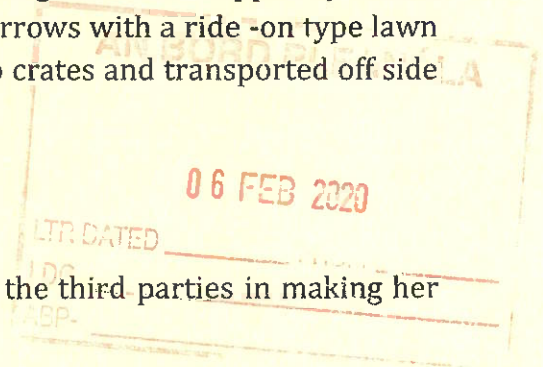
Ms Pierse does not own the entire frontage of the grove area and therefore cannot use Entrance 2 and thus access Gate C.

Entrance 3 was previously granted by Kerry County Council in the year 2000 and is now closed off due to a Judicial Review Notice.

Entrance 4 has been refused twice by Kerry County Council and it is referenced in the Inspectors report - Planning Registration 374/10.

Accordingly, Ms Pierse finds herself in a position where there is field of approximately 4.5 acres which currently can only be accessed from the field to the north.

The current specific agricultural use of that field therefore is intrinsically tied to the use of the field to the north.



We have shown on the map the contours of that field with the 63m contours on the boundary fence between the two fields, and then the field is sloping towards the public road with the 61m contour also shown on the map approximately 20m to the north of the public road. The southern section of the field gets very wet and this is obvious from walking on it, where animal have poached heavily on the surface.

Ms Pierse wants to carry out a different agricultural activity in this field then in the field to the north and wants to engage in Forest Produce.

This would involve ploughing the field and planting it and maintaining the trees at a low level of approximately 1m in height through regular clipping, by a small mechanical hand held tool, similar to a chainsaw.

The clippings are then collected manually and placed into small covered trailers to be towed by a van or a jeep.

Once the planting activity has been carried out which involves the ploughing of the field, all that would be required for the ongoing maintenance is a small area of hard standing surface would occur to the east of Gates A and B where the jeeps/vans that would be accessing the field could park whilst the clipping and harvesting took place.

The instructions are that the traffic generated here would be similar to domestic traffic and would not exceed on average 300 vehicle movements per annum.

In the context of the existing traffic generated by the current housing development, this extra traffic generation would **not** in my view create a traffic hazard and endanger public safety.

I am aware of the restrictions on exemption quoted in Regulations 9(1)(a)(ii) and (iii) of SI600 of 2001.

The Gates, A and B do not lead out onto a public road, and in my opinion, will not endanger public safety by reason of traffic hazard or the obstruction of road users.

Furthermore, the planting of afforestation as envisaged is an exempted development under Class 15 of SI600 of 2001.

The removal of any sod and stone fences is also an exempted development.

AN BÉIRNE LEANÁLA

06 FEB 2020

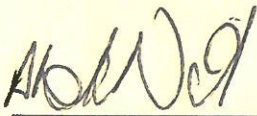
DATE DATED _____ FROM _____

BY _____

FOR _____

Please note that we are having an automated traffic study conducted on the overall traffic general by Cahirdown Woods Development and therefore once that specific information is available we will be able to “express the proposal traffic generated” as a percentage of that current traffic, which percentage I expect will be extremely low.

Yours faithfully



TONY O'KEEFFE & PARTNERS

AN BORD PLEANÁLA

06 FEB 2020

LTR DATED _____

LDG- _____

SP- _____

Photographs



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 9

AN BORD PLEANALA

06 FEB 2020

LTR DATED _____ FROM _____

EDG- _____

ABP- _____



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17

06 FEB 2020
LTR DATED _____
LDG _____



Photograph 18



Photograph 19

AN BORD PLEANÁLA

06 FEB 2020

LTR DATED _____ FROM _____

LDG- _____

KSP- _____

ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

Summary

Week Comm:

Tuesday 9 May 2017

Site 01

Ath/17/067

Location Access to Cahirdown Woods Estate, Listowel (Google Maps Ref: 52.448649, -9.462245)

Speed Survey Summary

ENTRY 85% Speed = 23.58 km/h, 95% Speed = 25.74 km/h, Median = 19.98 km/h
EXIT 85% Speed = 23.13 km/h, 95% Speed = 25.20 km/h, Median = 20.34 km/h
 Maximum = 33.1 km/h, Minimum = 6.3 km/h, Mean = 19.9 km/h
 Maximum = 29.3 km/h, Minimum = 0.0 km/h, Mean = 19.7 km/h

Volumetric Vehicle Counts:

Direction	Time	Tuesday 9 May 2017	Wednesday 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	No. Vehicles	7 day Mean
ENTRY	07-19	108	85	119	106	90	77	86	671	96
EXIT	07-19	114	90	120	112	100	80	92	709	101
ENTRY	08-00	146	123	161	154	132	105	113	984	138
EXIT	08-00	153	124	152	153	130	105	110	928	133

Peak Flows Summary

Peak	AM	TP	PM
Most Frequent Peak Hour	0900	1300	1800
Average Vehicles per Peak Hour	8	18	16

AN BORD PLEANÁLA
 06 FEB 2020
 LTR DATED _____ FROM _____
 LDG- _____
 ABP- _____

ABACUS TRANSPORTATION SURVEYS

BORD PLEANÁLA

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

Tuesday 9 May 2017

Ath/17/067

06 FEB 2020

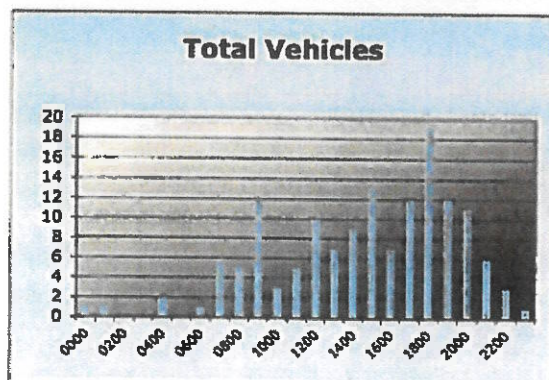
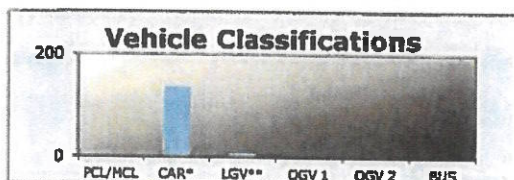
**Site 01
ENTRY**

LTR DATED _____ FROM _____

LDG- _____

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	1	0	0	0	0	1	1
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	1	1	0	0	0	0	2	1
0500	0	0	0	0	0	0	0	0
0600	0	1	0	0	0	0	1	1
0700	0	5	1	0	0	0	6	6
0800	0	5	0	0	0	0	5	5
0900	0	12	0	0	0	0	12	12
1000	0	3	0	0	0	0	3	3
1100	0	5	0	0	0	0	5	5
1200	0	8	2	0	0	0	10	10
1300	0	6	1	0	0	0	7	7
1400	0	9	0	0	0	0	9	9
1500	0	13	0	0	0	0	13	13
1600	0	6	1	0	0	0	7	7
1700	0	12	0	0	0	0	12	12
1800	0	18	1	0	0	0	19	19
1900	0	11	1	0	0	0	12	12
2000	0	10	1	0	0	0	11	11
2100	0	6	0	0	0	0	6	6
2200	0	3	0	0	0	0	3	3
2300	0	1	0	0	0	0	1	1
07-19	0	102	8	0	0	0	108	108
06-22	0	130	8	0	0	0	138	138
05-00	0	134	8	0	0	0	142	142
00-00	1	137	8	0	0	0	146	145

Peaks	Time	Vehicles	PCU's
AM	0900	12	12
IP	1200	10	10
PM	1800	19	19



06 FEB 2020

ABACUS TRANSPORTATION SURVEYS

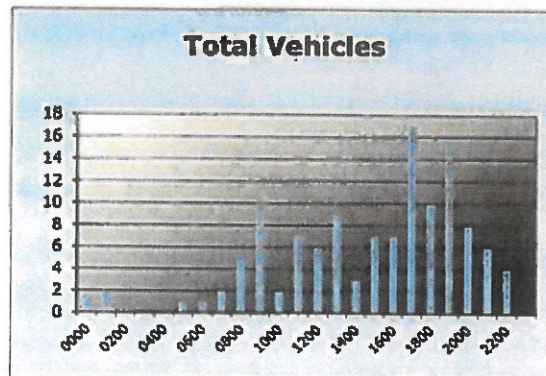
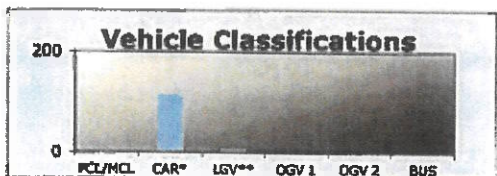
**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

LTR DATED _____ From _____
Wednesday 10 May 2017
RDP: **Ath/17/067**

**Site 01
ENTRY**

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	2	0	0	0	0	2	2
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	1	0	0	0	0	1	1
0600	0	0	1	0	0	0	1	1
0700	0	2	0	0	0	0	2	2
0800	0	5	0	0	0	0	5	5
0900	0	10	0	0	0	0	10	10
1000	0	2	0	0	0	0	2	2
1100	0	6	1	0	0	0	7	7
1200	0	6	0	0	0	0	6	6
1300	0	8	0	1	0	0	9	10
1400	0	3	0	0	0	0	3	3
1500	0	7	0	0	0	0	7	7
1600	0	7	0	0	0	0	7	7
1700	0	16	1	0	0	0	17	17
1800	0	9	1	0	0	0	10	10
1900	1	12	2	0	0	0	15	14
2000	0	8	0	0	0	0	8	8
2100	0	5	1	0	0	0	6	6
2200	0	4	0	0	0	0	4	4
2300	0	0	0	0	0	0	0	0
04-13	0	83	3	1	0	0	85	86
06-22	1	106	7	1	0	0	115	115
08-06	1	110	7	1	0	0	119	119
09-00	1	114	7	1	0	0	123	123

