



An
Bord
Pleanála

Inspector's Report PL27.248302

Development	Re-development of commercial site to provide off-line service area.
Location	The Beehive, Coolbeg (M11 Exit 18), Co Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	16/55
Applicant(s)	Thomas McMullan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-v-Refusal
Appellant(s).	Applegreen Service Areas Ltd
Date of Site Inspection	08 th June 2017
Inspector	Colin McBride

1.0 Site Location and Description

The appeal site, which has a stated area of 4.39 hectares, is located approximately 6km to the south west of Wicklow Town centre and just east of the M11. The site is located at the junction of the R751 and the M11. The appeal site is occupied by the Beehive Inn (public house, restaurant, accommodation) and its associated parking with an existing vehicular access off the R751 on the northern boundary of the site. The appeal also includes the existing field located to the south of the Beehive Inn (currently agricultural lands). In regards to adjoining uses, the R751 runs along the northern boundary of the site, the R772 runs along the north western boundary with the M11 running parallel to it further east. To the south and west of the site are agricultural lands. Existing boundary treatment on site consists of a mixture of treatments including a wire fence along the R772 road frontage for the existing Beehive Inn, an open boundary to the north along the R751, a mixture of post and rail fencing and hedgerow along the western boundary of the site and a post and rail fence along the southern limit of the car park serving the Beehive Inn with existing hedgerow around the boundaries of the field area to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought for re-development of an existing commercial site to provide an off-line service area. The development consists of the extension and alteration of the existing Beehive Inn incorporating the provision 3 no. additional guest bedrooms and extension to existing dining room for B&B guests. A two-storey amenity building is to be constructed (1,616sqm) incorporating retail sales area including off-license (11sqm), deli/coffee area, food franchise areas. Toilets, seating areas together with associated plant rooms, storage rooms and ancillary staffrooms. The proposal also consists of a forecourt area to provide fuel for vehicles, 6 no. fuel islands and a 7.6m canopy together with a separate forecourt area to provide fuel for HGV/coaches with 3 no. fuel islands and canopy, all including associated underground fuel storage tanks, fill points, air and water facilities and electrical car charging point. New signage through the provision of company signs and associated corporate signage on site. The proposal entails modification of the public roads which run parallel to the

site including a new roundabout and new vehicular access/egress point. The proposal entails provision of vehicular parking spaces for cars, motorcycles, HGVs, coaches and bicycle spaces. The proposal also provides for associated drainage works to the existing system including new wastewater treatment plant, storm water attenuation, all together with associated site works including service yard, ESB sub-station, switch room, landscaping, boundary treatment and infrastructural site and associated site development works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 22 conditions. Of note are the following conditions...

Condition no. 6: Revised plans to be submitted and agreed in writing providing for the closing off of the existing entrance onto the R571 to the north of the site.

Condition no. 7: Detailed design of proposed roads and roundabout to be agreed in writing prior to commencement of development.

3.2. Local Authority and External reports

- 3.2.1. TII (26/02/16): Further information required including demonstration that the proposal would have no detrimental impact on the capacity, operation and efficiency of national road network, clarification of the modifications to the M11 and associated slip roads and information regarding the applicants control over the area outside the site requiring modifications to the road network.
- 3.2.2. Road Design Office (04/03/16): Refusal recommended for reasons including the fact that there is an approved service area at junction 14, the provision of a new roundabout would create contractual issues, impact on local road users, the fact the proposal would become a destination and increase local journeys, litter issues, the level of detail in the traffic assessment and road safety audit is question and as well

as concerns the proposal would be contrary policy in regards to the provision service areas motorways.

- 3.2.3. Water and environment (09/03/16): Further information required including site characterisation reports, details of the specifications of the wastewater treatment system and polishing filter, submission of groundwater flow maps, details of wells in the vicinity of the site, details of grease traps and drinking water supplies.
- 3.2.4. Planning report (14/03/16): Further information required including details of how the development is to be operated and not as two speared developments, details of opening hours, compliance with DRMB guidelines, clarification of details in the Road Safety Audit, clarification of traffic figures, revised drawings detailing the proposed roundabout, revisions to provide a better layout for pedestrians and cyclists, a lighting scheme, justification for signage proposed, site characterisation report and details of water supply.
- 3.2.5. Water and environment (18/07/16): Clarification of further information including provision of standard site characterisation forms and clarification of PE loadings.
- 3.2.6. TII (18/07/16): It is noted that the proposal should have regard to policy in relation national routes, should be undertaken in compliance with the recommendations of the Transport Assessment and Road Safety Audit, have regard to the provisions of Chapter 3 of the Spatial Planning and National Roads guidelines and note that under Section 2.8 of these guidelines it is noted that a proliferation pf private off-line service area facilities should be avoided.
- 3.2.7. Roads (04/08/16): A number of observations made including excessive road radius at entrance to R571, disabled parking bays to be provided close to entrance to Beehive Inn, requirement for pedestrian crossing point on southern arm of the roundabout.
- 3.2.8. Planning Report (05/08/16): Further information required including demonstration that the revised entrance proposal is more suitable than the original entrance proposal, detail design of the proposed roundabout, revised proposal providing for closing off existing entrance to R571 to address concerns about the commercial elements operating separately as well as the details sought by the Environment Section regarding wastewater treatment.
- 3.2.9. TII (21/02/17): As per 18/07/16.

