



An
Bord
Pleanála

Inspector's Report PL17.248172

Development	Retention of Agricultural unit, Retention of vehicular access to site and revision of access to site.
Location	Wotton, The Ward, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA/161394.
Applicant	Alan Joyce.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v. Refusal.
Appellant	Alan Joyce.
Observers	None.
Date of Site Inspection	9 th May, 2017.
Inspector	Paul Caprani.

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1.0 Introduction

- 1.1. PL248172 relates to a first party appeal against the decision of Meath County Council to refuse planning permission for the retention of an agricultural unit, the retention of a vehicular access and revision of access to site. Meath County Council issued notification to refuse planning permission for two reasons. The first reason argues that the proposed access will prejudice the carrying capacity and function of a road which is identified as a strategic regional road in the development plan.
- 1.2. The second reason for refusal states that the proposal contravenes Policy RDPOL38 which states the location of accesses off these roads should not endanger public safety by way of a traffic hazard. Concerns are also expressed in relation to the adequacy of sightlines at the entrance.

2.0 Site Location and Description

- 2.1. The appeal site is located on the former N2 National Primary Route (now designated as the Regional Route R135) approximately 4.5 kilometres south of the centre of Ashbourne and approximately 8.5 kilometres north of the M50. The section of regional road in the vicinity of the site is relatively straight. The area along this section of roadway is characterised in the main by one-off dwellings (some of which are vacant) and a number of small scale enterprises with direct access onto the road.
- 2.2. The appeal site is irregular in shape and has a site frontage of approximately 90 metres. It accommodates a single agricultural type shed. The Board will note that I was unable to gain access into the site during my site inspection. However, photographs of the shed are contained on file in the previous inspector's report which relates to the same site (see history file attached Reg. Ref. 17.245615).
- 2.3. The site covers an area of 0.2624 hectares. According to the information contained in the planning application form, the existing agricultural unit covers a gross floor area of 125 square metres.

- 2.4. Lands to the immediate north of the site also contain a number of agricultural sheds and there is a separate access serving these sheds approximately 50 metres north of the subject site.
- 2.5. The existing shed is located near the northern boundary of the site and photographs in the previous inspector's report indicated that the rest of the site is covered by a hardstanding area. The front boundary of the site along the R135 comprises of a c.2 metre high wall with c.4 metre high conifer trees along the boundary. The entrance to the site is recessed approximately 3 to 3.5 metres back from the edge of the carriageway.

3.0 Proposed Development

- 3.1. Planning permission is sought for the following:
- Retention of existing agricultural unit on site (125 square metres).
 - Retention of existing vehicular access to site.
 - Revision of existing vehicular access.

4.0 Planning Authority Assessment

4.1. Planning Authority's Decision

Meath County Council refused planning permission for two reasons. Both related to the proposed access onto the regional road.

4.2. Internal Reports and Observations

No observations or no internal reports are contained on file in respect of the application.

The planner's report notes that the site is located adjacent to a busy regional route with a speed limit of 80 kmph. The planner's report screens out the requirement for appropriate assessment. In relation to the planning history, the report notes that on three separate occasions Meath County Council refused planning permission for essentially the same development and this decision was upheld by the Board on two

occasions. Details of planning applications on adjoining sites are also set out in the planner's report. The report also sets out the planning policy context as it relates to the site.

- The key planning issues are identified as the planning history associated with the site.
- The principle of development proposed.
- Design and appearance.
- Road safety considerations.
- Flooding.

The previous reasons for refusal on site were noted and it is also noted that the site was entirely covered in concrete and there was no evidence for any agricultural activity contained on site. The application documentation does not provide any details of the nature of the proposed use. It is noted that the site is very well screened and there are no objections to the proposals on design and amenity grounds. There are concerns in relation to road safety and it is noted that the development was refused on these grounds on three separate occasions before. The site is not located in a flood zone area.

In conclusion, it is stated that the applicant does not contain any proposals to address the reasons for which previous applications were refused on site and it is therefore recommended that planning permission be refused for two reasons which are set out in full below.

