



An
Bord
Pleanála

Inspector's Report ABP-306118-19

Development	Provision of an internally illuminated sign with a total height of 12 m including base pole of 8.9 m and signage with a maximum height of 3.087 m.
Location	Junction 5 on M9 Motorway, Wexford Road, Carlow, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	19385
Applicant	McDonald's Restaurants of Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	McDonald's Restaurants of Ireland Ltd.
Observers	Transport Infrastructure Ireland (TII)

Date of Site Inspection

3rd March 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site is located to the north of Junction 5 of the M9/ N80 roads and to the southern side of the Rathcrogue, Wexford Road, Carlow Motorway Services Area (MSA). The development site consists of a small area of land stated to be 9.6 sq m that is currently under grass and is located on the inside of the site boundary. The MSA consists of a retail/ café building which includes a McDonalds restaurant, vehicle fuelling areas, extensive parking for cars and larger vehicles and ancillary areas.
- 1.2. Timber post and rail fencing forms a boundary around the MSA site, and a hedgerow is planted on the inside of this fence. On the outside of the fence-line, along the roadside edge is a grass verge which varies in width. The road to the immediate front/ south of the site is in the form of a five-arm roundabout that provides access to and from the M9, the N80 and to the MSA.
- 1.3. Adjacent to the site is an existing totem sign with a similar height to the proposed development of circa 12 m and which is located on the inside of the fence-line. The sign is mostly in red with silver supports to the sides. This sign includes the Circle K logo (the operator of the MSA), fuel prices, symbols for available dining, car wash and HGV facilities. Below these symbols is a green panel with the McDonald's M logo in yellow and the McDonald's name in white.

Note: A photograph on the submitted Site Layout Plan displays the view of the sign before Topaz were rebranded to Circle K and this image does not demonstrate the sign as currently is.
- 1.4. Additional signage indicating fuel prices and services are located to the south western side and the north eastern side of the MSA. A large, temporary banner type sign was located on the grass verge outside of the fence-line and which included a dark blue background, the McDonalds logo (M in yellow on a red background) and which stated 'Open 24 HOURS' with a large arrow pointing towards the MSA vehicular entrance. Other similar banner signs advertising Circle K products are located on the grass verge further to the north of the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of the provision of an internally illuminated totem site with a stated height of 12 metres consisting of a base pole of 8.9 metres and signage with a height of 3.087 metres. The sign includes a large M in yellow and the title 'McDonald's' in white lettering on a red background below the M logo.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for two reasons as follows:

1. The existing Circle K totem sign at the Roundabout on the N80 and Junction 5 of the M9 motorway adjoining the location of the proposed McDonalds totem sign contains and includes a signage/advertising panel for McDonalds and indeed other signage/advertising panels for separate services provided within the Motorway Services Area. The proposed erection of an additional totem sign would lead to a proliferation of such signage on an important approach road the N80 to Carlow Town, would set an undesirable precedence for such advertising structures and would contravene stated policy 11.13 and Trans Policy 5 in relation to advertising as contained within the Carlow County Development Plan, 2015 – 2021 on the prevention, regulation and control of such signage and would therefore not be in accordance with the proposer planning and sustainable planning of the area.
2. The proposed development is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by the erection of the proposed sign(s), by the precedent which a grant of permission would set, could lead to a proliferation of such developments which would adversely affect the operational efficiency and safety of the National Road Network.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission subject to two reasons. The Planning Authority Case Officer refers to national policy which 'seeks to safeguard the operational efficiency and safety of the national road network' and the development would also be contrary to policies set out in the Carlow County Development Plan 2015 – 2021.

3.2.2. **Other Technical Reports**

Transport Department: No objection to the proposed sign though they question the need for an additional sign in this location.

Environment Section: Recommend a grant of permission.

Carlow Municipal District – Area Engineer: The development would give rise to visual clutter and there is already an existing sign in the immediate area.

Carlow Fire Authority: No comment to make.

3.2.3. **Prescribed Bodies Reports**

Transport Infrastructure Ireland (TII): The development is at variance with national policy and the development by itself or by setting a precedent would adversely affect the operational efficiency and safety of the national road network.

Irish Water: No objection, the site is served by water and foul drainage.

