

R639 (Cork Road) in the townland of Mitchellsfort, Watergrasshill, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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.

Reasons and Considerations

1. The proposed development, notwithstanding the wording of the public notices, would generally conform to the description and content of a Type 1 Motorway Service Area, as defined by Transport Infrastructure Ireland/National Roads Authority. The Spatial Planning and National Roads Guidelines, issued by the Department of the Environment, Community and Local Government in January, 2012, advocate a co-ordinated approach to the provision of off-line motorway service areas as part of the Development Plan process and indicate that a proliferation of private off-line service area facilities at national road junctions shall be avoided. The National Roads Authority Service Area Policy (August, 2014) identified that there should be one Motorway Service Area on the M8, located between Junctions 13 and 14, with a further such area at Ringaskiddy. Having regard to the fact that such a Motorway Service Area has been developed at Junction 14, and in the light of the Consultation Paper on the Service Area Policy (Transport Infrastructure Ireland September, 2019), which did not alter the 2014 policy in this regard, it is considered that the development of an additional Motorway Service Area adjoining Junction 17, as proposed, where the need for such has not been identified, would represent a proliferation of such off-line service area facilities, and would, therefore, be contrary to these Ministerial Guidelines and established national policy. Furthermore, Objective TM3-1(g) of the Cork County Development Plan 2014-2020, states that it is policy to co-operate with Transport Infrastructure Ireland in identifying the need for service areas on the national road network. In the absence of any specific provision in the County Development Plan for a further service area at this junction, it is considered that the proposed development would be contrary to this Objective of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is within an area zoned in the Fermoy Municipal District Local Area Plan 2017 for Business Uses. Objective ZU 3-6 of the Cork County Development Plan 2014-2020 specifically excludes general retail development from this land use zone. It is considered that the proposed development, which is predominantly composed of convenience retail and retail service uses, would contravene materially this development objective of the County Development Plan and materially contravene the objective indicated in the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to Section 2.8 of the Spatial Planning and National Roads Guidelines, the Retail Planning Guidelines, and the Fermoy Municipal District Local Area Plan, 2017, it is considered that the non-fuel retail offer of the proposed development would tend to overlap with that which is available in the neighbouring Watergrasshill village centre. Furthermore, due to the highly accessible location of the site with respect to both Junction 17 of the M8 and new housing in Watergrasshill, the proposed development would be likely to attract local commuters. Accordingly, it would be likely to draw trade from the village core and thereby adversely affect the vitality and viability of the village centre, thereby contravening national and local planning objectives in this respect. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The subject site is located at an elevated and prominent location adjacent to the M8 motorway, and forms part of lands denoted B-01 and zoned for business use in the Fermoy Municipal District Local Area Plan, 2017, where it is policy to situate structures in the south/south westerly portion of the lands to ensure that they are not visible from the M8. By contrast, the proposed development would be sited on the most elevated portion of these lands, thus ensuring its prominence and visibility from the M8. In addition, the proposed development includes a number of large illuminated totem signs, which would be highly visible from, and likely to be intended to be visible to drivers on, the M8 motorway and associated interchange. It is considered that the proposed development, and its associated signage, would be likely to distract drivers on these roads, thereby endangering public safety by reason of traffic hazard, particularly in the light of the traffic speeds on the motorway, and the need to exercise driver caution at the interchange, where there would be conflicting traffic movements. The proposed development would, therefore, be contrary to the National Roads Guidelines and to the provisions of the Local Area Plan, and be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020.