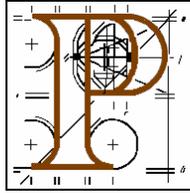


An Bord Pleanála



Inspector's Report

An Bord Pleanála Reference PL 21.243329

DEVELOPMENT: Construction of dwelling house, proprietary treatment system and percolation area, relocation of exiting roadside boundary wall and construction of new vehicular entrance (new vehicular entrance to be shared with existing adjoining dwelling house) at Creevymore, Cliffony. Co. Sligo.

PLANNING APPLICATION

Planning Authority: Sligo Co Council
Planning Authority Reg. No: 13/206
Applicant: David Gallagher
Application Type: Permission
Planning Authority Decision: To Grant Permission

APPEAL

Appellant: National Roads Authority
Type of Appeal: Third Party
Date of Inspection: June 16th, 2014
Inspector: Breda Gannon
Appendix 1: Annotated Photographs
Site Plan/Extracts from Development Plan

INTRODUCTION

This is a Third Party appeal against the decision by Sligo County Council to grant permission for the development.

SITE LOCATION AND DESCRIPTION

The site is located to the northeast of Cliffony. Co Sligo. The village is essentially a cross-roads settlement that has expanded in recent years with the development of housing schemes. The main street is formed by the N15 that connects Sligo with Donegal. There are a variety of uses within the village core including small shops, public houses, post office, church and school. Towards the periphery the predominant land use is residential in the form of one-off rural houses along both sides of the road network. The site is located outside the speed limits for the village.

The site is 0.4 ha in area and is located to the southeast of the national primary route. It has a rectangular shaped configuration and comprises part of a larger agricultural field. The site, which is marginally higher than road level, slopes generally from a northeast to southwest direction. Its road frontage is formed by a wall/hedgerow and its rear boundary is undefined. It is adjoined to the northeast by a single-storey dwelling in family ownership and a hedgerow defines the common boundary. The adjoining house is recessed significantly from the road edge and the front boundary is formed by a stone wall.

PLANNING APPLICATION

The application as described in the public notices seeks permission for the construction of a dwelling house, a proprietary treatment system /percolation area, the relocation of an existing boundary and the construction of a new vehicular entrance which will be shared with existing adjoining dwelling house.

The house would be dormer style with a nap plaster finish to external walls and a blue/black slate roof covering. It would have a floor area of 237 sq.m and a ridge height of 6.5m. The house would be set back in line with adjacent house to the northeast and accessed via its vehicular access. The boundary along the frontage of both properties would be set back by 3m from the edge of the carriageway. Boundaries would be planted with indigenous trees and shrubs. Effluent from the house would discharge to a proprietary treatment system/percolation area prior to discharge to ground.

The application was accompanied by site suitability assessment, consent of landowner (applicant's father) to the making of the application and a letter from the applicant setting out his circumstances in relation to housing need and the proposed access onto the adjoining national route.

Further information was sought on the application on September 12th, 2013 seeking a Road Safety Audit, proposals for surface water disposal and the protection of a surface water pipe along the roadside boundary. The response of 18th March, 2014 was to the satisfaction of the planning authority.

PLANNING HISTORY

PPN1865 – Pre planning discussions were held in June 2012 with respect to a proposal to access the site off the local road to the northeast over adjacent landowners land. The planning authority concluded that it would constitute unacceptable haphazard development and set an undesirable precedent.

PL13/96 – A previous application on the site for a house and proprietary treatment system was withdrawn. It proposed access from the site to the local road to the northeast via a 120m access road across adjoining landowners land.

PLANNING AUTHORITY REPORTS

The **Planning Officer's** report of 3/4/14 notes that pre-planning discussions took place with the applicant under PPN 1865. The planning authority had issues regarding the haphazard nature of applicant's original proposal to construct an access over adjoining landowners land to attain access to the local road to the northeast. A subsequent applicant was withdrawn. Informal pre-planning discussions took place in relation to the subject development, which was agreed in principle.

It is considered that the applicant has demonstrated a rural generated housing need and that the proposed development is consistent with the provisions of the county development plan with regard to rural housing provision. It is not considered that the development will have any negative impact on the residential amenities of the area and whilst the proposal is located along a designated scenic route, there will be no adverse impacts on any protected views. The Environment Section raised no issues regarding the proposed effluent treatment system.

