



An
Bord
Pleanála

Inspector's Report ABP-305288-19

Development	2 houses
Location	Portdrine, Cratloe, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	18917
Applicant(s)	Stephen Finn Contractors Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Stephen Finn Contractors Ltd
Observer(s)	None
Date of Site Inspection	28/11/2019
Inspector	Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of .4047 hectares and is located on the L3114 Local Road approximately 1.5km from the village of Cratloe in Co Clare. The site is circa 9km northwest of Limerick City Centre and is c180m from the junction of the L3114 and R452 and the dual carriageway fly-over interchange junction no 5 on the N18. The appeal site is within a larger agricultural field and its roadside boundary is defined by a hedgerow. There is an established single storey dwelling on the adjoining site to the south and a farm building and farmyard opposite to the south east of the site. Levels on the appeal site fall gradually north-eastwards towards marshy ground. There are a number of industrial buildings (distribution services) to the north west. The site is located on a bend in the local road with a rise to the southwest. The speed sign is located along the site's road frontage with a limit of 50km/h to the southwest and 80km/h to the northeast.

2.0 Proposed Development

- 2.1. The application seeks permission for 2 no detached two-storey dwellinghouses, each with a floor area of 240sq.m, connection to existing treatment unit serving the existing industrial buildings on adjacent land (Unit is within approximately 140m and percolation area 110m) to the northwest and all associated site works.
- 2.2. Following a request for additional information the nature of the proposal was revised to provide for individual wastewater treatment units serving each dwelling. Front boundary is to be defined by timber fence. A shared splayed entrance is proposed to the front boundary. The design of the dwellings was also revised during the course of the application. External finish to include stone and rendered roughcast plaster and slate roof.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 1st August 2019 Clare County Council issued notification of decision to refuse permission for the following reason:

“The subject site is located on the L3114 which is located approximately 182m from the junction of the R462 with the N18 Dual carriageway. Having regard to the vertical and horizontal alignment of the road in the vicinity of the site, the location of the proposed entrance, and the restricted sight distances available in particular to the northeast, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional turning movement the development would generate on this section of road. The proposed development would not be in accordance with the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner’s initial report sought additional information with regard to sightlines and wastewater treatment proposals. Concerns were also expressed with regard to the house design. Second report recommends refusal on grounds of traffic hazard.

3.2.2. Other Technical Reports

Road Design report notes that the speed limit to the north of the entrance is 80kph and 50kph to the south requiring sightlines of 160m and 70m respectively. Southern sightline is achievable however northern sightline is not. Some traffic exiting the N18 in the direction of Portdrine travels at speeds in excess of 80kph. Site is within the 60-64db noise zone. Surface water from private driveways should not be permitted to runoff to public roads.

Following submission of additional information roads design report asserts that the sightline to the north and forward visibility from the junction of the R462 are unachievable due to the curvature of the road.

3.3. Prescribed Bodies

Irish Water submission notes that the area is served by the Portdrine Group Water Scheme. Permission to be sought for connection.

Transport Infrastructure Ireland report notes reliance on official policy on/affecting national road. The authority will entertain no future claims in respect of impacts e.g.

noise / visual if approved due to the presence of the existing road or any new road scheme.

3.4. **Third Party Observations**

Representations made by Cllr Joe Cooney.

4.0 **Planning History**

PL.03.211814 04/1646 The Board upheld grant of permission for the dwelling on the adjoining site to the south.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The Clare County Development Plan 2017-2023 refers.

The site is located within the boundary of the Portdrine Cluster as set out in Volume 3b Shannon Municipal District Area Settlements of the Clare County Development Plan 2017-2023.

The development plan sets out that clusters are the smallest type of settlement in the hierarchy and their character reflects traditional building patterns with a loose collection of rural dwellings clustered around one or more focal points. Focal points may include existing rural houses around a crossroad or a community or social facility such as a shop, school, church or post office. The strategy for these settlements is to facilitate a small number of additional dwellings and/or small enterprises to consolidate the existing pattern of development around the focal points and utilise existing services in the area. To meet the needs of those wishing to settle in rural areas, the provisions of Objective CDP 3.11 (i.e. 'Local Need' requirement) will not apply to applicants for single houses within the designated cluster boundaries

CDP 3.7 Is the objective to ensure that clusters throughout the county maintain their existing character providing only for very small-scale growth.

