



An
Bord
Pleanála

Inspector's Report PL01.248296

Development	Extension and alterations to 2-storey building which formed part of original farmhouse to provide 3 bedroomed dwelling house with use of existing well, septic tank and entrance. Demolish existing bungalow and shed.
Location	Graiguenaspiddogue Nurney, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	16/106
Applicant(s)	Michael Nolan
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third Party
Appellant(s)	Patrick Egan
Observer(s)	None
Date of Site Inspection	6 th July 2017
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on the N80 which links Carlow town with Bunclody to the south-east. It is approximately 5km to the south-east of Junction 5 on the M9, which provides access to Carlow town. Graiguenaspiddoge Cross is located approx. 600m to the north of the site. The site is located on the western side of the N80 and there is a solid white line leading up to the crossroads.
- 1.2.** The site is rectangular in shape with a stated area of 1.31ha. It previously formed part of a much larger site, the northern part of which is outlined in blue on the submitted plans. There are two existing entrances from the N80 on this stretch of road extending southwards from the crossroads. The northernmost entrance is a shared entrance serving both the blue and red outlined lands. There is a further entrance to the south which serves the original farmhouse associated with the overall lands by means of a lane. However, a relatively new 2-storey dwelling house has been constructed on the lands outside the blue and red line outlines, which is accessed by means of this original entrance and lane. This house will be referred to from hereon as 'House A'. The lands within the red line comprise a 1970s bungalow, a barn structure which had previously been attached to the original farmhouse (now demolished), and several outbuildings/sheds. The lands to the north comprise the concrete footings of a house that had previously been permitted as part of the redevelopment of the overall lands, (which will be referred to as 'House B'). A concrete shed has also been erected on these lands and there is a caravan located on the site. I would refer the Board to Section 4.0 of this report wherein the history of the overall lands is summarised.

2.0 Proposed Development

- 2.1.** It is proposed to demolish the existing bungalow and the shed (137m²) to the south-west of the bungalow. It is also proposed to refurbish and extend an existing two-storey building, which it is stated had previously formed part of the original farmhouse, to form a new 3-bedroomed dwelling house (224m²). The refurbishment works would also involve some demolition of part of the stone structure. The new house would be serviced by means of the existing septic tank and well serving the bungalow that is to be demolished, and would be accessed by means of the existing

entrance serving the bungalow. The board should note that this is a shared entrance with the appellant, who owns the lands outlined in blue to the north.

- 2.2.** The proposed building is located at the western end of the site, approx. 161m back from the roadside boundary. The existing well is located close to the site of the proposed new dwelling (to the front/east) and there is a soakaway to the rear. The existing septic tank is located adjacent to the shared driveway and the percolation area is sited approx. 66m back from the roadside boundary. The existing 2-storey structure (57.4m²) is L-shaped and it is proposed to extend it at the south-eastern end, thereby making it U-shaped (224m²). The bedrooms and main living area would be within the new-build element with the retained structure accommodating the dining and kitchen areas at ground floor level only. The proposed walls would have a natural stone finish to match the existing walls and the roof would be clad with fibre cement/natural slate.
- 2.3.** The submissions state that the applicant currently resides in 'House A' (to the south) and his son currently resides in the bungalow. It is intended that the son will move into 'House A' once the development currently proposed has been completed and that the applicant will occupy the proposed dwelling.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 The planning authority decided to grant permission subject to thirteen conditions the majority of which were generally of a standard nature.

3.1.2 Condition 2 required the demolition of both the existing bungalow and the agricultural shed within 6 months of the commencement of development and the grant of permission (respectively), with each of these buildings to be completely transported off the site by a licensed contractor. The site of the bungalow is to be reinstated and planted with semi-mature trees within the first planting season following demolition. The planning authority is to be informed upon completion of demolition works. Prior to any demolition works, however, this condition also required the submission of details of an appointed licensed asbestos and waste disposal contractor for the agreement of the P.A. and that materials be disposed of

to an authorised facility. Cond 2 also required the refurbishment of the stone building to be carried out in accordance with the details submitted on 11/04/16.

3.1.3 **Condition 11** required the payment of a development contribution and **Condition 13** prohibited the operation of any form of commercial activity from the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 It was noted that the bungalow was occupied at the time of inspection (May 2016) and that the overall site was used for the storage of scrap metal, machinery parts, construction material etc. It was further noted that there are 3 sheds on site, one of which is new and another of which was used for welding/steel fabrication. It was considered that none of the sheds benefitted from planning permission or for commercial/industrial use. It was noted that the new shed contained a large shipping container, miscellaneous construction materials, steel machinery etc. It was further noted that the original farmhouse had been demolished and that the applicant had salvaged the granite stones from the demolition and that these are stored on the site.