Peaks	Time	Vehicles	PCU's
AM	0900	10	10
IP	1300	9	9.5
PM	1700	17	17



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

Thursday 11 May 2017

Ath/17/067

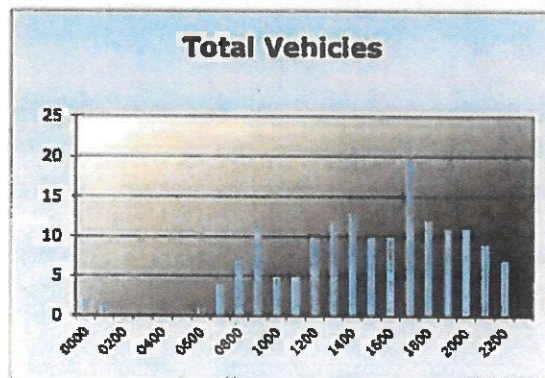
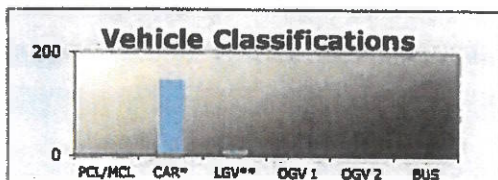
**Site 01
ENTRY**

06 FEB 2020

LETTER DATED _____ FROM _____
IDG: _____

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	2	0	0	0	0	2	2
0100	0	1	0	0	0	0	1	1
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0
0600	0	0	1	0	0	0	1	1
0700	0	4	0	0	0	0	4	4
0800	0	6	1	0	0	0	7	7
0900	0	10	1	0	0	0	11	11
1000	0	5	0	0	0	0	5	5
1100	0	3	0	2	0	0	5	6
1200	1	9	0	0	0	0	10	9
1300	0	11	1	0	0	0	12	12
1400	0	12	1	0	0	0	13	13
1500	0	10	0	0	0	0	10	10
1600	0	9	1	0	0	0	10	10
1700	0	18	2	0	0	0	20	20
1800	0	11	1	0	0	0	12	12
1900	0	11	0	0	0	0	11	11
2000	0	9	2	0	0	0	11	11
2100	0	9	0	0	0	0	9	9
2200	0	7	0	0	0	0	7	7
2300	0	0	0	0	0	0	0	0
07-19	1	106	8	2	0	0	116	119
06-22	1	137	11	2	0	0	151	151
05-20	1	144	11	2	0	0	158	158
00-00	1	147	11	2	0	0	161	161

Peaks	Time	Vehicles	PCU's
AM	0900	11	11
IP	1400	13	13
PM	1700	20	20



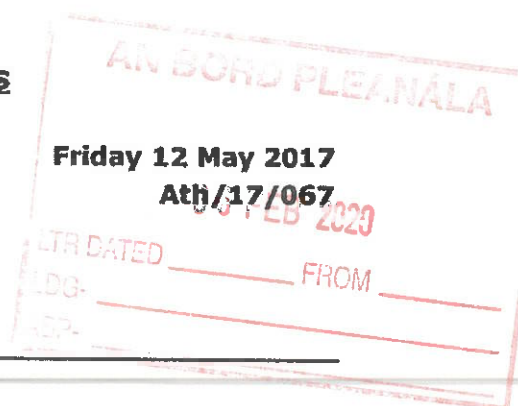
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

Friday 12 May 2017

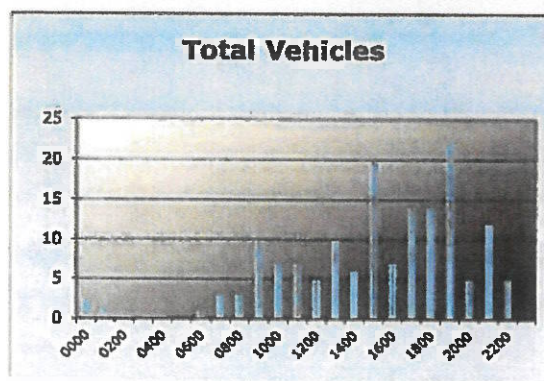
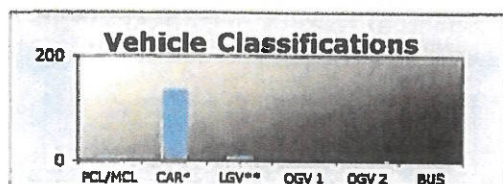
Ath/17/067

**Site 01
ENTRY**



TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	2	0	0	0	0	2	2
0100	0	1	0	0	0	0	1	1
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0
0600	0	0	1	0	0	0	1	1
0700	0	3	0	0	0	0	3	3
0800	0	3	0	0	0	0	3	3
0900	0	10	0	0	0	0	10	10
1000	1	6	0	0	0	0	7	6
1100	0	7	0	0	0	0	7	7
1200	0	5	0	0	0	0	5	5
1300	0	8	1	1	0	0	10	11
1400	0	6	0	0	0	0	6	6
1500	0	18	2	0	0	0	20	20
1600	0	7	0	0	0	0	7	7
1700	0	12	2	0	0	0	14	14
1800	0	14	0	0	0	0	14	14
1900	5	14	3	0	0	0	22	18
2000	0	5	0	0	0	0	5	5
2100	1	10	1	0	0	0	12	11
2200	0	5	0	0	0	0	5	5
2300	0	0	0	0	0	0	0	0
07-15	1	20	3	1	0	0	24	19
06-22	7	128	10	1	0	0	146	141
06-00	7	133	10	1	0	0	151	146
00-00	7	136	10	1	0	0	154	149

Peaks	Time	Vehicles	PCU's
AM	0900	10	10
IP	1300	10	10.5
PM	1700	14	14



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

**Site 01
ENTRY**

**Saturday 13 May 2017
Ath/17/067**

06 FEB 2020

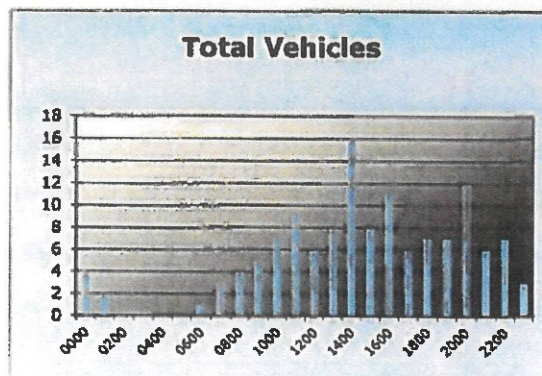
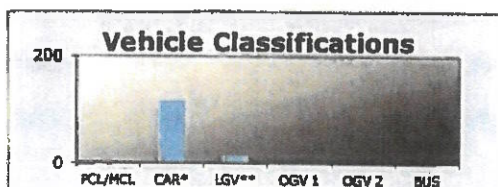
LTR DATED _____ FROM _____

LDG- _____

FAHP- _____

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	4	0	0	0	0	4	4
0100	0	2	0	0	0	0	2	2
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0
0600	0	0	1	0	0	0	1	1
0700	0	2	1	0	0	0	3	3
0800	0	3	1	0	0	0	4	4
0900	0	5	0	0	0	0	5	5
1000	0	5	2	0	0	0	7	7
1100	0	9	0	0	0	0	9	9
1200	0	6	0	0	0	0	6	6
1300	0	6	2	0	0	0	8	8
1400	0	13	3	0	0	0	16	16
1500	0	7	1	0	0	0	8	8
1600	0	10	1	0	0	0	11	11
1700	0	5	1	0	0	0	6	6
1800	0	7	0	0	0	0	7	7
1900	0	7	0	0	0	0	7	7
2000	0	11	1	0	0	0	12	12
2100	0	6	0	0	0	0	6	6
2200	0	7	0	0	0	0	7	7
2300	0	3	0	0	0	0	3	3
07-19	0	78	12	0	0	0	90	90
06-22	0	102	14	0	0	0	116	116
06-00	0	112	14	0	0	0	126	126
00-00	0	118	14	0	0	0	132	132

Peaks	Time	Vehicles	PCU's
AM	0900	5	5
IP	1400	16	16
PM	1600	11	11



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

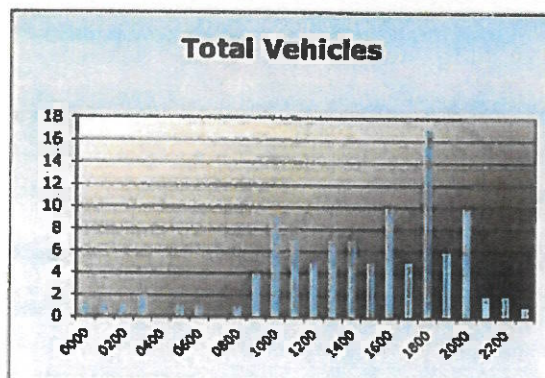
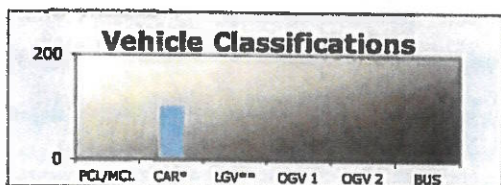
**Sunday 14 May 2017
Ath/17/067**