3.3. **Objections/ Observations**

None received.

4.0 **Planning History**

P.A. Ref. PL.14/342/ ABP Ref. PL01.244762 refers to a December 2015 decision to grant permission for the construction of an off-line motorway services area with all associated site works. Condition no. 9 states:

'Signage shall be as per details submitted on the 28th day of November, 2014 and location of same shall not alter from details submitted unless a prior written agreement has been received from the planning authority. Internally illuminated signage shall not be permitted. All lighting proposals for respective signage, advertising structures, logos and similar, shall be submitted for the written agreement of the planning authority prior to commencement of development. No sign, symbols,

nameplate or advertisement other than as indicated shall be erected on the site without the prior written agreement of the planning authority.

Reason: In the interest of proper planning and visual amenity’.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the **Carlow County Development Plan 2015 - 2021**, the site is located on lands that are not zoned for any specific use.

5.1.2. The following are considered to be relevant to this development:

‘11.13 ADVERTISING AND SIGNPOSTING (only relevant sections included here)

Advertising signs, separately, or more particularly in groups, can often cause injury to visual amenities, and can detract from the appearance of an area or a building; this is especially so when they are out of scale and character with their surroundings. They can also be a major distraction to road users and frequently result in traffic hazard. It is the policy of the Planning Authority to strictly control all advertising signs in relation to their location, design, materials and function.

Advertising shall be controlled as follows:

- Signs will not be permitted where they interfere with the safety of pedestrians, the safety and free flow of traffic or if they obscure road signs’

‘Trans – Policy 5 (only relevant sections included here)

It is the policy of Carlow County Council to:

- Promote road and traffic safety measures in conjunction with relevant Government Departments and other agencies through the provision of appropriate signage, minimising or removing existing traffic hazards and preventing the creation of additional or new traffic hazards
- Facilitate the development of on-line or off-line ‘Motorway Services Areas’ within the County in line with the NRA Policy on Motorway Services Areas (NRA Service Area Policy - August 2014) and subject to appropriate assessment and assessment of all environmental issues.’

- Regulate, control and improve signage throughout the County, in conjunction with the National Roads Authority and other relevant agencies
- Support the upgrade of the N80 Enniscorthy – Carlow road and improvements to linkages from the South East Region and Midlands, in line with Regional Planning Guidelines for the South East Region 2010 – 2022, Strategic Objective PPO 5.12

5.2. National Guidance

Spatial Planning and National Roads – Guidelines for Planning Authorities (DoECLG, January 2012).

Section **3.8 Signage** includes the following:

‘On national roads, the erection of signage needs to be tightly regulated for road safety and environmental reasons³. Planning authorities must avoid proliferation of roadside signage, especially outside the 50-60 kmh speed limit areas in a manner that would reduce the effectiveness of essential signage such as directional and other authorised (sic) road traffic signs, create visual clutter and distractions for road users and/or reduce visibility at junctions, interchanges and bends’.

NRA service Area Policy (NRA, August 2014) – Provides policy on where service areas are to be provided and details on their layout. Signage is detailed under **Section 4. Signage & Information.**

5.3. Natural Heritage Designations

The subject site is not located within any Natural Heritage designated lands.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has engaged the services of Thornton O’Connor Town Planning to prepare a first party appeal against the decision of Carlow County Council to refuse permission for the proposed totem sign. The following points are made:

- The McDonald’s logo on the existing totem sign is too small to be visible from the approach roads to the MSA.

- The applicant is willing to remove the McDonald's signage panel from the existing totem sign if permission is granted for this development.
- The proposed sign is to enable wayfinding to the McDonald's restaurant on site.
- The proposed sign will not give rise to a traffic hazard or visual obstruction in this location.
- The development will not give rise to a proliferation of signage in this location.
- The proposed development does not set a precedent for similar development in the area.
- The sign is similar in height/ scale to the existing totem sign on site and would not be out of character or scale in this location.
- The sign is not contrary to Policy 11.13 or Trans – Policy 5 of the Carlow County Development Plan 2015 – 2021.
- The signage will aid safety by directing drivers to a rest stop where food/ drink can be obtained.
- Reference is made to similar approved signage in Cork.