In terms of access, the applicant proposes to share the vehicular access, which serves his parents house. The applicant currently resides with his parents and has owned a car for the past ten years. As a result there will be no intensification of traffic movements onto the N15. The applicant has submitted proposal to redesign the proposed access in order to improve sightlines. The proposal can be considered to constitute an exemption in accordance with section 12.6.2 of the county development plan. It is concluded that the proposal would be acceptable in terms of traffic safety.

The **Environment** report of 9th September 2013 raised no objection to the development, subject to conditions.

The **Area Engineer's** report of 5th September 2013 raised no objection subject to consultation with the Road Design Section and that applicant clarify proposals for surface water disposal and protection of surface water pipe running within the site.

The **Road Design** report of April 3rd, 2014 notes that there will be no further traffic generated by the proposal as the applicant resides in the existing house. The application is addressing a very specific need and would not create a precedent. The possibility of alternative locations have been explored at the pre-planning stage and this was found to be the most acceptable location. The set back distances are sufficient to address any future upgrade proposals. The application demonstrates compliance with the DMRB.

Further information was required to complete compliance with the DoECLG guidelines and the Road Safety Audit submitted is acceptable. Approval recommended subject to the amendments in the Road Safety Audit.

The **National Roads Authority** in its report of August 6th, 2013 notes that the application is at variance with official national policy in relation to the control of frontage development on/affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). The proposal, if approved, would create an adverse impact on the national road where the maximum permitted speed limit applies and would be at variance with national policy in relation to control of frontage development on national roads.

Following the receipt of further information the NRA confirmed in its report of 26th March, 2014 that its position remained unchanged.

PLANNING AUTHORITY'S DECISION

The planning authority decided to grant permission for the development subject to 16 no. conditions. Apart from standard construction/engineering conditions, the decision includes the following conditions of note.

Condition No 1 – Occupancy clause.

Condition No 4 – The stone to be used in the external finish shall be natural stone sourced from the local area. Elsewhere the external finish shall be napped plaster suitably painted. Blue-black roof slates or flat concrete profile tiles shall be used on the roof.

Condition No 7 – Boundary wall shall not exceed 1.2 m in height and shall be constructed in natural local stone.

Condition No 9 – The recommendations of the Road Safety Audit submitted on March 18th, 2014 shall be implemented in full.

Condition No 16 – Financial contribution.

APPEAL SUBMISSIONS

3rd PARTY APPEAL

The grounds of appeal are summarised as follows:

- The proposed development is facilitated by an access onto the heavily trafficked N15, via an existing direct private residential access at a location where a 100 kph speed limit applies. It is considered that the development would be at variance with official policy to preserve the level of service and carrying capacity of national roads and to protect the public investment in such roads as outlined in the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

- The Authority acknowledges that the planning authority assessed the subject application and the applicant's particular housing need within the context of the adopted County Development Plan 2011-2017. However the proposed development represents the intensification of a direct private access to the N15, national road, where a 100kph speed limit applies. It is noted that the applicant previously submitted an application at this location (13/96) which demonstrated the availability of an alternative access to the local road network and was not reliant on access to the national road network.
- It is stated in the 'Spatial Planning and National Roads Guidelines for Planning Authorities' in relation to lands adjoining national roads to which speed limits greater than 60 kph apply, that the policy of the planning authority will be to avoid the creation of any additional access point from a new development or the generation of increased traffic from existing accesses to national roads. This provision, it is stated, applies to all categories of development (Section 2.5). The Authority considers that the provision of a new house accessing the N15 at the location concerned, regardless of the housing circumstances of the applicant, will inevitably increase traffic movements onto/off the N15 and as such is at variance with national policy.
- The Board will be aware that although the DoECLG guidelines outline the long established Government position concerning the control of access to national roads and the intensification of access to national roads, the Guidelines contain specific criteria where development requiring direct access to a national road outside where a reduced urban speed limit applied may be considered in exceptional circumstances (Section 2.6 of the Guidelines). The Board will note that such 'exceptional circumstances' are only provided for as part of the process of reviewing or varying the relevant development plan, having consulted and taken on board the advice of the NRA and subject to specific technical and procedural requirements.
- In this instance, no such 'exceptional circumstances' which would facilitate the subject development with a direct access onto the N15, or the intensification of a direct access, at this location, has been agreed between the Council and the NRA for inclusion in the county development plan. It is considered that the proposed development, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard due to the additional traffic movements, including turning movements, that would be generated onto the national route, at a point where a speed limit of 100km/h applies, and would interfere with the free-flow of traffic on the road.
- It is the opinion of the Authority the development is inconsistent with the provisions of the plan, in particular Policy P-RHOU-3 (f), Policy SP-MOB-8, Objective O-NR-2 and Section 12.6.2. Whilst it is noted that Section 12.6.2 of the Plan outlines exceptions to the general restriction on access to national roads, such exceptions are not considered to be in accordance with Section 2.5 of the DoECLG and were not agreed in consultation with the NRA. Nevertheless, the subject application providing for an additional house does not satisfy the exceptions included in the development plan. The Authority is of the opinion that the development is at variance with the objectives and provisions of the Plan.
- The Board will be aware of the priority to ensure adequate maintenance of the