3.2.1.2 It was considered that the relevant CDP policy is that relating to replacement dwellings on the basis that the bungalow is occupied, and that as such, the applicant would not be required to comply with the local need criteria. However, it was considered that insufficient information had been provided regarding the following matters

- structural integrity of the existing bungalow to determine its suitability for further residential use;
- the planning status of the existing shed;
- clarification regarding the operation of a commercial or industrial business on the site;
- details regarding the removal and disposal of asbestos from the site;
- written consent from the owner of the shared access gate and driveway to facilitate the proposed development.

These items formed the basis of a Further Information request on 3rd June 2016.

3.2.2. Other Technical Reports

- 3.2.2.1 Transportation Planning (26/04/16) – No objection.
- 3.2.2.2 Drainage/Water Services (27/4/16) – no objection subject to recommended conditions.
- 3.2.2.3 Environment (11/05/16) – no objection subject to recommended conditions.
- 3.2.2.4 Area Engineer (02/06/16) – no objection subject to 1 condition.
- 3.2.2.5 Chief Fire Officer (27/04/16) – no objection subject to 2 conditions.

3.3. Prescribed Bodies

- 3.3.1 Irish Water (29/04/16) – no objection subject to recommended conditions.
- 3.3.2 Transport Infrastructure Ireland (19/05/16) – The authority will rely on the P.A. to abide by official policy in relation to development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

3.4. Third Party Observations

- 3.4.1 1 no. third party submission was received by the P.A. which was from the appellant, Mr Egan. The main concerns are summarised in the Area Planner's report and related to ownership issues regarding the proposed access to the site. It was submitted that the site outlined in red encroaches onto Mr Egan's land and that consent was not obtained in this regard.

3.5 Response to Further Information Request

- 3.5.1 FI was requested on 3/06/16 and a response was submitted on 16/02/17. The response was considered to be generally acceptable, and may be summarised as follows:-

1. **Bungalow on site** – this was constructed in 1979 but the standard of construction would not meet the requirements for habitable accommodation today. It is stated that it is not worth renovating and the applicant's preference is to demolish the building.

2. **Sheds on site** – there are two sheds, one of which is proposed for demolition. The other shed is an agricultural building ancillary to the use of the 10 acre farm. This is in use for the applicant's hobby of tractor renovation. Copies of tax books enclosed showing applicant as registered owner of these vintage tractors. This building also complies with the conditions and limitations of the exempted development class of an agricultural building (less than 7m high, less than 300m²).
3. **Confirmation that no commercial activity** – it is confirmed that no commercial activity is being undertaken from the site. It is stated that the applicant has accumulated building materials over the years in pursuit of a lifelong ambition to renovate the stone farm house.
4. **Asbestos removal** – the applicant is happy to accept a condition requiring removal by a licensed disposal entity.
5. **Right of way over access** – it is claimed that the width of the access drive is 6.5m and that the applicant owns at least half of this (i.e. 3.25m, or up to 4.0m), which it is submitted is adequate to provide access without the need to traverse the other half of the shared driveway.

4.0 Planning History

- 4.1 **03/136** – planning permission granted to Michael Nolan for demolition of a derelict farmhouse and a bungalow and the construction of two new 2-storey houses ('House A' and 'House B') on a site of over 5ha. This site incorporated both the site of the current application/appeal, as well as lands to the north, west and south, and was accessed by means of a single entrance located at the south-eastern corner of the lands. The permitted development indicated a single driveway leading westwards from the entrance and splitting into two laneways, one leading to each of the two proposed houses. The P.A. reports indicated that permission was granted on the basis that there would be no net increase in the number of houses on the overall lands and that there would be no new entrance from the N80. Conditions included requirements that the family would occupy both houses for a period of three years (no. 9) and that the existing bungalow shall be demolished upon completion of 'House B' (Cond 10).

