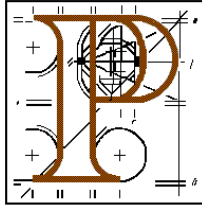


An Bord Pleanála



Inspector's Report

Proposed Development: Mixed Use Agricultural Shed, Site Works and Boundray Treatment at Cloghbree dy, Cahir, Co. Tipperary.

Planning Application

Planning Authority: Tipperary Co. Co.
Planning Authority Reg. 15/600878
Applicant: Paddy Connors
Type of Application: Permission
Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): Paddy Connors
Type of Appeal: 1st Party- V- Decision
Observers: None

Date of Site Inspection: 24/03/2016

Inspector: Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is located alongside an interchange of the M8 –Cork to Dublin motorway, it is literally located alongside and beneath a slip road going onto the M8 from the north at the Cahir interchange (N24/ M8 interchange).
- 1.2 The site, 0.944Ha, is accessed off the N24 National Primary Route adjacent to a slipover and the junction with the R670 on the opposite side of the N24.
- 1.3 There is a laneway off the N24 to the shed. During my visit I noticed the shed half full of large hay bales, but also hay bales across the site. The site overall was very unkempt and inaccessible for me due to the depth of muck.

2.0 DEVELOPMENT

Retention of a mixed use agricultural shed with a gross floor area of 1037sq.m. and 9metres in height, and boundary treatment.

According to the file the use of the shed is saving hay and straw in season, storing it and selling it for fodder in winter and spring to farmers nationwide.

The drawings indicated an underground storage tank and the shed is slatted.

3.0 SUBMISSIONS RECEIVED

Transport Infrastructure Ireland

The planning authority shall abide by official policy in relation to national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) in order to protect the major public investment in upgrading national roads.

4.0 TECHNICAL REPORTS

Planning report is in line with the reason for refusal.

5.0 PLANNING AUTHORITY'S DECISION

Tipperary Co. Co. refused the proposed development for one reason:

It is considered that the proposed development would result in additional traffic stopping and turning movements onto a National road at a point where sightlines are substandard. The development would undermine the carrying capacity of this national road and would endanger public safety by reason of a traffic hazard. The development materially contravenes Policy INF1 of the South Tipperary County Development Plan 2009, is at variance with National Guidance as set down under the spatial Planning and National Roads

Guidelines for Planning Authorities and would therefore be contrary to the proper planning and sustainable development of the area.

6.0 APPEAL GROUNDS

6.1 The applicant had intended constructing a shed permitted under planning reference 10/86. However due to circumstances beyond his control he was unable to do so and he built a shed on the subject site instead. Planning permission was not sought at the time as the applicant had 4000 bales of hay he needed to store. There were previously agricultural sheds on the subject site, and the applicant considered the site to be suitable, as he was simply replacing the existing sheds.

6.2 Availability of Sightlines

The NRA provided the entrance to the site, and it was designed as an access onto a National primary Road adhering to their own design manual for Roads and Bridges. The entrance was provided for the use of three separate owners including the applicant.

6.3 The entrance is located 265metres south west of New Inn Road Roundabout. When existing the roundabout you are travelling at a reduced speed, in the same way, cars approaching the roundabout will be reducing their speed to under 100km per hour. Sightline requirements should be reduced in such instances considering the reduction in speed that will naturally occur.

6.4 In order to alleviate the planning authority's concerns regarding sightlines the applicant proposes cutting back the existing whitethorn bushes at both sides of the entrance and replacing them with a more suitable boundary.

6.5 Development will not Undermine National route

There will not be a significant increase in traffic as a result of the development onto the national Route. The shed is been used for the storage of 4000No. round bales. When stocking the shed each load has the capacity for 62 entries and exits from the site over a nine month period. The removal of the hay and straw requires an additional 248No. movements over the course of the year. If the shed is used in future to house livestock then it will involve daily movements to feed livestock. However this still is not significant levels of traffic.

6.6 Development does not contravene Policy INF1: Preserving Strategic Road Networks

The shed was developed to support an existing farm and the site is zoned for agricultural use under the Cahir LAP 2011. The development adheres to the land use zoning.

6.7 Policy INF 1: is at conflict with the land use zoning objectives of the Cahir LAP 2011 as far as the development is concerned. Policy INF1 proposes to protect national and regional corridors from development that would undermine the implementation of future infrastructure projects and the

carrying capacity and safety of national and regional roads, while it is an objective of Cahir LAP to protect rural amenity. The planning authority only considered policy relating to the protection of the national road and failed to consider policies that protects rural farming practices.