national road network in order to protect the value of previous investment outlined by Government in the Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework (November, 2011).

RESPONSES TO GROUNDS OF APPEAL

First Party

- Applicant has been living in the family home all his life. He has been driving for 10 years, therefore there is no intensification of traffic arising from this development and Sligo County Council have accepted that fact.
- Applicant has an established housing need and there is no suitable alternative non-national public access available.
- The issues in relation to sightlines, boundaries etc. identified in the Safety Audit (CST) report have been addressed. If further improvements are deemed necessary, they will be carried out.
- The Sligo County Development Plan allows for the provision of access points on the national road network 'provided the proposed access can be shown not to cause a traffic hazard' and that there will be no implications for the 'safety, capacity and efficient operation of the road'.
- The shared entrance with applicant's parent home has been redesigned to include improved sight lines and safety requirements and is in full compliance with the road standards set out in the development plan and the NRA policy in relation to access to national roads.
- The development is consistent with the existing pattern of development in the area
- As there are no proposals to upgrade this road, the proposed development will not impact 'on any plans for future upgrades of national roads and other transport infrastructure services'.
- Time delays and costs have been incurred in trying to fulfil the requirements of the Council, which was done in good faith on the understanding that all planning laws and guidelines were being complied with.
- The NRA is acting unreasonably in objecting to the application.

The Planning Authority

- The development will not result in the creation of an additional access onto the N15 as the proposal is to share the access, which serves applicant's parent's house.
- It is intended that the both dwelling houses will remain in family ownership. The applicant does not have an alternative site. He will also continue with a moderate level of farming.
- The applicant has owned a car for at least the last ten years and accordingly there will be no intensification of traffic movements from the shared access. The development will not create a precedent or have any implications for the national road network. The Road Design Section examined the Road Safety Audit submitted and raised no objection subject to the recommendations being implemented on the site. The applicant proposes to redesign the proposed access in order to improve sightlines, which will be an improvement on the vehicular entrance that currently exists.

- In response to the suggestion by the NRA that the applicant has demonstrated the availability of an alternative access and is not reliant on access to the N15, the proposal was assessed and withdrawn as it was concluded that it would constitute haphazard development and would create a precedent. The possibility of alternative locations has been explored and this was found to be the most suitable location.
- It is acknowledged that the subject section of the N15 has not been identified as an area where a less restrictive approach may apply. However, having regard to the unique and exceptional circumstances of the applicant and the fact that the Road Design Section have no objection to the proposed development which will improve traffic safety at this location, it is considered that the development will not have an adverse impact on traffic safety or the free flow of traffic on the N15.
- With regard to the policies and objectives of the plan, which seek to protect the carrying capacity of the national routes, minimise traffic hazard and protect public investment in such roads, having regard to the unique and exceptional circumstances of the applicant and that the Road Design Section have raised no objection to the proposed development which will improve traffic safety, it is considered that the proposed development will not have an adverse impact on traffic safety or the free flow of traffic on the N15.