- 3.2.10. Development Applications Unit (24/02/17): Condition regarding archaeological material.
- 3.2.11. Senior Executive Engineer (23/02/16) Conditions regarding footpaths and a pedestrian crossing.
- 3.2.12. Water and environment (19/02/17): No objection subject to conditions.
- 3.2.13. Irish Water (09/03/17): No objection.
- 3.2.14. Planning report (08/03/17): Having regard existing commercial use on site, the existing road infrastructure serving the site it was considered the proposal would be in accordance with Development Plan policy and National and Regional policy. A grant of permission was recommended subject to the conditions outlined above.

4.0 Planning History

- 4.1 No planning history on the site.

There are a number of relevant cases.

- 4.2 PL92.245200: Permission refusal for an off-line motorway service area at Tullaheady, Nenagh, Co. Tipperary (adjacent junction 27 of the M7). Refused for the following reasons...

1. The proposed development is located in a rural area adjoining the primary road network close to a major junction which has not been identified in the North Tipperary County Development Plan 2010-2016 or the NRA Service Area Policy issued in August, 2014 as a suitable location for an off-line motorway service area. As such, the proposed development would be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the environment Community and Local Government in January, 2012 and would contravene the Policies TRANS 7 and TRANS 8 as set out in the North Tipperary County Development Plan 2011-2016. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed access to the development, which is located on a minor road within several metres of Tullahedy Roundabout, is considered substandard and contrary to the design guidelines set out in the Design Manual for Roads and Bridges issued by the NRA in November, 2011 would thus give rise to haphazard and conflicting traffic movements which would endanger public safety by reason of traffic hazard and degrade the capacity of the National Road network.

3. It is considered that the noise impact of the proposed access next to a dwelling would, in conjunction with noise and pollution from the motorway junction, seriously injure the residential amenities of this dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the proposed development can be appropriately provided with wastewater treatment and disposal facilities. In the absence of such information, the Board considers that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3 PL01.244762: Permission granted for off-line motorway services at Rathcrogue, Wexford Road, Co. Carlow (adjacent junction 5 of the M9).

4.4 PL92.244135: Permission refused for a service station at Scartnaglorane, Cahir, Co. Tipperary (adjacent junction 11 of the M8). Refused for the following reasons...

1. The Board considered that the proposed development would constitute an off-line motorway service area. Such a development at this location does not fall under the scope of national policy as set out in Service Area Policy of the National Roads

Authority dated August, 2014 and the developer has failed to demonstrate a need for development of the type proposed on unserviced, unzoned lands in the open countryside. Furthermore, it is considered that the proposed development would contravene the policies of South Tipperary County Development Plan 2009-2015 with respect to, inter alia, Preserving Route Capacity (section 7.1.2) and Petrol Filling and Service Stations (section 9.16). The proposed development would prejudice and undermine the delivery of strategic infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development in close proximity to the north side roundabout serving the M8 motorway at junction 11 and to the significant change in the nature and scale of the proposed development as compared with that permitted under PL 23.237520 (planning register reference number 10/277), it is considered that the proposed development would give rise to complex and potentially conflicting traffic movements which would endanger public safety by reason of traffic hazard and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

3. The Board is not satisfied on the basis of the information submitted that effluent from the proposed development, including discharges from the car wash, can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

4. The Board is not satisfied, on the basis of the information submitted, that the proposed development, and in particular the proposed access road, because of its location in very close proximity to an existing dwellinghouse would not seriously injure the amenities, or depreciate the value, of property in the vicinity.

4.5 PL27.241347: Permission granted for an off-line at Kiltimon, Cullenmore, Ashford, Co. Wicklow (adjacent junction 14 of the M11).

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development Plan is the Wicklow County Development Plan 2016-2022.

5.1.2 Policy in regards to the national road network are under Chapter 9, Infrastructure.

TR23: To protect the carrying capacity, operational efficiency and safety of the national road network and associated junctions, significant applications either in the vicinity of or remote from the national road network and associated junctions, that would have an impact on the national route, must critically assess the capacity of the relevant junction. If there is insufficient spare capacity to accommodate the increased traffic movements generated by that development taken in conjunction with other developments with planning permission that have not been fully developed, or if such combined movements impact on road safety, then such applications must include proposals to mitigate these impacts

6.0 The Appeal

6.1 Grounds of appeal

6.1.1 A third party appeal has been lodged by McGill Planning on behalf of Applegreen Service Areas Ltd. The grounds of appeal can be summarised as follows...

- The proposal is contrary National Service Area policy with it noted that there are existing services areas both online and off-line off M11 to the north and south of the appeal site. It is noted that the location is not identified under the TII MSA policy as a location for additional services and two board decisions to refuse in this regard are noted (PL92.244135 and PL92.245200).