- 6.8 The planning application was referred to the regional Roads Design Office. They had no site specific observations.

7.0 OBSERVATIONS

There were none received.

8.0 PLANNING AUTHORITY'S RESPONSE

- 8.1 The appeal submission states the site entrance was provided by the NRA as part of the construction of the N24. The planning authority does not consider this to be a relevant consideration given the intensification of usage of the existing field entrance onto the N24 arising from the proposed development, it was never envisaged when the gate was installed.
- 8.2 The required sightlines are 215metres in both directions from a setback of 4.5metres.
- 8.3 The appeal states the shed is to support the existing farm, yet the extent of the existing farm has not been shown. This statement conflicts with other statements on file that the applicant trades in fodder and cattle.
- 8.4 The statement that Policy INF 1 of the development plan conflicts with land use zoning policies and objectives as set out under the Cahir LAP 2011 is unclear and unfounded.
- 8.5 The South Tipperary County Development Plan was varied in December 2015 and the relevant policies and objectives relating to national roads are set out under Section 9.3.2, Section 10.9.1 and Policy T1 3 of the Plan.

9.0 PLANNING HISTORY

Enforcement

TUD – 15- 141 Warning Letter regarding the unauthorised development of an agricultural shed on the site.

10.0 PLANNING POLICY

The operational development plan is South Tipperary County Development Plan, 2009 – 2015. (as varied) Section 9.3 **Roads Infrastructure**

9.3.2 Safeguarding the Strategic Road Network

It is a key aim of the Plan (as varied) to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 km applies. Having consideration to this key aim, development proposals will be assessed having regard to Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG 2012).

The Council will seek to restrict access onto national routes in order to protect critical investment in infrastructure, route carrying capacity and the safety of road users. The Plan (as varied) has identified routes of strategic importance, by virtue of their significance in terms of connectivity between settlements, traffic volumes and role as scenic tourism routes within the county. These routes are illustrated in Figure 9.2 and include all motorways, all national primary and secondary route and regional routes, (excluding lightly trafficked regional routes).

Cahir Local Area Plan 2011 – Subject site is zoned for Agricultural Use.

National Policy

There have been a number of policy publications from Transport Infrastructure Ireland (NRA), those of relevance to the proposed development include the following:

Policy Statement on Development Management and Access to National Roads, (May, 2006),

Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG 2012)

11.0 ASSESSMENT

- 11.1 The development the subject of this appeal is a large agricultural shed positioned alongside the M8/ N24 interchange near Cahir, Co. Tipperary. It was constructed without the benefit of planning permission and it has been the subject of a Warning Letter from the planning authority. The applicant subsequently applied for planning permission to retain the shed which has an access directly off the National Primary Road (N24).
- 11.2 The planning authority refused the development because it would undermine the carrying capacity of the National Road and would endanger public safety by reason of a traffic hazard due to inadequate sightlines. In addition, the planning authority stated, the proposal materially contravenes Policy INF 1 of the South Tipperary County Development Plan 2009 and it is at variance with national guidance set down under the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In December 2015, a varied

South Tipperary County Development Plan was adopted. The relevant sections relating to Roads Infrastructure and National Roads are outlined under section 9.3 of the Plan and appended to this report. If particular relevance is section 9.3.2:

9.3.2 Safeguarding the Strategic Road Network

It is a key aim of the Plan (as varied) to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 km applies. Having consideration to this key aim, development proposals will be assessed having regard to Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG 2012).

The Council will seek to restrict access onto national routes in order to protect critical investment in infrastructure, route carrying capacity and the safety of road users. The Plan (as varied) has identified routes of strategic importance, by virtue of their significance in terms of connectivity between settlements, traffic volumes and role as scenic tourism routes within the county. These routes are illustrated in Figure 9.2 and include all motorways, all national primary and secondary route and regional routes, (excluding lightly trafficked regional routes).

