



An
Bord
Pleanála

Inspector's Report PL07.247556.

Development	Construction of a dwelling house, septic tank, percolation area and associated services.
Location	Cloonavarroge, Headford, Co Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	16/1028.
Applicant(s)	Enda Moran.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	Transport Infrastructure Ireland.
Observer(s)	None.
Date of Site Inspection	18 th of January 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is 0.3ha and forms part of a farm complex located off the N84 approx. 2km north of Headford Town, north Co. Galway. The site is located to the south of an existing bungalow. There are currently two accesses into the site for both the dwelling and the farmyard. The area to the south of the site is agricultural lands associated with the farm. There is a row of three dwellings on the opposite side of the road.

2.0 Proposed Development

2.1. The proposed development includes a new single storey dwelling (1,629 m²) for the son of the land owner.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant following the submission of unsolicited further information to state the following:

- The use of the access will not be intensified as the applicant currently resides in the family home and works part-time on the farm.
- There are no other sites within the applicant's ownership suitable or accessible from county roads.
- The proposed works to the site will improve the current access.
- The proposed development complies with DM standard 18.

3.2.2. Other Technical Reports

Road Department- No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland- Recommend a refusal due to traffic concerns and the safe operation of a national road.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Appeal site.

06.3529

Permission granted for the construction of slatted shed and horse stables.

Adjacent to the site

15.121

Permission granted for a site directly off the N84, 2.5km north of Headford for the demolition of garage alterations and extension to existing dwelling and relocation and upgrade of existing vehicular entrance.

In the vicinity

07.246059

Permission refused for a single dwelling to north of Tuam along the N17 for reasons of intensification of access and negative impact on the National road network.

07.246110

Permission refused for a single dwelling to the south of Tuam, approx. 1.3km east of the site along the N17 for reasons of intensification of access and negative impact on the National road network.

5.0 **Policy Context**

5.1. **National Policy**

- Spatial Planning and National Roads (DoECLG, 2012)
- Design Manual for Roads and Bridges (NRA,2000)
- Sustainable Rural Housing-Guidelines for Planning Authorities (2005)
- EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

5.2. Galway County Council Development Plan 2015-2021

The subject site is located with a “*Rural Areas under strong urban pressure*” (GTPS) where it is an objective to facilitate genuine rural housing needs of the community.

Landscape Sensitivity Class 1, where no visual impact assessment is required.

- DM 39: Class 1- All developments consistent with settlement policies.

Housing

- **Objective RHO1**- Rural Housing Zone 1 (GTPS): Housing need criteria.
- **Objective RHO 9** - Design Guidelines: It is an objective of the Council to have regard to Galway County Council’s *Design Guidelines for the Single Rural House*.
- DM 5: Rural Housing- Justification and connection to rural area for dwelling.
- DM 7: Site Size.
- DM 6: Assimilation of development into the landscape.

Water

- **Objective RHO 12** - Waste Water Treatment Associated with Development in Un-Serviced Areas.
- DM 29: Effluent Treatment Plants to comply with the EPA guidelines.

Transportation

- Map – Overall Spatial Strategy and proposed development option- N17 is classified as a “*Major Transportation Link*”.
- DM 18: Access to National and other Restricted Roads for Residential Developments. Housing Need Eligibility.
- DM 20: Sight Distances for access to National Roads.
- Table 13.3- Design Speed 100km/h, y distance 215m.
- DM 21: Building Line- Set back of 35m from the realigned carriageway, in the interest of rural amenities.

5.3. Natural Heritage Designations

The subject site is located 1.9km to the east of the Lough Corrib SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from Transport Infrastructure Ireland (TII) and may be summarised as follows:

- The proposed development is an intensification of a direct access onto a strategic N84 with a speed limit of 100km/ph. The sightlines submitted do not meet the required standard for a y distance of 215m to the north and south.
- The N84 is identified as an interregional route in the RPG for Castlebar/ Balina linked hubs.
- The proposed development sets an undesirable precedent for similar type development.
- Reference is provided to policy on Spatial Planning and National Roads (2012) and the Galway County Development Plan 2015-2021 in particular Objective T1 (Sustainable transportation) and Policy T16 & T17 (Protection of

Strategic Transportation Infrastructure and Protection of the National Road Network).

6.2. Applicant Response

A response from an agent acting on behalf of the applicant has been submitted and may be summarised as follows:

- It is proposed to consolidate two adjoining access into one and relocated the telegraph pole within the sightlines.
- Reference to the “*Sustainable Rural Housing Guidelines for Planning Authorities*” and the applicants need to live at this location.
- The applicant has proof he has ties to the rural area and to refuse permission would require the applicant to drive to the farm on a more frequent basis.
- The proposed development complies with all the management standards of the development plan and the applicant only has lands fronting onto the N84, no local road access is available.
- DM standards 20 are not applicable as the proposed development includes and existing access. In addition, the applicant has received further consent from adjoining land owners and can now achieved increased sightlines of 157m to the north and 137m to the south.