RESPONSES TO SECTION 131 NOTICE

Third Party

- The submission of the Council contends that given that the applicant currently lives in the existing adjoining house and has owned a car for the last ten years there will be no intensification of traffic movements. The provision of a new house accessing the N15 at the location concerned, regardless of the housing circumstances of the applicant will inevitably increase traffic movements onto the N15 and as such is at variance with official policy.
- The Board will note the availability of an alternative access to the adjoining local road and be aware that Section 3.3.4 of the Sustainable Rural Housing Guidelines states that the policies and objectives of the development plan should make it clear that direct access from future development should not be permitted to national roads outside the speed limit zones for towns/villages. The Guidelines state that development control policy should, in the first instance, seek to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads. It is considered that the decision of the planning authority is at variance with such provisions of national policy.
- It is requirement of the DoECLG Spatial Planning and National Road Guidelines (2012) that where local authorities propose to exercise a less restrictive approach relating to national roads, this should be plan led and in agreement with the NRA. Such an agreement to facilitate access to national roads or intensification of access to national roads in exceptional circumstances that might facilitate the subject development has not been developed by the Council for agreement with the Authority. The proposal in the opinion of the Authority remains at variance with the provisions of national policy.
- The Authority advises that a number of planning authorities have already successfully included 'exceptional circumstances' in their development plans

following the procedures and subject to the criteria outlined in section 2.6 of the Guidelines.

- It remains the opinion of the Authority that no exceptional reason has been put forward which would justify a departure from standard policy and road safety considerations in this case.

POLICY CONTEXT

Sustainable Rural Housing Guidelines for Planning Authorities

Map 1 of the **Sustainable Rural Housing Guidelines for Planning Authorities** (NSS Rural Area Types) published by the DoEHLG (April 2005) identifies the site lying within an Area under 'Strong Urban Influence'. These areas are described in the Guidelines as exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising populations, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

The Guidelines state (3.2) that Map 1 is only an indicative guide and that further more detailed analysis is required at local level to incorporate this approach to identifying different types of rural areas in the development plan process. The Guidelines make provision for local housing needs to be accommodated where they arise subject to good planning practice in terms of location, siting and design.

Section 3.3.4 of the Guidelines focuses on site access. It states that the objectives and policies of the development plan should make it clear that direct access from future development should not be permitted to national roads outside of the speed limit zones for towns and villages. Development control policy should seek to channel traffic from new development onto existing local roads and in this way establish existing access points to gain entry onto national roads. The development plan should make such policies clear in relation to the designated national routes in the planning authority's functional area.

Spatial Planning and National Roads Guidelines

The Spatial Planning and National Roads Guidelines for Planning Authorities were published by the DoECLG in January 2012. The key message of the guidelines is that investment in the capacity of national roads must be protected by appropriate policies and local planning and collaboration between planning authorities and the NRA.

Included in the key principles set out in section 1.5 is the need for a plan led approach to development to ensure that development is guided into suitable locations to prevent a proliferation of roadside development accessing national roads, which would undermine the strategic function of the national road network and impact on road safety.

The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads outside the 50-60 kmh speed limit zone for cities towns and villages. Under the provisions of section 2.5 it is a requirement that all development plans must implement certain policy approaches. These include a policy *'to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed*

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

Under Section 2.6 provision is made for exceptional circumstances. It facilities planning authorities to identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA. The less restrictive approach may apply to development of national and regional strategic importance, which by their very nature are most appropriately located outside urban area or where the locations concerned have specific characteristics that make them particularly suitable for the development proposed. The approach may also be adopted where new development requires new access onto a lightly trafficked national secondary route (below 3000 AADT as verified by the NRA).

Development Plan

The operative development plan is the **Sligo County Development Plan 2011-1017**.

Volume 2 contains mini plans detailing zoning and development objectives for 30 settlements. Chapter 13 of the Plan sets out the policies that apply to all villages covered by a mini plan. Chapter 25 is dedicated to Cliffony Mini Plan. The site lies within the plan area but outside the development limit. It lies within the Buffer Zone.

Rural Housing policy is outlined in Section 5.7. The site is located in an area identified as ‘Rural Area under Strong Urban Influence’ (Fig 5B). In general, one-off rural housing will be discouraged in areas that have experienced significant development pressure/population growth in the period 1991-2010, except for cases of rural generated housing need. The aim is to manage the pressure of urban generated housing in the Sligo City Sub region and in those areas that are considered to be under urban influence, whilst facilitating rural generated housing need. Rural generated housing need is defined in Section 5.7.2.

