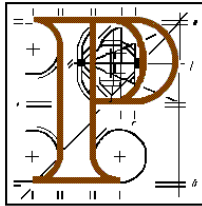


An Bord Pleanála



Inspector's Report

PL27.246635

DEVELOPMENT:-

Permission for an agricultural entrance for the purpose of vehicular access to and the continuous upkeep of the land and all ancillary works to facilitate the development at Blackberry Lane and Glen Road, Drummin East, Delgany, Co. Wicklow.

PLANNING APPLICATION

Planning Authority: Wicklow County Council
Planning Authority Reg. No: 16/117
Applicant: Clement Wilson
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: Brian McDonagh
Type of Appeal: 3rd-v-Grant

DATE OF SITE INSPECTION: 27th July 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site, which has a stated area of 1.01 hectares, is located to the south west of Delgany, Co. Wicklow. The site is at the junction of the R672 (Glen Road) and a lower category public road (Blackberry Lane). The section of the R672 adjoining the site leads to the N11 just a short distance from the site. The appeal site is currently in agricultural use with the gradient on the site increasing away from the public road (east). The northern boundary of the site is defined by Blackberry Lane with existing hedgerow along the boundary. The eastern boundary is defined by the R672 with a 1.8m stone wall along the roadside boundary. The public road is approximately 5m in width and there is a 1.2m wide footpath along the eastern side of the public road. To the south of the site is Drummin House and its associated lands including agricultural lands and immediately east of the site is an existing dwelling.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a new agricultural entrance for the purposes of vehicular access and the continuous upkeep of the land. The vehicular entrance is to be a 4.2m wide splayed entrance to a field that entails removing a portion of an existing 1.8m high stone wall.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

- (a) Transport Infrastructure Ireland (19/02/16): The Planning Authority is to abide by national policy in regards to national routes.
- (b) Executive Engineer (14/03/16): Grant with conditions.
- (c) Planning Report (15/03/16): Further information required including a demonstration of the need for the entrance on the basis of its location on a Regional Route, details of sections including excavation details, trees to be removed and retaining structures required.
- (d) Planning report (20/04/16): The principle of the provision of an access at this location was considered acceptable and the design and layout of such was considered satisfactory in the context of traffic safety.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to three conditions. Of note is the following condition.

Condition no. 3: The proposed entrance is in lieu of the historical field entrance from Blackberry Lane. The entrance on Blackberry Lane shall be permanently closed off on the traffic completion of the proposed entrance.

Reason: In the interests of clarification and traffic safety.

5. PLANNING HISTORY

- 5.1 No planning history.

6. PLANNING POLICY

- 6.1 The relevant plan is the Wicklow County Development Plan 2010-2016.
- 6.2 Chapter 11 of the County development plan 'Road and Transportation' section 11.7.4 relates to Entrances and Sightlines.
- 6.3 Section 11.72 'Regional Road Development Control' objectives

A new means of access onto a regional road will be strictly controlled and may be considered if one of the following circumstances applies:-

- The regional road passes through a designated settlement and a speed limit of less than 50km/h applies;
- Where the new access is intended to replace an existing deficient one;
- Where it is demonstrated that the entrance is essential and no other means of access is available.

7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by Brian McDonagh, Dromin House, Drummin East, Delgany, Co. Wicklow. The grounds of appeal are as follows...
- The appellant has enclosed a Transportation Assessment in support of his objection to the proposed access with it noted that there is alternatives for providing an additional access to the applicants lands.
 - The Transportation Assessment highlights a number of safety concerns regarding the proposed access. These include an inability to stay in lane for

traffic turning left out of the site due to existing lane widths, potential conflict with other traffic due to the proximity of the existing bus stop, the steep gradient of the approach to the entrance failing to facilitate safe access and failure to provide adequate sightlines.

8. RESPONSES

8.1 Response by Plan 8 Architects on behalf of the applicant, Clement Wilson.

- It is noted that access off Blackberry Lane was considered but discounted due to better sightlines available off Glen Road.
- The applicant has submitted a technical report countering the issues raised by the Transportation Assessment submitted by the appellant and indicating that the proposal is satisfactory in regards to traffic safety.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Traffic safety

Other Issues

9.2 **Principle of the proposed development:**

9.2.1 The proposal is for a new vehicular access to serve agricultural lands. The vehicular access is off the R762, which is a Regional route. Under Development Plan policy set out under section 11.7.2 it is noted that...

“A new means of access onto a regional road will be strictly controlled and may be considered of one of the following circumstances applies:-

- The regional road passes through a designated settlement and a speed limit of less than 50km/h applies;
- Where the new access is intended to replace an existing deficient one;
- Where it is demonstrated that the entrance is essential and no other means of access is available”.

Based on the information on file the site was part of Drummin House and its associated landholding to the south and has been previously accessed through such. It is noted that Drummin House and its associated landholding were sold independent of the site and that there are no rights of access through such to the site. It is noted that there is a historic access at the

north eastern corner of the site off Blackberry Lane but such has become overgrown and unsuitable for access due to neglect. It is noted that the access is the purposes of using the land and maintaining it including the existing trees on site.

9.2.3 It does appear that the site has no direct access from the public road and that existing access would necessitate access through third party lands through, which the applicant claims no right of access. There is differing opinions on such between the applicant and the appellants however such arguments are not relevant planning considerations in this appeal. The fact is the portion of land, which is agricultural in nature and in a rural area has no access from the public road. It is noted there was an access in previous times from Blackberry Lane to the north east of the site however such is not suitable due to neglect of use. Having inspected the site it is notable that the existing entrance from Blackberry Lane is not perceptible or useable at present and appears to be closed up. Based on these facts I would consider the principle of the new entrance is acceptable off the R672 subject to such being acceptable in regards to traffic safety and convenience.

9.3 Traffic Impact:

9.3.1 The proposal is for a 4.2m wide splayed entrance off the R672 at point where the road has a speed limit of 50km/h. The public road at this location is approximately 5m in width with a 1.2m wide footpath along the eastern side of the public road. The applicant has indicated that sightlines of 80m are available in each direction. In terms of visibility the alignment of the public road at this location, taken in conjunction with the provision of a splayed access and the presence of a 1.2m wide footpath would facilitate sufficient levels of sightlines in each direction. In addition the speed limit of the road is 50km/h and the nature of the traffic access is agricultural and is unlikely to generate a significant intensity of traffic movements at this location. I am satisfied based on the agricultural nature of the use on site and traffic associated with such that there are no concerns regarding gradients of the lands relative to the access. Having regard to such I would consider that the proposal would be satisfactory in context of traffic safety and convenience.

9.4 Other Issues:

9.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the Wicklow County Development Plan 2010-2016 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in the context of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

Colin McBride
22nd August 2016