6.3. Planning Authority Response

The response from the planning authority may be summarised as follows:

- The planning authority is required to have regard to any guidelines issued under Section 28 of the Planning and Development Act, which it has done.
- DM standard 18 as adopted by the members, places emphasis on farm families living on family holding, with a functional need to live at the location and use of existing entrances, access via local roads is always a preferred access.
- The Roads and Transport unit have no objection to the proposed development.

6.4. **Observations**

None received.

6.5. **Further Responses**

A further response on the applicant's submission was received from Transport Infrastructure Ireland which may be summarised as follows:

- The proposal still includes the intensification of an existing access onto N84.
- The additional dwelling will still bring about additional trips, more than the applicant travelling to the farm on a daily basis.
- The new issues raised in the applicant's submission still do not achieve the required sight distance of 215m, therefore still endangering public safety by reason of traffic hazard.

7.0 **Assessment**

7.1. The following assessment has regard to the revised plans submitted with the applicants' submission to the grounds of appeal and include the closure of the existing access to the family home and an agreement with adjoining land owners to include additional lands within the sightlines. Observations on the amendments were received from Transport Infrastructure Ireland. The main issues of the appeal can be dealt with under the following headings:

- Rural Housing Policy
- Access
- Water and Waste Water Treatment System
- Appropriate Assessment

Rural Housing Policy

7.2. The site is located in a rural area which has been identified in the development plan as being under strong urban pressure. The proposal is for a one-off house located adjacent to the applicant's family home and farm and accessed directly from the N84. Obj RHO 1 (housing need) and DM 18 (access from national roads) of the

development plan include the criteria for applicants proposing dwelling houses within these areas. The applicant has submitted documentation to provide evidence of links the rural area including confirmation of attendance in the local school from 1978-1992, a letter of membership from the local credit union and local GAA Club. The applicant has not submitted any documentary evidence that he currently resides in the family home, rather, the information submitted has been verified in a letter by a solicitor, in addition it is stated the current family home, and farm, will eventually be transferred to the applicant. I consider the submitted documentation reasonable to justify a link to the rural area.

- 7.3. The applicant has submitted the family land holding on the site location map and also on the folio maps. It is noted that the land area submitted on both does not correlate. The landownership outlined in blue on the site layout map includes an additional building within the farm holding which is accessed via a separate access onto the N84. The discrepancy in the submitted documentation was not raised during the planning application.
- 7.4. In relation to the design and layout of the proposed dwelling it is a storey and half dwelling, 1,629 m² nap plaster finish and windows with horizontal and vertical emphasis. The dwelling is orientated east onto the public road and is set below the existing dwelling. I note there is no specific design criteria in the development plan and I consider the design of the dwelling would have no negative on the existing dwelling or the surrounding rural area.

Access

- 7.5. The proposed development includes access via an existing agricultural entrance onto the N84. The access is adjacent to the vehicular access for the family home and submitted site layout and folios indicate a large landholding in the family ownership.
- 7.6. The proposed development does not propose an additional access point from the N84, rather it includes amendments to the current agricultural lands for use by the new dwelling. The applicant submits that, as he already resides in the family home, an intensification of the access point would not arise. The applicant has not submitted documentary evidence to suggest he currently resides in the family home,

this aside, I consider the creation of a new household on the farm would lead to additional traffic movements and therefore intensification would occur.

7.7. The ground of appeal submitted by Transport Infrastructure Ireland (TII) argue the proposal is:

- a) Contrary to the *DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and the current development plan;
- b) Would endanger public safety by reason of traffic hazard; and
- c) Fails to protect previous national investment in infrastructure.

The assessment of the area planner accepts, following the submission of unsolicited information, that the circumstances of the applicant and the need to live at this location proves compliance with the development plan and therefore the national guidelines, this is further addressed below.

7.8. Section 2.5 of the *DoEHLG Spatial Planning and National Roads (2012)*, issued under Section 28 of the Planning and Development Act 2000 (s amended) states:

“The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing access to national roads to which speed limits greater than 60km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.”

7.9. The N84 has been identified as an inter-regional route in the Regional Planning Guidelines for the West Region and links Castlebar/Ballina Linked Hub with the Galway Gateway. The grounds of appeal argue that the carrying capacity of the national roads and the need to protect this public investment are outlined in *DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*. In addition to the restrictions outlines above in Section 1.5 of the guidelines, Section 2.6 of these guidelines will permit access onto National Roads of Regional Strategic Importance in exceptional circumstances, where the need has been justified in the plan making process.