- 4.2 **07/248** – permission granted to Mary Nolan for alteration to house designs for House A and House B, (the latter re-labelled as House C), subject to the same conditions as 03/136. However, the submitted drawings showed an additional entrance to the north of the original entrance, labelled as “existing entrance”, leading to ‘House C’. The original entrance leading to House A and the bungalow (to be demolished) was also shown as had been indicated in 03/136.
- 4.3 **PL01.244370 – P.A 14/275** – permission refused by Board following a third party appeal by NRA against P.A. decision to grant permission to Mr Patrick Egan, (appellant in current application/appeal - 248296), for retention and completion of a house granted under 07/248 (in a similar position to ‘house B’), and served by a new entrance from the N80, (but labelled as “existing entrance”). The Board did not accept that the said additional entrance was authorised and refused permission on the basis that a grant would have effectively resulted in 3 houses and two entrances on the overall lands. It was further considered that the N80 is a National Secondary route with an AADT of over 5,000 and that the grant of permission in these circumstances would be contrary to National Roads policy. The Inspector had considered that there was a further reason for refusal, i.e. that the applicant lacked a strong connection to the area, but the Board considered that this would be a new issue and decided not to include this as a reason for refusal.
- 4.4 **14/88** – permission refused to Michael Nolan for conversion of a stone outbuilding to house.

5.0 Policy Context

5.1 Spatial Planning and National Roads Guidelines 2012

- 5.1.1 **Section 2.5** states that the Development Plans of planning authorities must implement certain policy approaches to national roads, the most relevant of which is as follows:

In the case of lands adjoining national roads to which speed limits of greater than 60kmh apply, the planning authority will avoid the creation of additional access points from new development or the generation of increased traffic from existing

accesses onto national roads – this applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.1.2 **Section 2.6** provides for “exceptional circumstances”, whereby planning authorities may identify certain stretches of national roads wherein a less restrictive approach may be applied. However, it is stated that this can only be achieved as part of the process of reviewing or varying the Development Plan for the area and having consulted with/taken on board the advice of the NRA (now TII) and followed a specified approach. The said approach relates to development of ‘national and regional strategic importance’ and to lightly trafficked sections of national secondary routes which serve weak and remote communities in relation to which criteria for consideration of the circumstances arise.

5.2 Carlow County Development Plan 2015-2021

5.2.1 The County’s settlement strategy and associated policies are contained in Chapter 2. It is stated that the majority of County Carlow is located with ‘Areas of Strong Urban Influence’. Policy 2.7.1.3 states that the Council will facilitate one-off-housing in the open countryside by persons demonstrating a local rural housing need provided that such development is occupied by the applicant in the first instance, that the applicant has a genuine housing need and wishes to live in the local area. There is further guidance provided under 2.7.1.4 in respect of a Person who is Intrinsically Part of the Rural Community and occupancy requirements are set out in 2.7.4.

5.2.2 It is noted that policy 2.7.5 clearly states that the Council will not permit ‘Speculative One-Off Rural Housing in the Open Countryside’ and that this issue will need to be adequately demonstrated. Policy 2.7.9 relates to ‘Abandoned and Semi-Derelict Dwellings’ and policy 2.7.10 to ‘Replacement of Existing Dwellings’, each of which will be favourably considered.

5.2.3 The Transport policies are contained in Chapter 5 and generally reflect and incorporate the guidance provided in the Spatial Planning and National Roads Guidelines. Trans-Policy 3 recognises the need to safeguard the strategic role of the national roads including junctions and seeks to protect the transport network against

development that would have an adverse effect on the capacity or operational efficiency of the national road network and/or would create serious traffic congestion or potentially give rise to a traffic hazard. This policy also seeks to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses onto national roads to which speed limits of over 50kph applies. Exceptions are allowed but only where they form part of a plan-led approach and with the agreement of the NRA (TII).

5.2.4 Natural Heritage Designations

River Barrow cSAC – lies approximately 160 metres to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The third party appeal was submitted by Patrick Egan. The main points raised may be summarised as follows:

6.1.2 **Land ownership** - Reference is made to the grounds of objection submitted in respect of the planning application to the P.A. These included concerns regarding the inclusion of property within the appellant's ownership as part of the application despite that fact that no consent has been given. Copies of folios CW29856F and CW29857F are enclosed to demonstrate that the appellant is the registered owner of both folios.

6.1.3 **Permission already granted for replacement houses** - The permission granted under 03/136 provided for the demolition of a derelict farm house and bungalow to allow for the construction of two houses. These two buildings have not been demolished, and given that the permission specifically required that the farmhouse be demolished upon completion of House A, (completed some years ago), means that the applicant is in breach of this planning permission.