**Site 01
ENTRY**

06 FEB 2020

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	1	0	0	0	0	1	1
0200	0	1	0	0	0	0	1	1
0300	0	2	0	0	0	0	2	2
0400	0	0	0	0	0	0	0	0
0500	0	1	0	0	0	0	1	1
0600	0	1	0	0	0	0	1	1
0700	0	0	0	0	0	0	0	0
0800	0	1	0	0	0	0	1	1
0900	0	4	0	0	0	0	4	4
1000	0	9	0	0	0	0	9	9
1100	0	7	0	0	0	0	7	7
1200	0	5	0	0	0	0	5	5
1300	0	7	0	0	0	0	7	7
1400	1	5	1	0	0	0	7	6
1500	0	5	0	0	0	0	5	5
1600	0	10	0	0	0	0	10	10
1700	0	5	0	0	0	0	5	5
1800	0	17	0	0	0	0	17	17
1900	0	6	0	0	0	0	6	6
2000	0	10	0	0	0	0	10	10
2100	0	1	1	0	0	0	2	2
2200	0	2	0	0	0	0	2	2
2300	0	1	0	0	0	0	1	1
07-18	1	75	1	0	0	0	77	76
06-22	1	93	2	0	0	0	96	95
05-09	1	96	2	0	0	0	99	98
00-00	1	102	2	0	0	0	105	104

Peaks	Time	Vehicles	PCU's
AM	0900	4	4
IP	1300	7	7
PM	1800	17	17



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

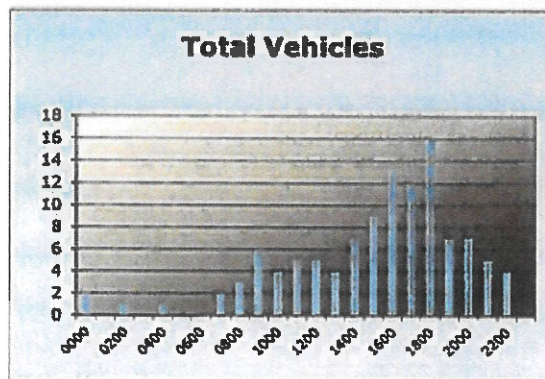
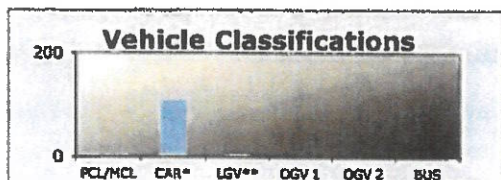
**Monday 15 May 2017
Ath/17/067**

**Site 01
ENTRY**

EAMALA
06 FEB 2020
DATE DATED FROM

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	2	0	0	0	0	2	2
0100	0	0	0	0	0	0	0	0
0200	0	1	0	0	0	0	1	1
0300	0	0	0	0	0	0	0	0
0400	0	1	0	0	0	0	1	1
0500	0	0	0	0	0	0	0	0
0600	0	0	0	0	0	0	0	0
0700	0	2	0	0	0	0	2	2
0800	0	2	1	0	0	0	3	3
0900	0	6	0	0	0	0	6	6
1000	0	3	1	0	0	0	4	4
1100	0	5	0	0	0	0	5	5
1200	0	5	0	0	0	0	5	5
1300	0	4	0	0	0	0	4	4
1400	0	7	0	0	0	0	7	7
1500	0	8	1	0	0	0	9	9
1600	0	13	0	0	0	0	13	13
1700	0	12	0	0	0	0	12	12
1800	0	16	0	0	0	0	16	16
1900	0	6	1	0	0	0	7	7
2000	0	7	0	0	0	0	7	7
2100	0	5	0	0	0	0	5	5
2200	0	4	0	0	0	0	4	4
2300	0	0	0	0	0	0	0	0
07-19	0	83	3	0	0	0	86	86
06-22	0	101	4	0	0	0	105	105
06-00	0	105	4	0	0	0	109	109
00-00	0	109	4	0	0	0	113	113

Peaks	Time	Vehicles	PCU's
AM	0900	6	6
IP	1400	7	7
PM	1800	16	16



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

**Tuesday 9 May 2017
Ath/17/067**

**Site 01
EXIT**

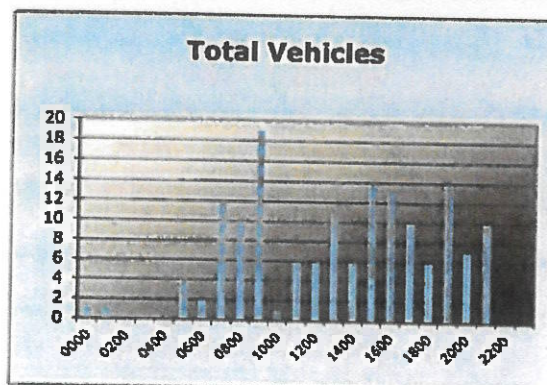
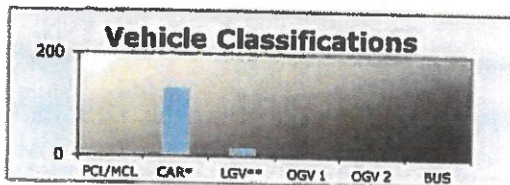
APPROVED FOR RELEASE

06 FEB 2020

LTR DATED
EDG. FROM

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	1	0	0	0	0	1	1
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	1	2	1	0	0	0	4	3
0600	0	2	0	0	0	0	2	2
0700	0	9	2	1	0	0	12	13
0800	0	9	1	0	0	0	10	10
0900	0	17	1	1	0	0	19	20
1000	0	1	0	0	0	0	1	1
1100	0	5	1	0	0	0	6	6
1200	0	5	1	0	0	0	6	6
1300	0	11	0	0	0	0	11	11
1400	0	6	0	0	0	0	6	6
1500	0	13	1	0	0	0	14	14
1600	0	12	1	0	0	0	13	13
1700	0	9	1	0	0	0	10	10
1800	0	3	2	1	0	0	6	7
1900	0	12	2	0	0	0	14	14
2000	0	6	1	0	0	0	7	7
2100	0	9	1	0	0	0	10	10
2200	0	0	0	0	0	0	0	0
2300	0	0	0	0	0	0	0	0
04-14	0	108	11	3	0	0	114	116
06-22	0	129	15	3	0	0	147	149
08-20	0	129	15	3	0	0	147	149
00-00	1	133	16	3	0	0	153	154

Peaks	Time	Vehicles	PCU's
AM	0900	19	19.5
IP	1300	11	11
PM	1600	13	13



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

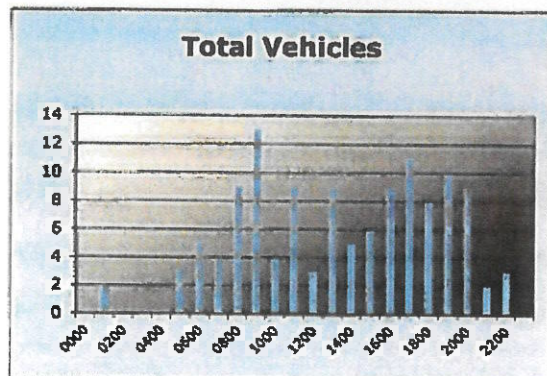
**Wednesday 10 May 2017
Ath/17/067**

**Site 01
EXIT**

06 FEB 2020
LTR DATED _____
FROM _____
SP- _____

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	0	0	0	0	0	0	0
0100	0	2	0	0	0	0	2	2
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	2	1	0	0	0	3	3
0600	1	3	0	1	0	0	5	5
0700	0	4	0	0	0	0	4	4
0800	0	9	0	0	0	0	9	9
0900	0	13	0	0	0	0	13	13
1000	0	3	1	0	0	0	4	4
1100	0	6	2	1	0	0	9	10
1200	0	1	2	0	0	0	3	3
1300	0	8	1	0	0	0	9	9
1400	0	4	0	1	0	0	5	6
1500	0	6	0	0	0	0	6	6
1600	0	8	1	0	0	0	9	9
1700	0	10	1	0	0	0	11	11
1800	0	7	1	0	0	0	8	8
1900	1	7	2	0	0	0	10	9
2000	0	7	2	0	0	0	9	9
2100	0	2	0	0	0	0	2	2
2200	0	2	0	1	0	0	3	4
2300	0	0	0	0	0	0	0	0
07-18	0	79	9	2	0	0	90	91
06-22	2	98	13	3	0	0	116	116
06-00	2	100	13	4	0	0	117	119
00-00	2	104	14	4	0	0	124	124

Peaks	Time	Vehicles	PCU's
AM	0900	13	13
IP	1300	9	9
PM	1700	11	11

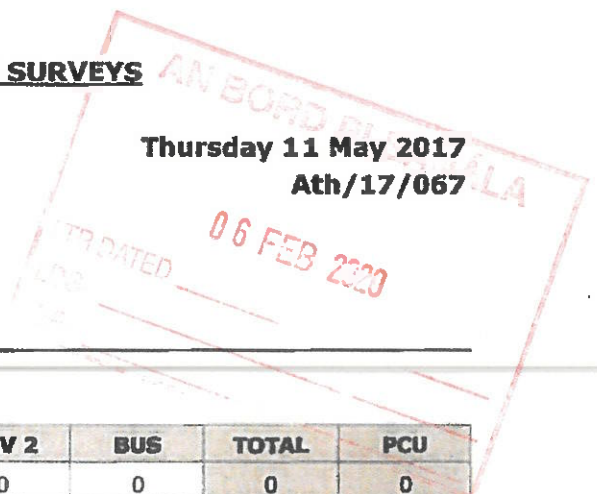


ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

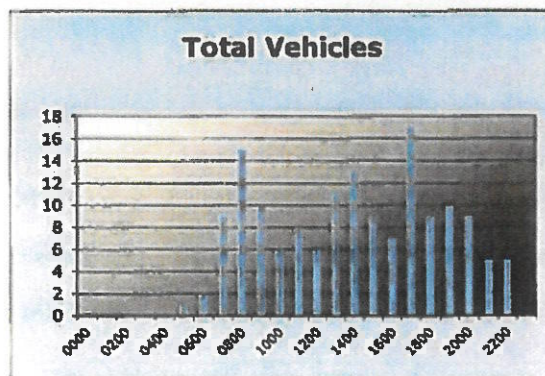
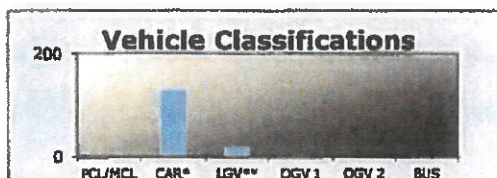
**Thursday 11 May 2017
Ath/17/067**