1. *The vehicular access to the site is from the R135 which, as set out in Meath County Development Plan 2013 – 2019 is identified as a strategic regional road. It is the policy of the Planning Authority, as set out under Policy RDPOL39 of this Plan to protect such roads from unnecessary and excessive individual access/egress points which would prejudice the carrying capacity and, ultimately the function of the road. The development proposed to be retained would contravene this policy, would prejudice the carrying capacity of the road and would therefore be contrary to the proper planning and sustainable development of the area.*

2. *The vehicular access to the site is from the R135 which, as set out in the Meath County Council Development Plan 2013 – 2019, is identified as a strategic regional road. It is the policy of the Planning Authority under RDPOL38 of this Plan that the location of accesses off these roads should be such as not to endanger public safety by way of a traffic hazard. It is considered that the sightlines available at the vehicular access are seriously substandard and the applicant has not demonstrated that he is in a position to provide satisfactory ones. Accordingly, the use of this access, endangers public safety by reason of a traffic hazard. The development proposed to be retained would endanger public safety by reason of a traffic hazard and would therefore contravene the aforementioned policy and would be contrary to the proper planning and sustainable development of the area.*

5.0 Planning History

- 5.1. Under PL17.245615 (file attached) An Bord Pleanála upheld the decision of Meath County Council to refuse retention of the existing agricultural unit and existing vehicular access on the subject site for essentially the two reasons cited by the Planning Authority above. This decision was dated 17th February, 2016.
- 5.2. Under PL17.242921 (file not attached) permission was refused for essentially the same development in May, 2014 essentially for the two reasons set out in Meath County Council's current reason for refusal.

6.0 Grounds of Appeal

- 6.1. The decision of Meath County Council to issue notification to refuse planning permission was the subject of a first party appeal on behalf of the applicant by PDC Architectural. The grounds of appeal are outlined below:
- 6.2. In response to the first reason for refusal, it is stated that the site entrance has historically always been at this particular point and is the only way to access the site. There have been no recorded accidents, crashes or incidents at this entrance. Therefore, there is no evidence to come to the conclusion that the proposal will endanger public safety. The entrance is for an access to an agricultural unit. The traffic movements to and from the site will be minimal.

- 6.3. Currently there are 17 accesses/entrances along the 1 kilometre stretch of roadway providing access to private dwellings, truck yards and other commercial businesses. Therefore, it is considered that the proposal could take an additional agricultural entrance.
- 6.4. It is also noted that Meath County Council have granted planning permission for a development which will consist of a storage building for end of life vehicles together with the upgrading of an entrance.
- 6.5. In relation to reason for refusal no. 2, it is stated that the issue of sightlines at the existing entrance has clearly been addressed at further information submission stage in the previous application and should not be used as justification for refusal. The applicant will rectify the entrance to provide the required vision splays at the entrance as per the drawings submitted. The client cannot rectify the entrance until planning permission has been granted to revise the entrance in order to achieve the required sightlines.
- 6.6. In conclusion it is stated that the reason for refusal are haphazard as there is currently an access onto the site. It is not accepted that the R135 is heavily trafficked as there is currently a new motorway running parallel to the R135 (M2). It is stated that sightlines can be achieved with some alterations to existing walls and boundary hedging.

7.0 Appeal Response

A response from Meath County Council states that the Planning Authority is satisfied that all matters outlined in the above submission were considered in the course of its assessment of the planning application as detailed in the planning officer's report.

8.0 Development Plan Provision

- 8.1. Section 10.16 of the Development Plan specifically relates to restricting access to certain categories of roads.
- 8.2. In relation to regional and county roads, the plan states that it is vitally important that new housing in rural areas that is located along non-national routes and in such a manner so as to avoid endangering public safety by way of a traffic hazard. There

are a number of regionally and locally important functions of certain regional and county road types that act as particularly important transport links that traverse County Meath. Management of future access to strategic corridors are set out in Map 10.6 of the Development Plan.

- 8.3. In terms of development plan policies, Policy RDPOL38 seeks to ensure that all development accessing off the county road network is at a location and carried out in a manner which would not endanger public safety by reason of a traffic hazard.
- 8.4. RDPOL39 seeks to identify and protect non-national roads of regional or local importance from unnecessary and excessive individual access/egress points which would prejudice the carrying capacity and ultimately the function of the road.
- 8.5. Section 10.16.3 sets out the development assessment criteria for access onto new roads. One of the key criteria involves “*avoiding the premature obsolescence of regional roads in particular to creating excessive levels of individual entrances*”.

9.0 Planning Assessment

I have read the entire contents of the file, visited the site access and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the planning history relating to the subject site. I note that the proposed development is essentially the same as similar applications which were refused on site for similar reasons by both the Planning Authority and An Bord Pleanála on two occasions. I further note that the grounds of appeal in the current application are essentially the same as the appeal lodged in respect of PL17.245615. I do not consider that there has been any material change in circumstances since the previous decisions issued by An Bord Pleanála to refuse planning permission for reasons relating to traffic safety issues and compliance with the County Development Plan policy. I would concur with the conclusions reached in the previous inspector’s report and recommendation which for the purposes of completeness are briefly summarised below.