6.1.4 **Unauthorised access from N80** - Notwithstanding the reference to the existing entrance which is proposed to provide access to the new dwelling, it is submitted that no planning permission exists for the said entrance which is directly off the N80. No retention permission has been sought/obtained and as such, this entrance is unauthorised. Reference is made to 14/275 and Board Decision 244370, in which

permission was refused for a development on the basis that the laneway did not have planning permission.

- 6.1.5 **Access contrary to National Roads Policy** – The NRA (TII) had previously objected to the use of this entrance due to the direct access onto a national road in close proximity to a crossroads junction. The creation of an additional access onto a national road, or the intensification of its use, is contrary to the National Roads Policy for such roads and is also contrary to the Development Plan policies in the Carlow CDP. The N80 is a strategic linking corridor in the NSS linking the midlands with the Europort at Rosslare where there is an international connection. The proposed development would undermine the efficiency of the national road network.
- 6.1.6 **Traffic hazard** - Any person seeking to access the site would have to cross a solid white line at a major junction where there are already several buildings. This would create a traffic hazard. The Road Safety authority seeks to reduce road accidents by reducing the number of access points onto national roads. The proposed development would compromise the safety of the national road network.

6.2. Planning Authority Response

- 6.2.1 The P.A. has not responded to the appeal.

6.3 First party response to the grounds of appeal (04/05/17)

- 6.3.1 **Established access to site** - The applicant purchased the property on the 16th February 1999. At this time, the said access road (proposed entrance) was in existence and was the main access to the bungalow, which it is now proposed to demolish. The applicant resurfaced the access way in January 2001, as indicated in a photograph of this date enclosed with the response. It is submitted that the bungalow was constructed in 1979 but that the access had been created many years prior to this.
- 6.3.2 **Ownership of access** - the applicant owns 50% of the laneway, which it is stated is in excess of 8m wide. Thus even if curtailed to the applicant's 'side' of the laneway, it is submitted that there would be sufficient width to access the appeal site.
- 6.3.3 **No intensification of use of access** - It is submitted that as the laneway will provide access to the refurbished/extended farmhouse, which will replace the

bungalow, there would be no increase in the intensity of the use of the access and no increase in traffic onto the national road.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows:-

- Rural settlement policy
- Compliance with national roads policy;
- Traffic hazard
- Land ownership
- Appropriate Assessment

7.2. Rural Settlement Policy

7.2.1 The Rural Settlement Policy for the area seeks to direct new development to established serviced centres in accordance with national and local policy for 'Areas Under Strong Urban influence'. However, there is provision in the CDP to facilitate local rural generated housing need, where such genuine local need arises. In addition, the CDP is favourably disposed towards the renovation and re-use of abandoned/semi-derelict houses (2.7.9) and towards the replacement of existing dwellings in certain circumstances (2.7.10). The settlement policy clearly states, however, that speculative development of one-off houses in the countryside will not be permitted (2.7.5). It is stated that it will be necessary to demonstrate the applicant's housing need, that the dwelling is for their own occupation and that they have not been previously granted permission for a rural dwelling, where the dwelling/site was subsequently sold to an unrelated third party. In this regard, it is stated that the Council will only consider the granting of a second or subsequent permission where there were exceptional circumstances requiring the transfer of the first property.

7.2.2 The planning authority has accepted the applicant's case that the proposed dwelling house would 'replace' the bungalow, and as such, would constitute a 'replacement dwelling'. The CDP requires proof that the replacement dwelling is not habitable (by means of a report from a suitably qualified person) and that its replacement is the

most appropriate option. In such circumstances, there is no requirement to comply with the local need criteria. The appellant, however, has pointed out that the applicant has already availed of the benefits of this policy, as the permission granted under 03/136 for two new houses required the demolition of both the farmhouse and the bungalow.

- 7.2.3 I would generally concur with the appellant's position on the matter. The original permission was clearly granted on the basis that there would be no intensification of the use of the site and that the proposed new houses would be for the applicant (House A) and his son (House B). In the intervening period, however, it would appear that the applicant has sold the site of House B to an unrelated third party and has constructed House A. Although the farmhouse part of the stone structure has been demolished, the bungalow is still in place and is currently occupied. It is considered that the proposal fails to comply with the requirements of 2.7.5 as permission has already been granted for a rural dwelling which has been sold to a third party, and also fails to comply with 2.7.10, as the dwelling to be replaced has already been offered as a replacement dwelling for another house on the overall lands. Should planning permission be granted for the current proposal, it would effectively grant permission for a third dwelling on the lands, notwithstanding the fact that the permission for House B may have withered in the meantime.