**Site 01
EXIT**



TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	0	0	0	0	0	0	0
0100	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	1	0	0	0	0	1	1
0600	0	1	1	0	0	0	2	2
0700	0	7	1	1	0	0	9	10
0800	0	13	2	0	0	0	15	15
0900	0	8	2	0	0	0	10	10
1000	0	6	0	0	0	0	6	6
1100	0	8	0	0	0	0	8	8
1200	0	5	1	0	0	0	6	6
1300	0	9	2	0	0	0	11	11
1400	0	10	3	0	0	0	13	13
1500	0	9	0	0	0	0	9	9
1600	0	5	2	0	0	0	7	7
1700	0	14	2	1	0	0	17	18
1800	0	8	0	1	0	0	9	10
1900	0	8	2	0	0	0	10	10
2000	0	8	1	0	0	0	9	9
2100	0	4	1	0	0	0	5	5
2200	0	5	0	0	0	0	5	5
2300	0	0	0	0	0	0	0	0
07-19	0	102	15	3	0	0	120	127
06-22	0	123	20	3	0	0	146	148
06-00	0	124	20	3	0	0	147	153
00-00	0	129	20	3	0	0	152	154

Peaks	Time	Vehicles	PCU's
AM	0800	15	15
IP	1400	13	13
PM	1700	17	17.5



06 FEB 2020

ABACUS TRANSPORTATION SURVEYS

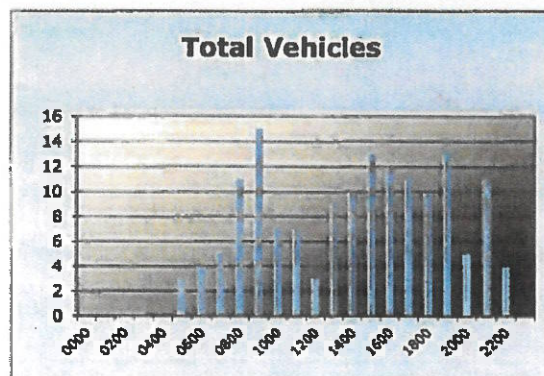
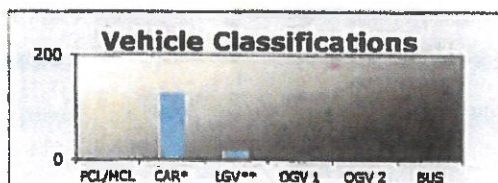
**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

REPORT DATED
Friday 12 May 2017
LDG- **Ath/17/067**
RSP-

**Site 01
EXIT**

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	0	0	0	0	0	0	0
0100	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	3	0	0	0	0	3	3
0600	0	2	1	1	0	0	4	5
0700	0	4	1	0	0	0	5	5
0800	0	9	2	0	0	0	11	11
0900	1	13	1	0	0	0	15	14
1000	0	7	0	0	0	0	7	7
1100	0	7	0	0	0	0	7	7
1200	0	2	0	1	0	0	3	4
1300	0	8	1	0	0	0	9	9
1400	1	7	1	1	0	0	10	10
1500	0	12	1	0	0	0	13	13
1600	0	11	1	0	0	0	12	12
1700	0	10	1	0	0	0	11	11
1800	0	10	0	0	0	0	10	10
1900	3	8	1	0	1	0	13	12
2000	0	3	2	0	0	0	5	5
2100	0	8	3	0	0	0	11	11
2200	0	3	1	0	0	0	4	4
2300	0	0	0	0	0	0	0	0
07-19	2	100	9	2	0	0	113	112
06-22	5	121	16	3	1	0	146	145
08-00	5	124	17	3	1	0	150	149
00-00	5	127	17	3	1	0	153	152

Peaks	Time	Vehicles	PCU's
AM	0900	15	14.2
IP	1400	10	9.7
PM	1600	12	12



AN BORD PLEANALA

06 FEB 2020

UPDATED

Saturday 13 May 2017

Ath/17/067

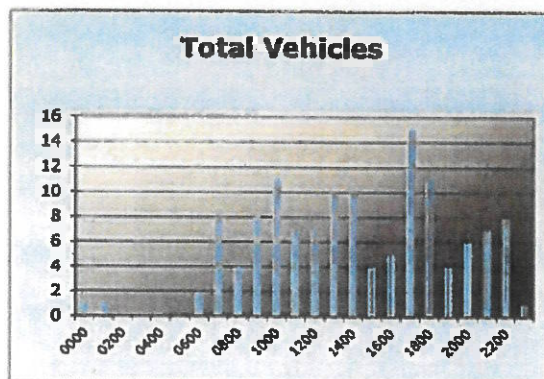
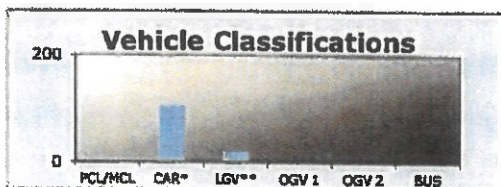
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

**Site 01
EXIT**

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	1	0	0	0	0	1	1
0200	0	0	0	0	0	0	0	0
0300	0	0	0	0	0	0	0	0
0400	0	0	0	0	0	0	0	0
0500	0	0	0	0	0	0	0	0
0600	0	1	0	1	0	0	2	3
0700	0	2	4	1	1	0	8	10
0800	0	4	0	0	0	0	4	4
0900	0	7	1	0	0	0	8	8
1000	0	10	1	0	0	0	11	11
1100	0	7	0	0	0	0	7	7
1200	0	6	1	0	0	0	7	7
1300	0	8	2	0	0	0	10	10
1400	0	7	3	0	0	0	10	10
1500	0	2	2	0	0	0	4	4
1600	0	4	1	0	0	0	5	5
1700	0	12	3	0	0	0	15	15
1800	0	9	2	0	0	0	11	11
1900	0	4	0	0	0	0	4	4
2000	0	6	0	0	0	0	6	6
2100	0	6	1	0	0	0	7	7
2200	0	8	0	0	0	0	8	8
2300	0	1	0	0	0	0	1	1
07-18	0	78	20	1	1	0	100	102
06-22	0	95	21	2	1	0	119	121
09-00	0	104	21	2	1	0	128	130
00-00	0	106	21	2	1	0	130	132

Peaks	Time	Vehicles	PCU's
AM	0700	8	9.8
IP	1300	10	10
PM	1700	15	15



AN BORD PLEANÁLA

06 FEB 2020

STR DATED

Sunday 14 May 2017

Ath/17/067

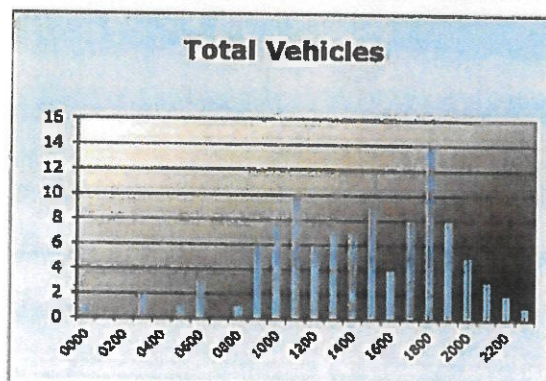
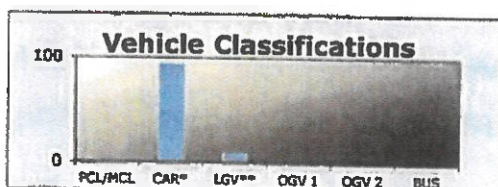
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

**Site 01
EXIT**

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	0	0	0	0	0	0	0
0200	0	0	0	0	0	0	0	0
0300	0	1	1	0	0	0	2	2
0400	0	0	0	0	0	0	0	0
0500	0	1	0	0	0	0	1	1
0600	0	3	0	0	0	0	3	3
0700	0	0	0	0	0	0	0	0
0800	0	1	0	0	0	0	1	1
0900	0	6	0	0	0	0	6	6
1000	0	7	1	0	0	0	8	8
1100	0	9	1	0	0	0	10	10
1200	0	6	0	0	0	0	6	6
1300	0	6	1	0	0	0	7	7
1400	1	5	1	0	0	0	7	6
1500	0	7	2	0	0	0	9	9
1600	0	4	0	0	0	0	4	4
1700	0	8	0	0	0	0	8	8
1800	0	13	1	0	0	0	14	14
1900	0	7	1	0	0	0	8	8
2000	0	5	0	0	0	0	5	5
2100	0	2	1	0	0	0	3	3
2200	0	2	0	0	0	0	2	2
2300	0	0	0	1	0	0	1	2
07-23	1	72	7	0	0	0	80	79
06-22	1	89	9	0	0	0	99	98
05-00	1	91	9	1	0	0	102	102
00-00	1	94	10	1	0	0	106	106