5.2. Natural Heritage Designations

The site is not within a designated area. Two designated sites within 1km to the south are

- The River Shannon & River Fergus Estuaries SPA
- Lower River Shannon SAC

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1 The appeal is submitted by Coakley Consulting Engineers on behalf of the applicant. Grounds of appeal are summarised as follows:

- Reasons for refusal have been fully addressed by means of a technical evaluation which has demonstrated that the required sightline distances are available and traffic generated by the development will have a negligible impact on the local road.
- An independent 24-hour vehicle speed and traffic survey undertaken by Traffinomics on Wednesday 21st August 2019 at the proposed access location to determine the design speed. Survey results demonstrated that the maximum 85th percentile vehicle operating speed on the L3115 in both directions is 53.1km/h (design speed). Based on the design speed the proposed access requires a sightline distance of

76.2m. The available sightline for drivers emerging from the access considering both horizontal and vertical alignment of the road are in excess of 90m.

- Predicted traffic and turning movements to and from the proposed 2 dwellings will be negligible and will have a negligible traffic impact on the safe operation of the L3114 considering the existing low traffic flow and large average headway between each vehicle.

6.2. Planning Authority Response

6.2.1 The Planning Authority in response to to the appeal observes that the traffic survey was conducted over one day only and that a vehicle was recorded travelling at a speed in excess of 65kph on the day in question. The Planning Authority remains of the opinion that a 160m sightline is required because the possibility of a driver travelling at 80kph. The required 160m forward visibility is not achievable without existing boundaries being setback and a portion of the proposed 90m sightline is not contained within the carriageway. Clare County Council request the Board to uphold the decision to refuse.

7.0 Assessment

7.1. I consider that the appeal can be assessed under the following broad headings:

- Principle of Development
- Traffic Safety
- Servicing Wastewater Treatment
- Impact and Impact on the Amenities of the area
- Appropriate Assessment

7.2 Principle of Development

7.2.1 Having regard to the location of the site within the cluster boundary for Portdrine and to the settlement policies as set out within the Clare County Development Plan it is considered that the principle of development of the site for residential purposes is acceptable. I would not that the policy with regard to cluster development would appear to be more directed towards individual dwellings and providing for “very small scale growth” and a proposal for an individual dwelling might be considered more appropriate in this context. In light of the nature of the cluster and lack of opportunity for further development I consider that the proposal could be considered favourably subject to detailed matters. I note that in terms of character the existing Portdrine Cluster rather than displaying traditional vernacular character is characterised by relatively unco-ordinated ribbon housing of various house types.

7.3 Traffic Safety

7.3.1 The local authority’s decision to refuse permission arises from the assessment of the Road Design office that a requirement for 160m sightline visibility to the north and forward visibility from the R462 /L3115 are unachievable due to the curvature of the road. The first party in response notes the results of a traffic survey which found the maximum 85th percentile vehicle operating speed is 53.1km/h which would give rise to a design speed of 53.1km/h thus requiring a 90m sightline. The Planning Authority in response note the limited duration of the one-day survey and in light of potential for traffic at speed limit of 80km/h maintained the view that 160m sightline is required. Having visited the site I observed speeds of traffic emerging from the N18 and I would concur with the Planning Authority that sightlines are inadequate and the proposal would give rise to a traffic hazard. On this basis refusal is warranted on traffic hazard grounds.