7.3. National Roads policy

- 7.3.1 The requirement under both the Spatial Planning and National Road Guidelines (SPNRG) and Trans-policy 3 of the CDP is essentially that new development requiring access onto national roads where the speed limit is greater than 60kph shall be avoided, regardless of the housing need of an applicant for a one-off house, and that there should be no increase in the intensity of use of existing access points. The applicant submits that the entrance is a long established one and that, as it is proposed to replace the bungalow with the renovated farmhouse, there would be no increase in intensity of use.
- 7.3.2 The Board's previous decision (244370) had established that no provision has been made for an 'exceptional circumstance' on this stretch of national road, (as required by SPNRG). It was further established that there was no basis for accepting that the 'existing entrance' (which equates to the current proposed entrance) was an

authorised entrance for residential purposes. Whilst it was acknowledged that the said entrance was shown on the drawings for the proposed alterations to house types as permitted under the original permission for the two houses (07/248), it was not accepted that there was any evidence that it was authorised as an entrance in connection with the house proposed to be completed by Mr Egan. The Inspector disagreed with the conclusions of the P.A. that there would be no intensification of use or that the existing entrance is approved. The Board agreed with the Inspector and refused permission on this basis and on the basis of a traffic hazard and failure to comply with the ministerial policy on National roads.

7.3.3 The applicant for the current proposal, however, now claims that the existing access point has been in place as a residential access since at least 1979, and has submitted a photograph as evidence of its existence in 2001. I note that this information was not made available to the Board at the time that 244370 was under consideration. I note however, that whilst the photo shows a newly surfaced driveway to the north of the bungalow, it does not prove that access was provided from this driveway to the bungalow. Moreover, the facts remain that the original permission (03/136) was granted based on a maximum of two houses on the overall lands and that there would be no increase in intensity of use of the access to the site. The Planning Report (Assessment) had referred to several previous refusals for similar development but had further noted that

“the applicants are now erecting replacement dwellings and are not creating a new entrance onto a National Secondary route”

7.3.4 The permitted entrance (03/136) had been clearly shown as the southern entrance, which branched into two lanes within the overall lands, serving House A and House B, (and formerly the bungalow). Furthermore, the drawings submitted with 07/248 showed the northern entrance leading to ‘House C’ (previously labelled as ‘House B’), but there was no access provided to the site of the bungalow from this driveway. This permission was merely for a change of house types and no mention was made of a new/further entrance to the site. Thus, notwithstanding the photograph, it is not accepted that the use of the existing access for residential purposes is established or permitted.

- 7.3.5 This southern entrance is still in existence and appears to be exclusively used by the occupants of House A. However, the laneway leading from this entrance to the northern part of the site also still exists and is physically connected (although restricted by gates), to both the bungalow site and the site of the (now demolished) farmhouse, together with the collection of sheds and outbuildings on the site. The bungalow (and the farm/out buildings behind) can also be accessed from the driveway leading from the northern entrance, which is in shared ownership with the appellant. The driveway splits into two just to the east of the bungalow, with the northern spur serving the appellant's lands. Thus there are several lanes and internal access roads within the overall lands, but it would appear that only the southern entrance has the benefit of planning permission.
- 7.3.6 I note the P.A. concerns regarding commercial activity on the site. During my site inspection, I observed that the site is used for the open and closed storage of a substantial amount and a wide range of materials including building materials, vehicle parts, pallets, tractors, etc. There is also an industrial scale shed (unauthorised), which it is proposed to demolish, which currently incorporates two shipping containers. Although the first party has stated that no commercial activity takes place on the site and that the vehicles/parts etc. relate to the applicant's hobby of keeping vintage tractors, it is unclear what level of traffic generation is associated with the storage of materials of site. Any additional turning movements associated with a commercial use at this point on the N80 would interfere with the free flow of traffic and represent an additional traffic hazard. It is considered that should the Board be minded to grant permission, it would be necessary to seek further information on this matter from the first party and to attach appropriate conditions to any such permission requiring the prohibition of a commercial use and the removal of all open storage of materials from the site.
- 7.3.7 In conclusion, it is considered that notwithstanding the existence of an additional entrance to the overall lands, the proposed development, if permitted, would effectively authorise a second access point directly onto the N80, a National Secondary route. It is not accepted that the use of this entrance has been established/permitted for residential purposes. The N80 has been identified as a route of strategic national importance, linking the midlands with the international port at Rosslare (Europort). Thus the proposed development would undermine the

capacity, investment value and safety of this important national route and would, therefore, be contrary to Government policy on National Roads and to Trans-policy 3 of the current Carlow CDP.