- That the plans and details submitted in the current application have not changed from those previously submitted to the Planning Authority and An Bord Pleanála.

- While the applicant states that the use of the shed is for agricultural use no details of any specific agricultural use are indicated in the information submitted with the application. I note that this point was highlighted in the Council Planner's report.
- The site is located on the former N2 Primary Route which has been downgraded to a regional route but is nevertheless an important busy regional road carrying high volumes of traffic.
- I also note that the section of regional road adjacent to the site is designated as a strategic regional road in Map 10.6 of the Development Plan.
- In respect of the issue of sightlines, I note that in the case of the current application the applicant has not indicated the available sightlines on the drawing submitted. Drawings on the previous file (PL17.245615) indicate that sightlines of 150 metres are available in both directions. These sightlines are deemed to be insufficient have regard to the Planning Authority's reason for refusal and the Board's reasons for refusal I do not consider that there has been a material change in circumstances since these decisions were issued.
- I would agree with the previous inspector's conclusion that the R135 is identified as a strategic regional route. As such policies RDPOL38 and 39 are of relevance. These policies require that the development be accessed at a location and carried out in a manner which does not endanger public safety by way of a traffic hazard and that strategic regional roads are protected from unnecessary and excessive individual access/egress points which would prejudice the carrying capacity and the function of the road.
- The applicant has failed to demonstrate that he has sufficient interest in the lands beyond the confines of the application site in order to ensure that minimum sightline requirements of 160 metres are achieved.
- The applicant also argues that the site entrance has historically always been at this location. I have assessed the historical ordnance survey maps on the ordnance survey website and I note that there is no evidence of any access at this location in the aerial photographs before 2005. Thus I can only conclude that historically there has not been an access at this location.

- I would agree with the conclusion in respect of the two previous inspectors reporting on essentially the same application before the Board that the provision of a further individual access points at this location would create a multiplicity of accesses which would impact on the safety and free flow of traffic on the R135 which is designated as a strategic corridor in the development plan.

9.1. Finally, the current grounds of appeal additionally argue that Meath County Council are being inconsistent in that a grant of planning permission under Reg. Ref. AA/161140 for a development consisting of a storage building for end of life vehicles and the upgrading of an entrance on the subject road. It is argued that if the Planning Authority granted planning permission for such a land use along this stretch of road, then it is inconsistent to refuse planning permission for the subject development. In relation to this matter I have consulted the Meath County Council website and note that Reg. Ref. AA/161410 relates to the development of the construction of a dwelling at Wotton, The Ward, County Meath and Meath County Council have not issued a decision in respect of this application as it is currently at further information stage. The information submitted in the grounds of appeal appears therefore to be factually incorrect.

10.0 **Conclusions and Recommendation**

Arising from my assessment above I would agree with the conclusions reached by the Planning Authority and the previous planning inspectors reporting on this application and appeal. I further note that there are no material changes from the previous decisions in the case of the current application before the Board and I therefore recommend that the Board uphold the decision of the Planning Authority and refuse planning permission for the proposed development for the two reasons cited in respect of PL17.245615.

11.0 **Appropriate Assessment**

I note that the closest Natura 2000 sites are Malahide Estuary SAC and SPA and Rogerstown Estuary SPA and SAC both of which are located in excess of 10 kilometres from the subject site. Thus have regard to the nature and scale of the

proposed development and the nature of the receiving environment together with the 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 and projects on a European site.

12.0 Reasons and Considerations

1. The vehicular access to the site is from the R135 which, as set out in the Meath County Development Plan 2013 – 2019, is identified as a strategic regional road. It is the policy of the planning authority, as set out under Policy RD POL 39 of this Plan, to protect such roads from unnecessary and excessive individual access/egress points, which would prejudice the carrying capacity and, ultimately, the function of the road. The development proposed to be retained would contravene this policy, would prejudice the carrying capacity of the road and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The vehicular access to the site is from the R135 which, as set out in the Meath County Development Plan 2013 – 2019, is identified as a strategic regional road. It is a policy of the planning authority, as set out under Policy RD POL 38 of this Plan, that the location of accesses off these roads should be such as not to endanger public safety by way of a traffic hazard. It is considered that the sightlines available at the vehicular access are seriously substandard and the applicant has not demonstrated that he is in a position to provide satisfactory ones. Accordingly, the use of this access endangers public safety by reason of a traffic hazard. The development proposed to be retained would endanger public safety by reason of a traffic hazard and would, therefore, contravene the aforementioned policy and be contrary to the proper planning and sustainable development of the area.

P. Caprani,
Senior Planning Inspector

26th June, 2017.