7.4 Servicing Wastewater Treatment

7.4.1 As regards site servicing, I note that it is proposed to connect to the Potdrine Group Water Scheme and a letter is submitted to confirm consent regarding connection. On the issue of wastewater treatment, the initial proposal to connect to the adjacent treatment system serving the industrial units was amended during the course of the application and final proposal involves individual wastewater treatment systems on

each site. Site suitability assessments were completed in respect of both sites. Site characterisation form for site 1 notes that within trial hole excavated to 2.4m neither ground water nor bedrock were encountered. The soil is described as silt loam with gravelly sandy silt with cobbles at 0.3m. A T value of 24.3 was recorded. As regards site 2 – the trial hole excavated to 2m in which signs of mottling at 1.5m indicate a seasonal high watertable. Soil was described as silt loam leading to gravelly sandy silt/clay with cobbles at 0.3m. T test of 31.756 and p test of 18.19. The P test was carried out on site 2 as the limited size of the site will require a raised bed polishing filter to meet the guideline requirements. I have a number of concerns with regard to the site characterisation details submitted and the evidence of site character. As noted, a seasonal high watertable was detected on site no 2 and lands to the northwest are visible wet and marshy. I note that the details of nature and location of the established treatment systems in the vicinity, including the treatment system serving the adjacent industrial units within the same landholding are not outlined.

7.4.2 On a procedural issue I note that the site layout plans submitted in response to further information request do not show the location of the proposed wastewater treatment systems. They are shown on plans (not to scale) attached to the site characterisation forms. Furthermore, I note that the revised public notices published and displayed on site to communicate the submission of significant further information do not expressly refer to the revised proposal to provide onsite treatment. Thus, it is the case the third parties were potentially not adequately informed with regard to the precise nature of the proposal.

7.4.3 In light of the concerns with regard to the level of information provided and having regard to the concentration of effluent treatment systems in the vicinity, I consider that the proposal has the potential to be prejudicial to public health and gives rise to a threat of water pollution. I note that this is a new issue.

7.5 Impact on the amenities of the area

7.5.1 I note that the proposal will involve removal of the entire roadside boundary hedgerow which will have an impact on visual and rural amenity. The proximity to an established farmyard (within 50m of proposed dwellings) has the potential to give rise to certain impacts in terms of residential amenity and also development opportunities within the farmyard, however this has to be viewed in the context of the location of both appeal site and farmyard within the Portdrine cluster. As noted by the Roads Design Office location the site lies within 60-60DB Noise zone as regards the national road.

7.5.2 As regards impact on established residential amenity I note potential overlooking by gable bedroom window however this could be addressed by way of condition. As regards visual impacts I consider that the construction of the proposed dwellings by reason of density, design and layout would give rise to suburbanisation and in the event of permission significant screen landscaping would be required.

7.6 Appropriate Assessment

7.6.1 The site is located circa 900m north of the Lower River Shannon SAC (Site Code 003165) and the River Shannon and River Fergus SPA (Site Code 004077). Having regard to the issues with regard to the provision of multiple wastewater treatment systems it cannot be concluded that the development in itself or in combination with other plans and projects would not adversely affect the integrity of the Lower River Shannon SAC (Site Code 003165) and the River Shannon and River Fergus SPA (Site Code 004077) in view of the sites' conservation objectives.

8.0 Recommendation

8.1. Refuse permission for the following reasons.

9.0 Reasons and Considerations

Having regard to the vertical and horizontal alignment of the road in the vicinity of the site, to the location of the proposed entrance and restricted sight distances available particularly to the northeast. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional turning movement which the proposed development would generate on this section of road.

It is considered that, taken in conjunction with existing development in the vicinity the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems in the area. The Board is not satisfied therefore, that on the basis of the information submitted with the application, specifically with regard to the location and form of existing wastewater treatment systems in the vicinity, the proposed development would not have significant adverse impacts on groundwater. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

On the basis of the information lodged with the application and the appeal and having regard to the proposal to provide multiple individual wastewater treatment systems to service the development, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Shannon SAC (Site Code 003165) and the River Shannon and River Fergus SPA (Site Code 004077) or any other European site, in view of the site's conservation objectives. In such circumstances the Board is precluded from granting permission.

Bríd Maxwell
Planning Inspector

4th December 2019