- 11.3 The appeal file states the applicant/ landowner trades in hay and straw. He purchases the hay and straw during the harvesting time, then requires a space to store it until it can be sold during the winter months when it is needed by farmers nationwide. The subject shed was constructed to store 4000No. round bales. In addition there were underground tanks constructed under the shed, in the event the applicant wishes to accommodate livestock at a future date. The applicant maintains the subject site was the only available site to him at the time in 2010 when he needed to store 4000No. bales of hay/ straw. On appeal he also states the National Road Authority constructed the entrance to the site in line with its own standards to provide access to 3No. separate properties. Therefore the access should be acceptable to the planning authority. On appeal the applicant has argued there is acceptable sightlines at the entrance and that the agricultural use of the subject development will not significantly or materially impact on the carrying capacity of the national road.
- 11.4 Given the national and local planning restrictions and guidance regarding access onto national primary and secondary routes over the past number of decades, I find it incredible the applicant constructed such a large development with access directly off the N24 without planning permission. The shed is 1037sq.m. and is capable of storing 4000No.large round bales, but also there were slurry tanks constructed beneath the shed. Therefore the applicant intends keeping livestock in the shed at a future date. There are no details of the number of livestock to be accommodated in the shed, duration of housing, calculations regarding of adequacy of slurry tanks, details of lands where the slurry will be spread. There are no details of the applicants land holding and other farming activities. The use of the building is contradictory in that, the appeal documents state the applicant trades in hay and straw nationwide, therefore the necessity for the underground tanks is unwarranted. He has not substantiated why this site was the only site available to him at the time or the relationship of this site to his residual lands or farming activities.

- 11.5 I have grave concerns regarding this development. During my inspection, there was a large volume of the bales stored externally in a chaotic manner across the site. There was muck everywhere with no visible signs of hard standing or surface water drainage. There is a surface water stream nearby. It is an unkempt and unacceptable situation on the subject site at the present time, and I would be gravely concerned if planning permission were granted to keep livestock on this site, given that the round bales cannot be stored correctly within the shed at the present time. There would appear to be no direct link to this shed and the applicant's farmyard. This shed appears to be a standalone development which is unusual in terms of agricultural practices. The Board should be mindful of the potential to cause pollution or leakage of soiled water into nearby streams and rivers from the development.
- 11.6 The subject access onto the national primary road is unacceptable to cater for the development and was constructed originally to provide field entrances to three separate landholdings. The planning authority were correct to refuse the development on this basis and the Board should uphold the refuse to refuse. A speed limit greater than 50km applies at this location. It is adjacent to the Cahir M8 interchange, where major public investment has been spent in recent times. The access was provided by the NRA to fields and agricultural lands. In the event the Board were to permit retention of the shed it will set a highly undesirable precedent for the other the two land owners using the access to intensify the use communal entrance onto the N24 and it may encourage the applicant to construct additional sheds at this location. The critical investment in infrastructure at this location should be protected in line with national and local policies.
- 11.7 One must consider in the event the shed had not been constructed and the applicant applied for planning permission to construct a large shed at this location with underground slurry tanks and direct access of the N24, would the permission be considered favourably. It is highly unlikely given national and local planning policies relating to national and secondary primary roads. This may have been the motivation to construct the shed without planning permission in the first instance, notwithstanding the reason for building an unauthorised development at this location, it remains an unacceptable development in terms of traffic safety. There is a junction onto the R670 in close proximity to the subject site entrance, and it is a busy junction just off the Cahir interchange. Traffic turning movements of the R670 onto the N24 heading towards the M8 could be seriously compromised by traffic turning movements into and out of the site. The planning authority's reason for refusal should be upheld in this regard.

12.0 RECOMMENDATION

The planning authority's decision to refuse planning permission should be upheld by the Board.

REASONS AND CONSIDERATIONS

1. The access to the proposed development is located along an improved, heavily trafficked section of the National Primary Road (N24), at a point where a speed limit of 100 km/h applies and adjacent to the busy M8 Cahir Interchange roundabout and junction with R670 . Having regard to the nature and volume of traffic likely to be generated by the proposed development, the Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard due to the additional traffic movements onto the National Primary Road and that the turning movements generated by the development would not interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is national policy, as set out inter alia in the National Roads Authority 'Policy Statement on Development Management and Access to National Roads', to prevent new access points onto National Roads in areas outside the 50 km/h speed limit. The site of the proposed development is located on the National Primary Road (N24) at a point where a speed limit of 100 km/h applies. It is considered that the proposed development would conflict with the foregoing national policies, which aim to preserve the level of service and carrying capacity of the National Primamry Road Network and to protect the public investment in such roads. It is considered, therefore, that the proposed development, by itself or by the precedent which a grant of permission for it would set for other relevant development, would adversely affect the use of a national road by traffic and be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

21st Of April 2016