6.2. **Planning Authority Response**

The Planning Authority have stated that they have no further comment to make at this time.

6.3. **Observations**

Restate that the proposed development is at variance with official policy in relation to the control of development on/ affecting national roads in accordance with the Spatial Planning and National Roads – Guidelines for Planning Authorities (DoECLG, January 2012).

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Impact on the Visual Amenity of the Area
- Impact on the Road Network

- Appropriate Assessment Screening

7.2. Impact on the Visual Amenity of the Area

- 7.2.1. I have noted the Planning Authority reports and the submitted appeal details. From the site visit, it was evident that this Motorway Services Area (MSA) has created a new landmark at this junction of the M9/ N80. As with all such MSAs, there is sufficient signage on the motorway to inform and direct road users to the site. This signage is provided by TII and conforms to their standards. The signage is generic but states through the form of symbols that food/ refreshments may be obtained in addition to fuel and restroom facilities. There should be no confusion to motorway users as to how to get to the MSA. At the MSA there is the large totem sign which details the operator of the facility, fuel prices, symbols of available services and in this case, clear indication that there is a McDonald's restaurant on site. The yellow M Symbol and McDonald's name on a green background contrasts to the generally red totem sign and is clearly visible from passing cars on the N80 and those using the N80/ M9 roundabout junction.
- 7.2.2. I therefore consider that the installation of an additional totem sign in this location is unnecessary and would create visual clutter. The existing large totem sign is the means of identification of what is available on site. These MSAs are primarily to serve the needs of those using the national route network and not be a destination in themselves or attract local, short trips. The existing signage on site is sufficient to direct drivers to the MSA and on site they can choose where to eat as in addition to the McDonald's, Circle K provide their own food offering. The McDonald's restaurant is not the primary/ predominant location on site as to warrant its own individual signage, it forms a small part of the overall function of this MSA. There is adequate signage on all sides of the MSA to direct visitors and the additional sign would be excessive and unnecessary.

7.3. Impact on the Road Network

- 7.3.1. The second reason for refusal referred to the proposed development not complying with national policy/ guidelines. The Carlow County Development Plan 2015 – 2021 includes clear policy on the control of signage especially where it may give rise to

visual clutter and distract road users. TII have made clear in their submission received by An Bord Pleanála on the 6th January 2020, that the development was at variance with policy in relation to the control of development on/ affecting national roads. Signage along national routes is to be carefully controlled by the relevant Planning Authority and I consider that Carlow County Council have done that in this case.

7.3.2. As already assessed, a second totem sign of circa 12 m in height would be visually excessive in this location. It is considered that there is a potential for traffic hazard through permitting the sign, as drivers may become distracted/ confused by the presence of two different signs in this location where heavy traffic is to be expected. The existing roundabout has five routes converging/ diverging and it is important in such a location that drivers are not distracted. Directional signage should be simple and clear and not give rise to any ambiguity. A function of signage is to attract the attention of passers-by and the provision of additional signage may do so, giving rise to a potential traffic hazard/ loss of the operational efficiency of the junction.

7.3.3. The appellant refers to the need to assess all applications on their own merits and then later refers to a similar application in Cork. I am not familiar with the application in Cork and can only consider the current application on its own merits.

7.4. Appropriate Assessment Screening

7.4.1. Having regard to the nature and scale of the proposed development and the location of the site and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed totem sign would be visually obtrusive and, in conjunction with the existing signage on these premises, would seriously injure the visual amenities of the area and be contrary to the provisions of the current Development Plan for the area in relation to advertising, which provisions are considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the level of existing and permitted signage in the vicinity of the site, it is considered that the proposed development would lead to the proliferation of signage in the area, which would represent an unacceptable visual intrusion and cause distraction to motorists. The proposed development would be contrary to the 'Spatial Planning and National Roads – Guidelines for Planning Authorities' (DoECLG, January 2012) as issued under Section 28 of the Planning and Development Act 2000 as amended. It is considered, therefore, that the proposed sign located at a roundabout junction serving the M9 and N80 roads, would endanger public safety by reason of traffic hazard, would be visually intrusive and seriously injure the amenities of the area, would set an undesirable precedent for future development of this kind and would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

5th March 2020