Peaks	Time	Vehicles	PCU's
AM	0900	6	6
IP	1300	7	7
PM	1800	14	14



AN BORD PLEANÁLA

06 FEB 2020

Monday 15 May 2017

Ath/17/067

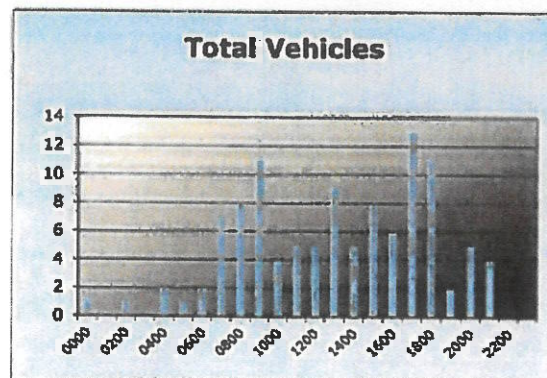
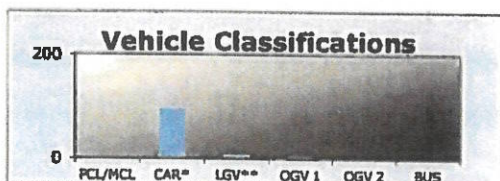
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

**Site 01
EXIT**

TIME	PCL/MCL	CAR*	LGV**	OGV 1	OGV 2	BUS	TOTAL	PCU
0000	0	1	0	0	0	0	1	1
0100	0	0	0	0	0	0	0	0
0200	0	1	0	0	0	0	1	1
0300	0	0	0	0	0	0	0	0
0400	0	2	0	0	0	0	2	2
0500	0	1	0	0	0	0	1	1
0600	0	1	0	1	0	0	2	3
0700	0	5	2	0	0	0	7	7
0800	0	7	0	1	0	0	8	9
0900	1	9	1	0	0	0	11	10
1000	0	2	2	0	0	0	4	4
1100	0	5	0	0	0	0	5	5
1200	0	4	0	1	0	0	5	6
1300	0	9	0	0	0	0	9	9
1400	0	5	0	0	0	0	5	5
1500	0	7	1	0	0	0	8	8
1600	0	6	0	0	0	0	6	6
1700	0	13	0	0	0	0	13	13
1800	0	9	1	1	0	0	11	12
1900	0	2	0	0	0	0	2	2
2000	0	4	1	0	0	0	5	5
2100	1	3	0	0	0	0	4	3
2200	0	0	0	0	0	0	0	0
2300	0	0	0	0	0	0	0	0
07-13	1	91	7	3	0	0	92	93
06-22	2	91	8	4	0	0	105	105
07-20	2	91	8	4	0	0	105	105
00-00	2	96	8	4	0	0	110	110

Peaks	Time	Vehicles	PCU's
AM	0900	11	10.2
IP	1300	9	9
PM	1700	13	13



ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

**Site 01
ENTRY**

Week Comm.:

**Tuesday 9 May 2017
Ath/17/067**

TIME PERIOD	Tuesday 9 May 2017	Wednesday 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	Average
0000	1	1	2	2	4	1	2	2
0100	1	2	1	1	2	1	0	1
0200	0	0	0	0	0	1	1	0
0300	0	0	0	0	0	2	0	0
0400	2	0	0	0	0	0	1	0
0500	0	1	0	0	0	1	0	0
0600	1	1	1	1	1	1	0	1
0700	6	2	4	3	3	0	2	3
0800	5	5	7	3	4	1	3	4
0900	12	10	11	10	5	4	6	8
1000	3	2	5	7	7	9	4	5
1100	5	7	5	7	9	7	5	6
1200	10	6	10	5	6	5	5	7
1300	7	9	12	10	8	7	4	8
1400	9	3	13	6	16	7	7	9
1500	13	7	10	20	8	5	9	10
1600	7	7	10	7	11	10	13	9
1700	12	17	20	14	6	5	12	12
1800	19	10	12	14	7	17	16	14
1900	12	15	11	22	7	6	7	11
2000	11	8	11	5	12	10	7	9
2100	6	6	9	12	6	2	5	7
2200	3	4	7	5	7	2	4	5
2300	1	0	0	0	3	1	0	1
07-19	106	85	119	106	90	77	86	96
06-22	138	115	151	146	116	96	105	124
06-00	147	119	158	151	126	99	109	129
00-00	146	123	161	154	132	105	113	133

AIR BOARD PLEASE
06 FEB 2020
 LTR DATED _____ From _____
 LDG- _____
 TSP- _____

Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

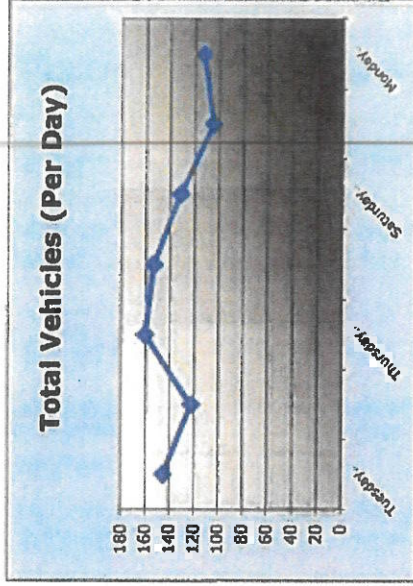
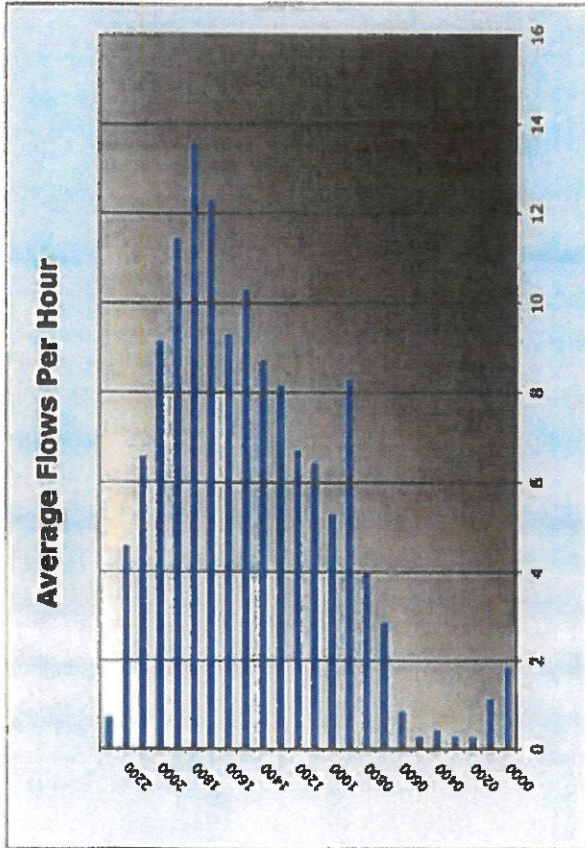
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

**Site 01
ENTRY**

Week Comm.:

**Tuesday 9 May 2017
Ath/17/067**



Peak Time & Volumetric Count Data

	Tuesday 9 May 2017	Wednesday 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	Mode/ Average
AM								
Time	0900	0900	0900	0900	0900	0900	0900	0900
Vehicles	12	10	11	10	5	4	6	8
IP								
Time	1200	1300	1400	1300	1400	1300	1400	1300
Vehicles	10	9	13	10	16	7	7	10
PM								
Time	1800	1700	1700	1700	1600	1800	1800	1800
Vehicles	19	17	20	14	11	17	16	16

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06 FEB 2020
LTR DATED
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Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

ABACL TRANSPORTATION SURVEYS

Cahirdown Woods Traffic Count
Automatic Traffic Count

Site 01
EXIT

Week Comm.:

Tuesday 9 May 2017
Ath/17/067

TIME PERIOD	Tuesday 9 May 2017	Wednesday 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	Average
0000	1	0	0	0	1	1	1	1
0100	1	2	0	0	1	0	0	1
0200	0	0	0	0	0	0	1	0
0300	0	0	0	0	0	2	0	0
0400	0	0	0	0	0	0	2	0
0500	4	3	1	3	0	1	1	2
0600	2	5	2	4	2	3	2	3
0700	12	4	9	5	8	0	7	6
0800	10	9	15	11	4	1	8	8
0900	19	13	10	15	8	6	11	12
1000	1	4	6	7	11	8	4	6
1100	6	9	8	7	7	10	5	7
1200	6	3	6	3	7	6	5	5
1300	11	9	11	9	10	7	9	9
1400	6	5	13	10	10	7	5	8
1500	14	6	9	13	4	9	8	9
1600	13	9	7	12	5	4	6	8
1700	10	11	17	11	15	8	13	12
1800	6	8	9	10	11	14	11	10
1900	14	10	10	13	4	8	2	9
2000	7	9	9	5	6	5	5	7
2100	10	2	5	11	7	3	4	6
2200	0	3	5	4	8	2	0	3
2300	0	0	0	0	1	1	0	0
07-19	114	90	120	113	100	80	92	101
06-22	147	116	146	146	119	99	105	125
06-00	147	119	151	150	120	102	105	129
00-00	153	124	152	153	130	106	110	133

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06 FEB 2020
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Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