- 7.3.8 In addition, it is considered that the proposed development would be likely to give rise to an increased intensity of use of an existing access point onto the N80, notwithstanding the proposal to demolish the bungalow and the shed to the rear of the bungalow, as permission has already been granted for two replacement dwellings on the overall lands. Given that part of the original lands have been sold, (including the site of one of the previously permitted dwellings), a grant of permission for a further replacement dwelling on the site of planning register 03/136 would result in an increased intensity of use of the access to a national road. This would be further exacerbated by any use of the lands for commercial purposes, regarding which there is currently no certainty, and which could give rise to further turning movements onto the N80. The increased use of an access to a national road would be contrary to Government policy on National Roads and to Trans-policy 3 of the current Carlow CDP.

7.4. Traffic hazard

- 7.4.1 The southern entrance (permitted under 03/136) is located at a point on the N80 where there is a broken white line, and where visibility is good in both directions. The proposed (northern) entrance, however, is located at a point in the road where there is a solid white line, and where visibility is restricted in a northerly direction. There is also a cross roads junction to the north of the site and there are several other buildings near the cross roads. Thus from a road safety point of view, it is considered that the southern entrance would be preferable. In light of the matters discussed in 7.3 above, it is considered that the proposed development would be likely to give rise to an intensification of turning movements onto the N80 at a point where sight lines are restricted, and this would endanger public safety by reason of traffic hazard.

7.5 Ownership and rights of way

- 7.5.1 The site of the application/appeal excludes the lands to the south that are stated to be in the ownership of the applicant, (i.e. site of House A, with southern entrance). The land registry details show that the appellant is the owner of the lands to the north of the appeal site and that the access driveway is in shared ownership, (50%

each) between the applicant and the appellant. The appellant has clearly stated that he is not agreeable to access being gained to the proposed development via the shared entrance. It is noted, however, that Section 34(13) of the Planning and Development Act 2000 states that “A person shall not be entitled solely by reason of a permission under this section to carry out a development.” Thus the onus is on the applicant to ensure that adequate ownership can be obtained in order to implement the development as proposed.

7.6 Appropriate assessment

- 7.6.1 The P.A. carried out an Appropriate Assessment Screening which identified a stream 164m to the east of the site, which could potentially feed into the River Burren, (1.67km to the east), which in turn could feed into the River Barrow and River Nore cSAC. However, it was considered that given the distance of the stream from the application site, at over 160m, no appropriate assessment issues arose. The Board also considered the issue of appropriate assessment in respect of the site immediately to the north (appellant’s) under 244370.
- 7.6.2 It is noted that the River Barrow and River Nore cSAC (Site code 002162) is located approx. 6.6km to the west and that the Slaney River Valley cSAC (Site Code 000781) is located approx. 7.8m to the east. These are the closest Natura 2000 sites. The proposed development involves the use of an existing wastewater treatment system, well and soakaway. Thus the potential for the most significant effects arising from the development would be firstly, during the construction period (silt and sediment entering the watercourse) and secondly, from pollutants entering groundwater in the event that the WWTS failed to operate efficiently and effectively.
- 7.6.3 Having regard to the nature and scale of the development as proposed, its location relative to European sites, it is considered that on the basis of the information on the file, which I consider to be adequate to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site (Site No. 002162) or on European Site (Site No. 000781), or any other European site, in view of the site’s Conservation Objectives. As such, it is considered that a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1 I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development is served by a direct access onto the N80, which is identified as being of strategic importance in the national road network. The proposed development would comprise an additional dwelling on the overall site on which two replacement dwellings have already been permitted under planning register reference 03/136 and would result in the use of an additional access onto the N80 for residential purposes, the use of which is not currently established or permitted. An additional access for residential purposes onto the N80 national secondary road, together with the increased traffic generation associated with the access, would endanger public safety by reason of traffic hazard and would interfere with the free flow of traffic on the national road. The proposed development would, therefore, contravene Government policy on National Roads contained in the Spatial Planning and National Roads Guidelines 2012 and in Trans-policy 3 of the Current Carlow County Development Plan 2015-2022 which seek to avoid the creation of any additional access point or the generation of increased traffic from existing accesses to national roads to which a speed limit of greater than 60kmh applies. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Planning Inspector

11th July 2017