7.10. The applicant and planning authority argue that due regard was given to these national guidelines during the plan making process and the current plan adopted and

refer to the inclusion of development management (DM) standards in the development plan. DM 18 and DM 20 of the Galway County Development Plan relate to the housing eligibility and standard of access points onto National Roads. In particular DM 18, Housing Need Eligibility, a) states development along a National road outside the 50-60 km/p shall accord with the *DoEHLG Spatial Planning and National Roads (2012)* and consideration for farm families to live on the holding on a limited basis which must be demonstrated and accessed via a local road shall always be the preferred access. The grounds of appeal state that the applicant does not meet these standards. I note the report of the area planner refers to the applicants need to live on the family land to assist with the farming on a part-time basis. However, I consider the restrictions on access in Section 2.5 of the guidelines are relevant in the assessment of this application, and I consider the additional housing eligibility for farm families in DM 18 is not justification for exceptional circumstances for the proposed use of an agricultural entrance onto a national road to serve a dwelling.

- 7.11. The issue of public safety is also raised in the grounds of appeal and compliance with sightline standards is required as per Table 13.3 of the development plan and DMRB "*Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads*" which require x and y distances of 3m and 215m, respectfully.
- 7.12. The proposed development includes the removal of the existing stone wall boundary and set back of 4m from the existing location to provide sightlines with an x distance of 2.4m and a y distance of 120m to the north and 135m to the south. The applicant argues the proposed sightlines will upgrade the existing entrance and submits in a response to the grounds of appeal an increase of 157m to the north and 137m to the south can now be achieved. In addition, the applicant submitted additional information with the appeal statement to amalgamate the current residential access with the farm access. The grounds of appeal state the new information included does not fundamentally change the issues raised in their initial submission and it is argued that the intensification of an existing entrance still remains and the submitted sightlines do not meet the required standards.
- 7.13. I do not consider the new proposal significantly alters the submitted sightlines to the required standard in Table 13.3 of the development plan and there remains a shortfall of 58m to the north and 78m to the south. I note the steep incline of the N84

from the south and the speed limit (100km/h) along the road and I consider the intensification of the access would be a traffic hazard.

- 7.14. Therefore, I conclude that the proposed development includes sub-standard sightlines, and the intensification of the access would be contrary to the provisions of the *DoEHLG Spatial Planning and National Roads (2012)* and DM standards 18 and 20 of the development plan and would interfere with the safety and free flow of traffic on a national road and cause a traffic hazard.

Water and Waste Water Treatment

- 7.15. The proposed development includes a conventional septic tank and percolation area designed for 6 persons the applicant has not proposed any secondary treatment. The site is located over a regionally important karst aquifer with a “High” vulnerability classification in the GSI Groundwater maps, representing a GWPR response of R2¹ under the *EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)* (Annex B3). No karst features were noted in the site characterisation form within 250m.
- 7.16. The trial hole assessment submitted by the applicant encountered no bedrock/ water table at a depth of 2.1m and I inspected the trial holes during site inspection which were free from water. The submitted site characterisation records a T-test value of 15.89 min/25mm, which is within the acceptable range for a septic tank and indicates good percolation.
- 7.17. Table 6.1 of the EPA Code of Practice requires a minimum distance of the WWTS, 7m from the existing dwelling septic tank. The proposed septic tank is 10m from the edge of the boundary and the percolation area is 5m. I note the location of the septic tank of the existing dwelling to the north has not been provide, although I consider the distance from the boundary sufficient to comply with the EPA Guidance.
- 7.18. The applicant has submitted a letter from the Kilcoona- Caherlistrone group water scheme to confirm access to for the water supply. The site characterisation form indicates that the septic tank is located more than 1km from any group water scheme which exceeds the 60m required distance in the EPA Code of Practice.
- 7.19. On the basis of the above, I consider the site can be adequately drained, can met with the requirements of the EPA Guidance and that no significant risk of ground water or surface water pollution exist.

Appropriate Assessment

- 7.20. The subject site is located approx. 1.9km east of the Lough Corrib SAC. The site characterisation form indicates the groundwater flow is in a west to south west direction and there is a river located approx. 700m to the west of the site. I consider there to be a potential source/pathway receptor route between the site and the Natura 2000 site. As stated above in the assessment of the water and waste water treatment system, the site can be serviced, therefore there is no potential risk for groundwater or surface water pollution which flows to the Lough Corrib SAC.
- 7.21. Therefore, having regard to the nature and scale of the proposed development, the conservation objectives and distance from the European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Lough Corrib SAC, or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

Having regard to national policy, the current development plan, the design and location of access and proximity to a National Road, it is considered that, based on the reasons and considerations below, the proposed development would lead to an intensification of an access onto the N84 and have a potential for pollution. The proposed development would seriously endanger road users causing a traffic hazard and would be contrary to proper planning and sustainable development of the area.

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development, which would result in intensification of an access onto the National Secondary Road N84 where a speed limit of 100km/h applies, would endanger public safety by reason of traffic hazard and obstruction of road users because of the traffic turning movements the proposed development would generate across a national primary road onto a laneway, where sightlines are insufficient and the alignment of the public road is deficient, would restrict on-coming traffic and would interfere with the safety and free flow of traffic on the national road network. The proposed development therefore, if permitted, would be contrary to DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), DM Standard 18 & 20 of the County Development Plan 2015 – 2021 and to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

20th of February 2017.