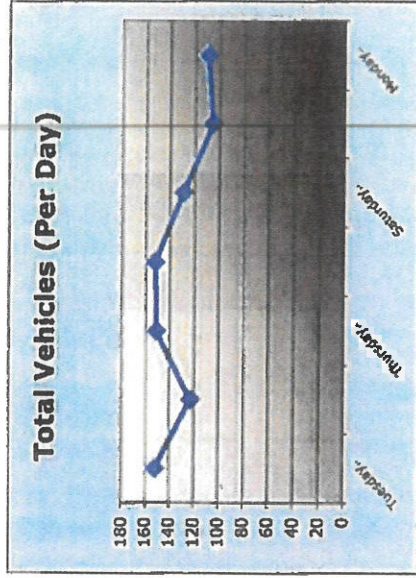
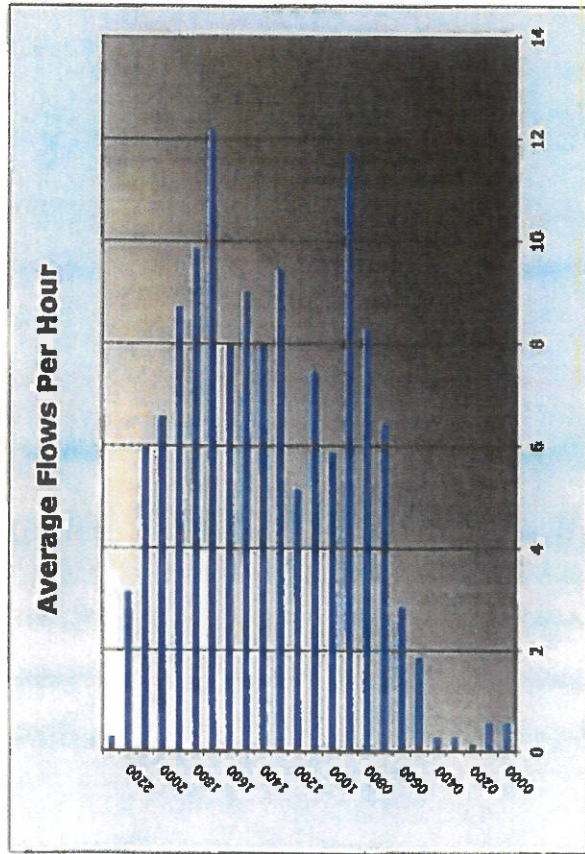
ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

**Site 01
EXIT**

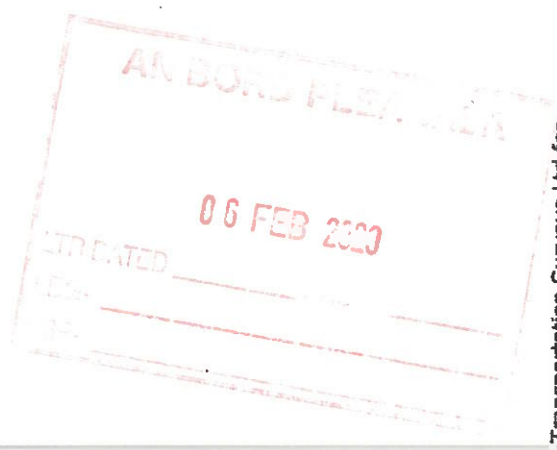
Week Comm.:

**Tuesday 9 May 2017
Ath/17/067**



Peak Time & Volumetric Count Data

	Tuesday 9 May 2017	Wednesda y 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	Mode/ Average
AM								
Time	0900	0900	0800	0900	0700	0900	0900	0900
Vehicles	19	13	19	15	8	6	11	13
IP								
Time	1300	1300	1400	1400	1300	1300	1300	1300
Vehicles	11	9	13	10	10	7	9	10
PM								
Time	1600	1700	1700	1600	1700	1800	1700	1700
Vehicles	13	11	17	12	15	14	13	14



Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

Week Comm:

**Tuesday 9 May 2017
Ath/17/067**

**Site 01
ENTRY**

Profile:

Filter time: 00:00 9th May 2017 => 23:59 15th May 2017

Speed range: 0 - 200 km/h.

Separation: Greater than 4.00 seconds. - (Headway)

Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)

Vehicles: 898

Maximum: = 33.1 km/h, **Minimum:** = 6.3 km/h, **Mean:** = 19.9 km/h

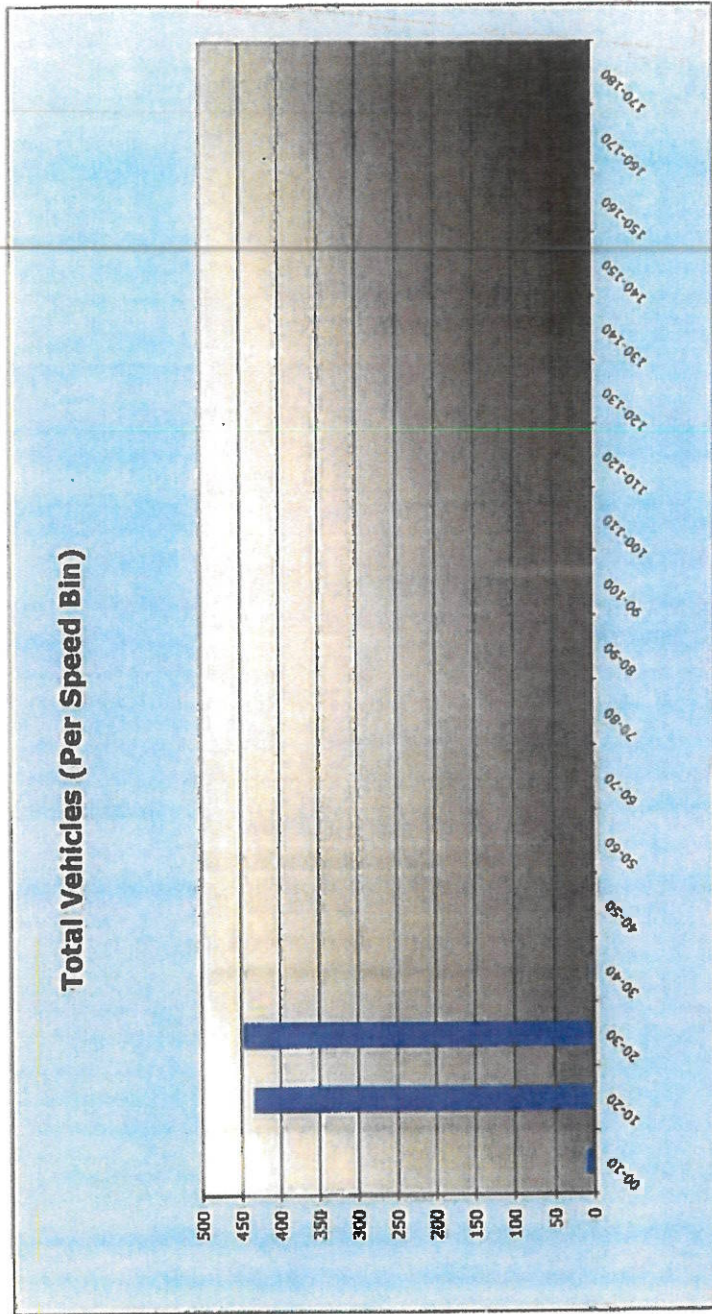
85% Speed: = 23.58 km/h, **95% Speed:** = 25.74 km/h, **Median:** = 19.98 km/h

20 km/h Pace: = 8 - 28, **Number in Pace:** = 889 (99.00%)

Variance: = 13.98, **Standard Deviation:** = 3.74 km/h

Speed Bins:

Speed KPH	No.	%	Bin
00-10	11	1.2	
10-20	435	48.4	
20-30	448	49.9	
30-40	4	0.4	
40-50	0	0.0	
50-60	0	0.0	
60-70	0	0.0	
70-80	0	0.0	
80-90	0	0.0	
90-100	0	0.0	
100-110	0	0.0	
110-120	0	0.0	
120-130	0	0.0	
130-140	0	0.0	
140-150	0	0.0	
150-160	0	0.0	
160-170	0	0.0	
170-180	0	0.0	



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Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Counts**

Week Comm:

**Tuesday 9 May 2017
Ath/17/067**

**Site 01
EXIT**

Profile:

Filter time: 00:00 9th May 2017 => 23:59 15th May 2017

Speed range 0 - 200 km/h.

Separation: Greater than 4.00 seconds. - (Headway)

Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)

Vehicles = 904

Maximum = 29.3 km/h, Minimum = 0.0 km/h, Mean = 19.7 km/h

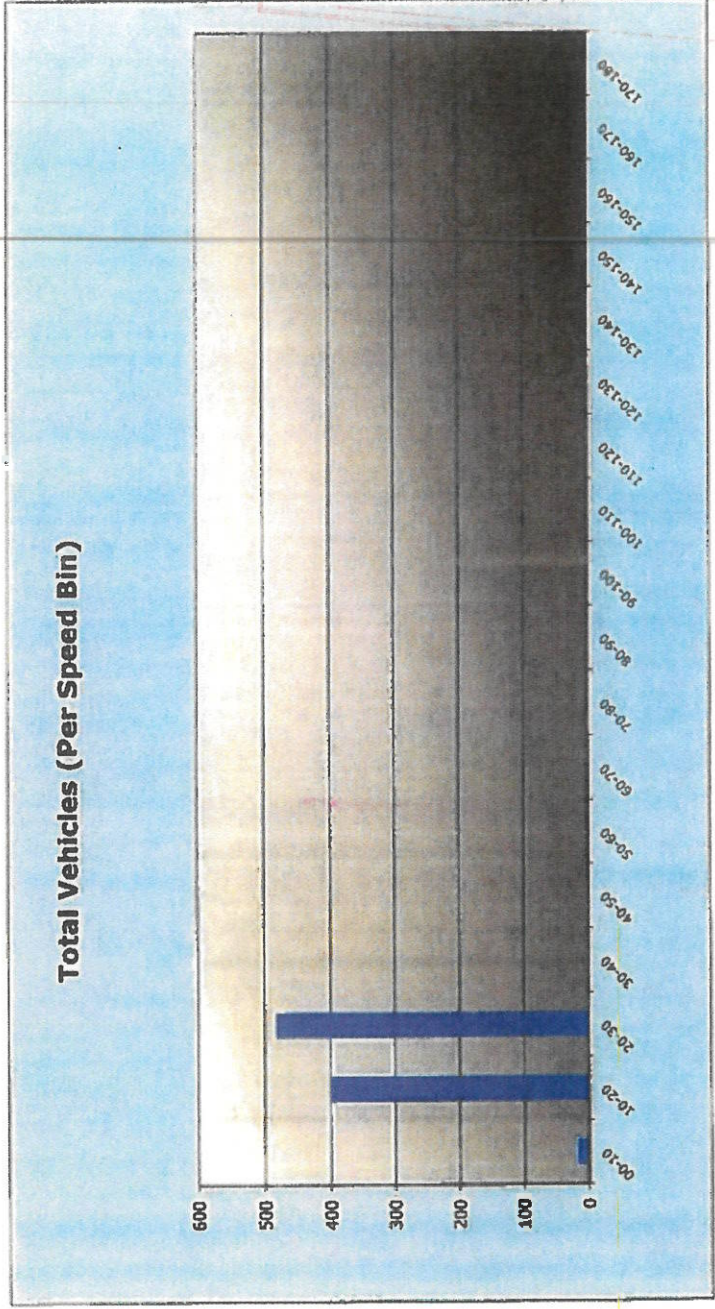
85% Speed = 23.13 km/h, 95% Speed = 25.20 km/h, Median = 20.34 km/h