Rural Housing Policy

P.RHOU-3 Facilitate rural generated housing in all areas of the County, while providing for urban-generated housing in Rural Areas in Need of Regeneration, subject to policy considerations.

f. Ensure the safe operation of key transport arteries, particular national primary and secondary roads and the road network. Access to national roads shall be restricted in accordance with DoEHLG’s Draft Spatial Planning and National Roads Guidelines for Planning Authorities (June 2010).

Transport and Mobility is discussed in Chapter 8. National primary and secondary roads are discussed in section 8.3.1.

Mobility - Strategic policy

SP-MOB-8 Protect the traffic carrying capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently, by avoiding the creation of new access points or the generation of increased traffic from existing accessed onto the N4, N15, N16, N17

and N59 outside the 50km/h speed limit, in accordance with the DoEHLG's publication Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities.

National Road Objectives

- O-NR-2** Restrict new access points onto national roads in accordance with the DoEHLG's publication Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities, in order to maintain traffic capacity, minimise traffic hazard and protect and maximise public investment.

ASSESSMENT

The proposal is to construct a house in an area where such development would normally be discouraged i.e. in a rural area under strong urban influence, within the buffer zone for the village and with access onto a national primary road. It is applicant's contention that he satisfies the requirements for rural generated housing need under the provisions of the development plan and as such warrants consideration for a house in this area. It is further contended that the development falls within the scope of the exceptional circumstances for frontage development along national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities.

The Core Strategy contained in Chapter 3 seeks to promote the development of the Sligo Gateway as an orderly and compact city while at the same time maintaining the vitality of urban and rural communities throughout the county. It is recognised (section 3.22) that in order to support Gateway development, it is essential to control growth in the Sligo Subregion in the immediate hinterland of the Gateway, which has been subject to significant development pressure (Fig. 5.B). The village of Cliffony lies in the Sligo Subregion and in an area identified under strong urban influence. In such areas it is the policy of the Plan to discourage one-off rural housing except in cases of rural generated housing need. The site is also located within the buffer zone associated with Cliffony village, where there is a presumption against development. This is subject to a caveat under the provisions of Section 13.8 E, which facilitates one-off rural housing in cases of proven need of immediate family members of locally resident families who wish to build on their own land and have no suitable option on their holding outside the buffer zone.

Rural generated housing need is defined in section 5.7.2 of the plan. It makes provision for the housing needs of certain categories of people to be accommodated and includes the following;

- a. persons whose primary employment is rural based and have demonstrated a genuine need to live in the locality of that employment base and can demonstrate that they have been engaged in that employment for over five years;
- b. persons who have no family lands but who wish to build their first home in the area on a site within a 5 km radius of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives;
- c. persons with a link to the rural community in which they wish to reside, by reason of having lived in the community for a minimum period of seven years or by the existence in this community of long-established ties with family members;

- d. persons required to live in the area for exceptional reasons, including health reasons.

The applicant in this case is the son of the landowner and is stated to have resided all of his life in the family home. It would appear that he comes within the scope of Section 5.7.2. c. having established links to the rural community by reason of having lived in this community. Subject to good planning practice in terms of location, siting and design, it appears that the rural housing needs of the applicant can be considered in this area of strong urban influence.

The site lies within the buffer zone associated with Cliffony village, which according to the policies of the plan should be used principally for agriculture. However, provision is made for the immediate members of local farming families who wish to build on their own land and have no other suitable option on their holding outside the buffer zone. I would point out to the Board the extent of landowners holding in this case is unknown. The map showing family lands is incomplete and from the information submitted there is no evidence of significant farming activity (sheds/livestock) on the lands in the vicinity. In the absence of up to date land registry maps, file plan and folio it is not possible to conclude with any degree of certainty that alternative lands outside the buffer zones is available to the applicant.

