



Planning and Development Acts 2000 to 2018

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 18/534

APPEAL by Michael Ryan care of Future Analytics of 23 Fitzwilliam Square (South), Dublin against the decision made on the 27th day of September, 2018 by Waterford City and County Council to refuse permission to the said Michael Ryan.

Proposed Development: The development of a 24-hour operation comprising a vehicle service area to include vehicle fuelling station with 12 number bays with canopy over, a HGV fuelling station with two number bays; a part single storey part two-storey services building with a total floor area of 900 square metres including convenience store (90 square metres), food court (184 square metres) with two number food outlets including takeaway/drive through restaurant and associated services at ground floor as well as first floor offices and associated services (184 square metres) along with external dining area, external children's play area and all associated car parking spaces and HGV parking spaces, one number totem advertising sign, building signage, demolition of dwelling house, underground fuel storage tank, new sewage treatment plant and percolation area, storm water attenuation system, new bored well and all associated site development works. The development shall also include the upgrade and widening of the N25 for 320 metres with a new priority junction with the R673, the L2023 and the L6090,

the closing of the existing priority junction with the R673, the realignment of the R673 for 330 metres, the local realignment of the L2023 for 85 metres, the local realignment of the L6090 for 130 metres, the construction of a new roundabout on the R673 to give access to the proposed development, the construction of a new agricultural entrance from the R673 Ardmore Road, the construction of new public lighting , drainage and boundary fencing associated with these roadworks, all at Kiely's Cross, Mwellling and Reanaskeha, County Waterford.

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. It is considered that the proposed development, which relates to a commercial facility incorporating restaurant/takeaway, retail and vehicle fuelling uses, alongside a single carriageway national road in a rural location, would be contrary to Development Plan objective (INF1) as set out in the Waterford County Development Plan 2011-2017, which seeks to protect the carrying capacity of national roads and associated junctions in the interest of road safety. In addition, the proposed development would be contrary to the relevant provisions (to guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 km/h apply; roadside

service facilities at non-motorway national roads and junctions) of the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the realignment and road improvement works to the N25 and R673 proposed as part of the proposed development and the proposed relocation of the access to the site via the R673, it is considered that the proposed development would endanger public safety by reason of a traffic hazard because the site is located along the heavily-trafficked National Road N25 at a point where the maximum speed limit applies and traffic turning movement into and out of the site via the junction off the N25 would interfere with safety and the free flow of traffic on the public road, and, by itself or by the precedent which the grant of permission for it would set, would adversely affect the use of the N25 national route at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development, by reason of its nature and scale, would constitute a visually obtrusive feature in the landscape on a site alongside a ‘scenic route’ and in the immediate environs of a ‘visually vulnerable’ landscape, both designated in the Waterford County Development Plan 2011-2017 and would, therefore, be contrary to policy 6.1.(a) ‘Policy with regard to areas designated as vulnerable’ as set out in Appendix A9 of the Development Plan. The proposed development would, therefore, interfere with the character of the landscape in the area and be contrary to the proper planning and sustainable development of the area.

4. The proposed development, by reason of noise nuisance, traffic movements and lighting requirements on a 24 - hour cycle, 365 days a year, would adversely impact the amenities of nearby dwellings. The proposed development would, therefore, seriously injure the residential amenities of property in the vicinity of the site and be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.