20 km/h Pace = 8 - 28, Number in Pace = 889 (98.34%)

Variance = 15.09, Standard Deviation = 3.88 km/h

Speed Bins:

Speed KPH	No.	%
00-10	19	2.1
10-20	400	44.2
20-30	485	53.7
30-40	0	0.0
40-50	0	0.0
50-60	0	0.0
60-70	0	0.0
70-80	0	0.0
80-90	0	0.0
90-100	0	0.0
100-110	0	0.0
110-120	0	0.0
120-130	0	0.0
130-140	0	0.0
140-150	0	0.0
150-160	0	0.0
160-170	0	0.0
170-180	0	0.0



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06 FEB 2020
LTR DATED _____ From _____
LDG- _____
ASD- _____

Abacus Transportation Surveys Ltd for
Tony O'Keefe and Partners

Classification Schemes

Scheme F Classification Scheme (Non-metric)

Scheme F is an attempt to implement the FHWA's visual classification scheme as an axle-based classification scheme. This is one of several interpretations.

Vehicle Class	Class	Vehicle Type	No. of Axles	Axle spacing in feet					
				Axle 1 to 2	Axle 2 to 3	Axle 3 to 4	Axle 4 to 5	Axle 5 to 6	
PCL/MCL	1	motorcycle	2	<6.0					
CAR*	2	passenger car	2	6.0 - 10.0					
		car + 1 axle trailer	3	<10.0	10.0 - 18.0				
LGV**	3	car + 2 axle trailer	4	<10.0		<3.5			
		pickup	2	10.0 - 15.0					
		pickup + 1 axle trailer	3	10.0 - 15.0	10.0 - 18.0				
		pickup + 2 axle trailer	4	10.0 - 15.0		<3.5			
		pickup + 3 axle trailer	5	9.9 - 15.0				<3.5	
BUS	4	bus	2	>20.0					
		bus	3	>19.0					
OGV 1	5	single unit truck - dual rear axle	2	14.9 - 20.0					
		3 axle truck	3		<18.0				
		4 axle truck	4						
OGV 2	8	2S1	3		>18.0				
		2S2	4		>5.0	>3.5			
		3S1	4		<5.0	>10.0			
		3S2	5		<6.1		3.5 - 8.0		
OGV 2	9	5 axle combination	5						
		6 axle combination	6			3.5 - 5.0			
OGV 2	10	3S3	6						
		2S1-2	5		>6.0				
		3S1-2	6						>10.0
OGV 2	13	truck	7 or more						

Cars and LGV based cars
LGV** Light Goods Vehicles with the exception of LGV based on cars

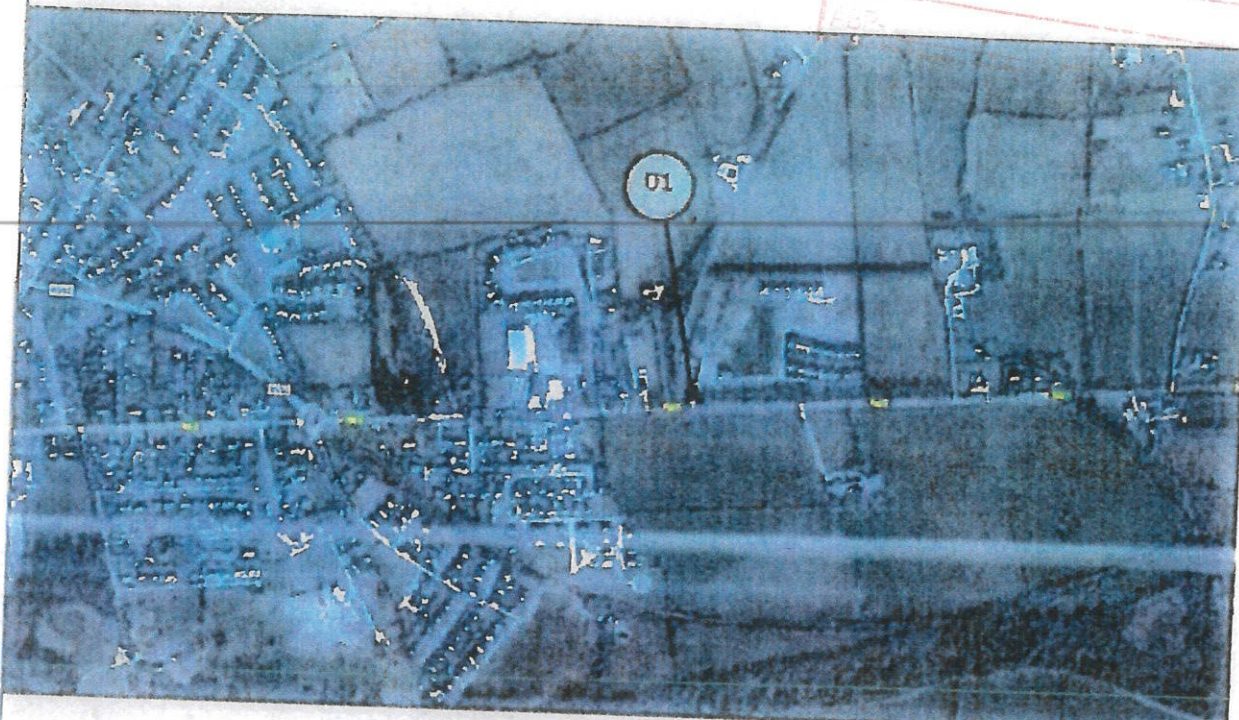
APPROVED
06 FEB 2002
AN BOARD FILE 11A

AN BORD PLEANÁLA

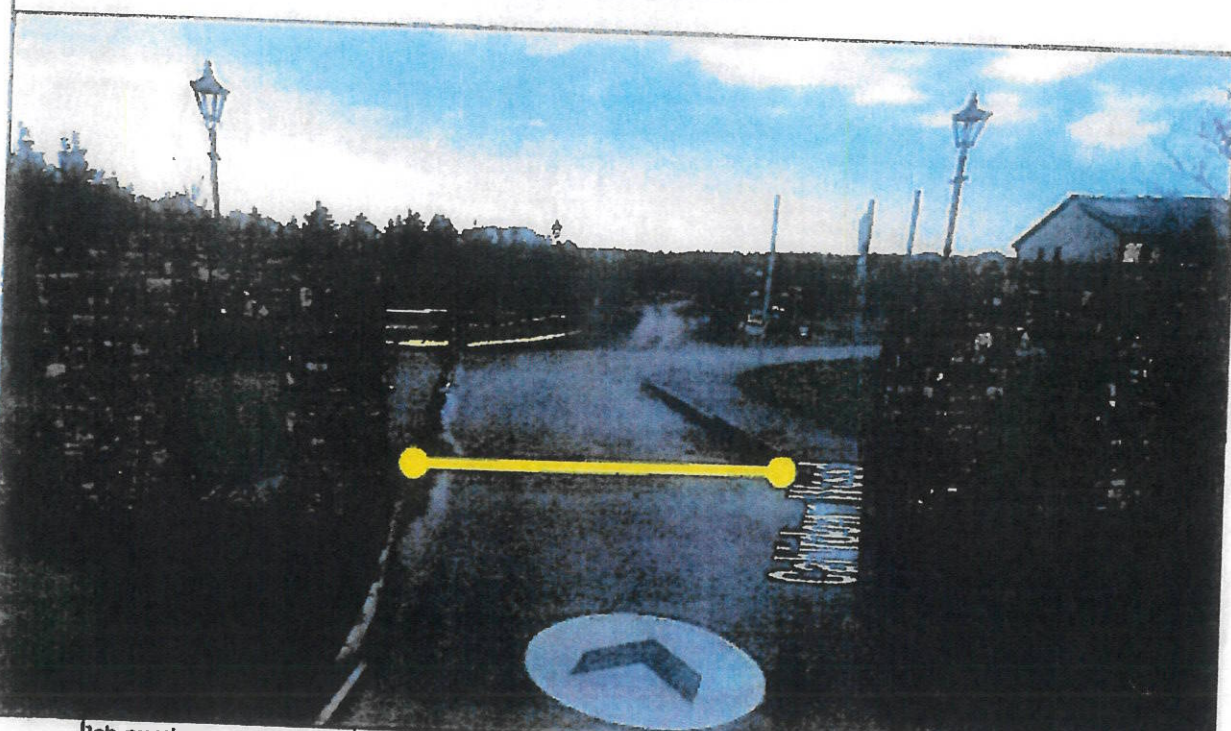
06 FEB 2020



Site Location

LTR DATED _____
IDG- _____
ASZ _____



Site Location



	Job number: ATH/17/067	Job date: Week Commencing Tuesday 9th May 2017	Drawing No: ATH/17/067-01	
	Client: Tony O'Keeffe & Partners		Author: SPW	

Tony O'Keeffe & Partners

Consulting Engineers

Greenane House, Kanturk, Co. Cork.