The substantive issue in this appeal relates to compliance with policy regarding access onto national routes. The NRA policy statements on the management of development on the national road network seeks to control both frontage development and development which would result in intensification of existing access points. The control of development along national roads is considered essential to improve carrying capacity and safety, to protect the substantial investment already made in the network and to prevent premature obsolescence, all of which is considered reasonable. This policy is reiterated at local level under the provisions of the development plan (Policy SP-MOB-2).

The proposed development is located outside the speed limits for the village and in an area where the maximum speed limit applies. Whilst the proposal is to share the access arrangements associated with the adjoining dwelling, I do not accept applicant's argument that the provision of a new house will not intensify traffic movements onto the adjoining national primary road. I draw the attention of the Board to a previous decision where similar arrangements were proposed (PL 21.234846). The site in question was in the townland of Bunduff to the north of the current application. The original substandard access to applicant's parent house was closed up and replaced with improved arrangements. It was applicant's intention to use the approved relocated access to his parents house to access the proposed dwelling. Regardless of the benefits associated with the new access in terms of improved sight visibility etc, the Board concluded that the traffic generated by an additional house would endanger public safety by reason of traffic hazard. I do not consider that there are any significant differences associated with the current proposal that would warrant a different outcome.

Since the previous decision was made by the Board in 2010, the Spatial Planning and National Roads Guidelines for Planning Authorities have been published. Contrary to applicant's assertions, the development does not fall within the 'exceptional circumstances' provided for under Section 2.6, which are intended to facilitate development of national/regional strategic importance and to facilitate development on

to lightly trafficked sections of *national secondary route serving structurally weak and remote communities*. The proposal for a single house with access onto a national primary road and in an area that has experienced considerable development pressure.

The exceptions to national policy restrictions provided by section 12.6.2 of the development plan include certain categories of housing development such as replacement of an inhabited substandard house or the provision of a house for a farmer/ members of the farmer's immediate family engaged in full time employment on the family farm. Whilst acknowledging that this section of the N15 has not been formally identified in the plan as an area where a less restrictive approach should be applied, and that the correct procedural requirements have not been followed in relation to the inclusion of exceptional circumstances in the plan, the proposal does not come within the scope of the exceptions.

CONCLUSION

Notwithstanding the proposal to provide shared access to the development and to carry out improvement works to the existing entrance arrangements, I consider that the provision of an additional dwelling house in this location would result in the intensification of use of the existing access, which would be contrary to the provisions of the development plan, which seeks to protect the carrying capacity of the national route and the volume of traffic on this national primary road where the 100 km/h speed limit applies. Having regard to the similarities between the proposed development and the previous application (PL 21.234846) to the north of the site, I consider that permission should be refused for similar reasons.

APPROPRIATE ASSESSMENT

The nearest Natura 200 site is Bunduff Lough and Machair/Trawalua / Mullaghmore SAC (Site Code 000625) to the west. The extensive coastal site contains a number of habitats including several listed on Annex 1, three of which are listed with priority status (machair, fixed grey dunes and Orchid rich calcareous grassland).

I would draw the attention of the Board to the site suitability assessment submitted in support of the application. I note that rock was encountered in the trial hole at 0.5 m below ground level and water at 0.65m. The site is underlain by an aquifer identified as locally important with a 'Moderate' vulnerability rating. However, due to the shallow depth to bedrock it is rated as 'Extreme'. There is a river located c 90 m to the southwest that flows eastwards to Trawalua Strand within the SAC. The conditions on the site raise concerns regarding its suitability for an effluent treatment system and the treat posed to ground/surface water. However, due to the separation distances involved it is not considered that impacts would arise which would impact on the qualifying interests of the SAC.

RECOMMENDATION

Having considered the contents of the application, the decision of the planning authority, the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG January 2012), the Sustainable Rural Housing Guidelines for Planning Authorities (DoECLG January 2005), the current Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission for the

retention and completion of the development be refused for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside the heavily-trafficked National Primary Road N15 at a point where the speed limit of 100 km/h applies and the additional traffic turning movements generated by an additional house would interfere with the safety and free flow of traffic on the public road. The proposed development, by itself and the precedent it would set for further such development, would contravene the objectives of the planning authority, which are considered reasonable, to preserve the level of service and carrying capacity of the National Primary Road and to protect the public investment in the road.

Breda Gannon
Inspectorate
June 25th, 2014