Tel.: (029) 50366. Fax.: (029) 50195.

E:mail: firstinitialsurname@tonyokeeffes.com

AN BORD PLEIN

06 FEB 2017

DATE: _____
LDG- _____

18/05/2017

YOUR REF:

OUR REF:

38328K/EC

Mr Robert Pierse,
Solicitor,
Pierse & Fitzgibbon,
Solicitors,
Market Street,
Listowel,
Co. Kerry.

Dear Robert,

I am enclosing copy of the report received this morning from Abacus Transportation Services Ltd.

If you look at the summary on the first page, and lets deal with the 12 hour traffic movements between 7 a.m. and 19.00 hrs, you will note that over 7 days, the number of vehicles that entered the estate were 671 and the number leaving was 709.

Then they give a total for a 24 hour period of 934 in and 928 out.

For the moment, lets concentrate on the 12 hour period, between 7 a.m. and 7 p.m.

That is the period over which any traffic entering your lands using the gates A and B and shown in our map.

I have taken the total figure of vehicles going in and out of the estate during that 12 hour period at **1380**.

I have then converted that an annual figure of **71,760 per annum**.

1% of that total would be 717 vehicles and the maximum projected use for gates A and B we would have is 150 vehicles per annum which is 0.21% of the total vehicles entering and leaving the estate.

Before we tie ourselves down again to figures and committing ourselves, would you go back and check with Eibhlin are we covered with our 150 vehicle movements.?

If for example the 150 became 300 vehicle movements, we are still only at 0.43% of the annual traffic movements into and out of this estate during that 12 hour period between 7 a.m. and 7 p.m.

If we looked at the total 24 hr traffic, the total figure is **1862 vehicles per week** and this will give you a total annual figure of **96,824**.

Partners:

TONY O'KEEFFE, B.E., M.I.E.I.
PAT O'CONNELL, B.E., M.I.E.I.

Denis McCarthy, Dip. Arch.

Vincent O'Hara, B.E., H. Dip.
(Mech. Eng.) MSc, M.I.E.I., O.H.S.I.

William O'Keeffe, B.E.
MSc Eng. M.I.E.I.

VAT NO: IE 6533714Q

ANBORS
06 FEB 2020
LTR DATED
SP-

If we had 300 vehicle movements per annum that is only 0.3% of the 24 hr traffic using the estate.

I think our survey is extremely helpful in the overall context.

You might pass on same together with this addendum note to your Counsel.

With kindest personal regards to you, Olive and Eibhlin

Yours sincerely,

Eileen Casey

PP

**TONY O' KEEFFE
FOR TONY O' KEEFFE & PARTNERS**

ABACUS TRANSPORTATION SURVEYS

**Cahirdown Woods Traffic Count
Automatic Traffic Count**

Summary
Site 01

Week Comm:

Tuesday 9 May 2017
Ath/17/067

Location Access to Cahirdown Woods Estate, Listowel (Google Maps Ref: 52.448649, -9.462245)

Speed Survey Summary

ENTRY 85% Speed = 23.58 km/h, 95% Speed = 25.74 km/h, Median = 19.98 km/h
EXIT 85% Speed = 23.13 km/h, 95% Speed = 25.20 km/h, Median = 20.34 km/h

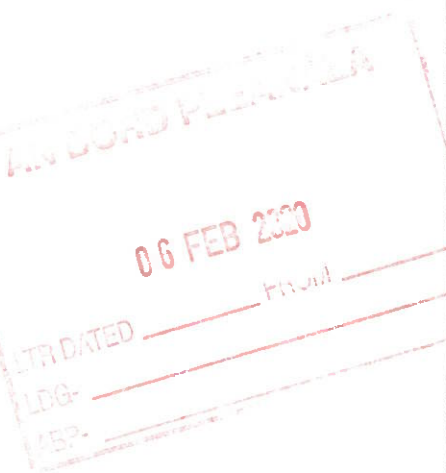
Maximum = 33.1 km/h, Minimum = 6.3 km/h, Mean = 19.9 km/h
 Maximum = 29.3 km/h, Minimum = 0.0 km/h, Mean = 19.7 km/h

Volumetric Vehicle Counts:

Direction	Time	Tuesday 9 May 2017	Wednesday 10 May 2017	Thursday 11 May 2017	Friday 12 May 2017	Saturday 13 May 2017	Sunday 14 May 2017	Monday 15 May 2017	No. Vehicles	7 day Mean
ENTRY	07-19	108	85	119	106	90	77	86	671	96
EXIT	07-19	114	90	120	113	100	80	92	709	101
ENTRY	00-00	146	123	161	154	132	105	113	934	133
EXIT	00-00	153	124	152	153	130	106	110	928	133

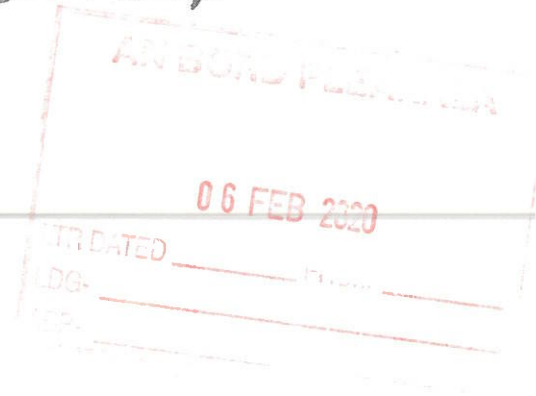
Peak Flows Summary

Peak	AM	P	PM
Most Frequent Peak Hour	0900	1300	1800
Average Vehicles per Peak Hour	8	0	16



*Forest Produce Ltd,
Clahane, Ballyard, Tralee Co. Kerry.*

To: Eileen Enright,
Dromin Upper,
Listowel,
Co. Kerry.
13/12/2019.



Eileen,

I hope you are well.

With regard to your queries on setting up a foliage enterprise on your lands at Dromin Upper, - see below.

- **Traffic.**

During the crop establishment stage, we may need access for a digger and tractor for approximately 1 week to cultivate the soil and effect drainage. After that, access will only be required for vans and cars to effect maintenance and harvesting.

I cannot see traffic as more than 100 to 150 visits/annum.

The existing gates and access roads are more than adequate to accommodate and should not present any traffic problems for local residents.

- **Species.**

We recommend you plant decorative conifers and some eucalyptus because they require little maintenance and are low nutrient demanders.

These should present a pleasant back drop to your home and indeed all adjacent houses.

Because of their decorative nature, and ability to absorb carbon and discharge oxygen, they should enhance the physical landscape and provide a healthy environment for the general area.

- **Height.**

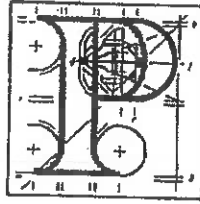
As these plants will be harvested annually, we envisage the maximum height of between 3 and 4 metres.

Finally, should anyone want to know more, I would be happy to show them around your family's 40 acre foliage farm at Bunghara which has developed very well and is providing equivalent full time employment for 6 workers.

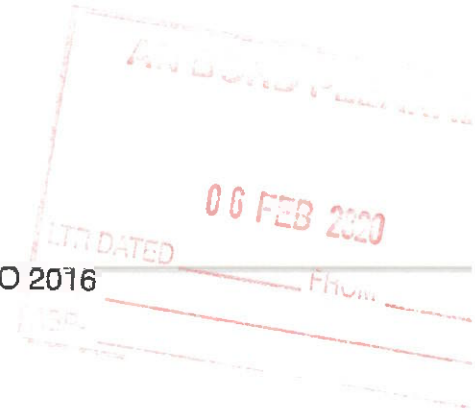
Regards,

Jim Costello

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016



Kerry County

Planning Register Reference Number: U372/05, PLA 641

An Bord Pleanála Reference Number: 08.RL.3516

WHEREAS a question has arisen as to whether the forming of the two entrances to a field at the end of the two culs-de-sac at Cahirdown Wood Housing Estate, Listowel, County Kerry, is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Kerry County Council on the 22nd day of November, 2016:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

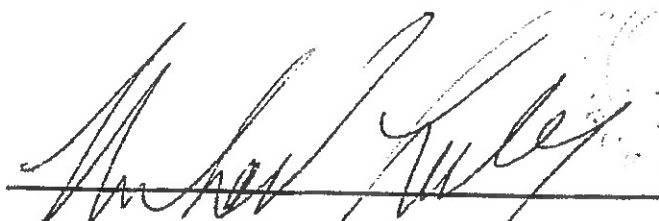
- (e) Class 16 of Part 1 of Schedule 2, of the Planning and Development Regulations, 2001,
- (f) the planning history of the site, and
- (g) the pattern of development in the area.

AND WHEREAS An Bord Pleanála has concluded that the forming of two entrances to a field at the end of two culs-de-sac is development and is not exempted development as it would endanger public safety by reason of a traffic hazard or obstruction of road users.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the forming of two entrances at a field at the end of two culs-de-sac is development and is not exempted development at Cahirdown Wood Housing Estate, Listowel, County Kerry.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.


Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 5th day of April 2017.

JUDICIAL REVIEW NOTICE

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Modified 30/11/2011

FÓGRA FAOI ATHBHREITHNIÚ BREITHIÚNACH

Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in ailt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le hait 13 den Acht um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006, le hait 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hait 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi an 50 nach féidir an cinneadh a ceistiú agus ní tugann an Chúirt aon chinneadh faoi fhiúntas na forbartha ó thaobh prionsabail pleanála cuí nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndeonófar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstaintiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha í d'Treoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-íocfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín www.citizensinformation.ie.

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé inmholta comhairle dlí a fháil ar drús