- The proposal is contrary section 2.8 of the National Roads and Spatial Planning Guidelines, which discourages a proliferation of private off-line motorway serve areas with the proposal located between two existing service area along a 36km stretch of the M11. In this regard the proposal would also be contrary Policy RT34 of the County Development Plan.
- It is noted the national guidelines state that no provision is to be made for hotel or other accommodation facilities or extensive retail areas as part of motorway service areas to discourage such from becoming destinations in their own right. The appellants note that such will operate as a local destination and is only 3km from Wicklow Town. It is noted that such is contrary national policy.

6.2 Responses

6.2.1 Response from Frank O’Gallachoir & Associates on behalf of the applicant Thomas McMullan.

- It is noted that the proposal is not contrary national policy in regards to service areas with decision to permit off-line service areas a matter for the planning authority and
- The applicant notes the importance of the provision of service facilities off motorways and notes that the existing site has fulfilled such a function as a rest stop for a significant period of time with the proposal building on the existing role of the site with more extensive service are facilities.
- In regards to the issues of proliferation of service areas it is noted that the separation between the proposed and existing services areas is sustainable and that the site has been a traditional stopping location for traffic and will provide a good level of services and parking.
- It is noted that the proposal would not have a detrimental impact on existing retail function of Wicklow Town due to the limited size of retail proposed. It is

also noted that the restaurant elements of the proposal would not impact adversely on the existing vitality of Wicklow Town.

- In regards to precedents the applicant notes the two referred to by the appellant are not relevant while making note of two precedents that are more relevant in this case (PL27.241347 and PL01.244762).

6.3 Submission

6.3.1 A submission was received from McGill Planning on behalf of Applegreen Service Areas Ltd.

- It was noted the proposal is contrary to national policy regarding location of motorway service areas, the proposal would represent a proliferation of such development, the proposal will become a destination in its own right, the proposal would be detrimental to the visual amenities of the rural area and the proposal entail works that require a motorway order.

7.0 Assessment

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

Design, visual/adjoining amenity

Principle of the proposed development/compliance with policy

Traffic

Wastewater treatment system

Appropriate Assessment

Other Issues

7.2 **Design, visual/adjoining amenity:**

7.2.1 The main structures proposed on site are an extension of the existing building (Beehive Inn), the provision of a two-storey structure associated with the service station housing retail, restaurants and toilet facilities, two canopies associated with the fuel pumps. The majority of the site is to be dedicated to parking, service roads and landscaped areas. For the purposes of Landscape Character, the appeal site is located in an area classified as Access Corridor Area (vulnerability medium).

7.2.2 The proposed entails extension to the existing structure in the form of an extension to the first floor along the southern elevation and extension to the ground floor. The extension is modest in size relative to the existing structure and ties in well with the design and scale of existing structure with the first floor extension having a pitched roof that ties into the existing roof profile. I would consider that the alterations to the existing structure would be satisfactory in the context of the visual amenities of the area.

7.2.3 The main new structure is the two-storey amenity building which, is has a flat roof profile with a floor area of 1616sqm and a ridge height of 7.865m. The proposal also entails the provision of canopy adjacent the amenity building with a maximum ridge height of 8.09m. The topography of the site is such that levels on site decrease moving north to south with the portion of the site providing for new development lower in ground level than the ground level of the Beehive Inn and its associated parking. I would consider that the overall scale and design of structures on site are not excessive and modest relative to the size of the site. I am satisfied that taken in conjunction with a comprehensive landscaping scheme, the overall visual impact of the proposed development would be satisfactory.

7.2.4 In regards to adjoining amenity, the appeal site is located at a major road junction with the R751 running along the northern boundary, the R772 running north eastern boundary and parallel to the M11 which is located further east. Adjoining lands to the west and south are agricultural lands with the nearest dwelling located a reasonable distance from the site (to the north west and west off the R751). I would consider that having regard to the fact that lands immediately adjoining the site are agricultural lands and degree of separation from the nearest dwellings, that the proposal would have no significant or adverse impact on the amenities of any of the adjoining properties or lands uses.

7.3 Principle of the proposed development/compliance with policy:

7.3.1 In terms of type of development proposed the design and scale of the proposal is consistent with a Type 1 Service Area as identified under Section 2 of the TII Service Area Policy Document and is defined as being “a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information), fuel facilities, parking and picnic area”. This is the highest order of service area development and is a substantial development with the potential to generate a significant level of traffic.

7.3.2 I would consider that national policy in regards the national road network is extremely important in assessing the current proposal. The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 is the relevant document in terms of national policy in regards to the national road network. These Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 deals with off-line Motorway Service Areas at National Road junctions on page 17 of the Guidelines. Section 2.8 of the guidelines provide that “a proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans. In addition, facilities proposed for inclusion in service areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role motorways and other national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic and inter-regional traffic. Furthermore, to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres.”.

7.3.3 The NRA “Motorway Service Areas Programme” issued October 2013 sets out that “the Roads Acts 1993 to 2007 require that service area scheme proposal for locations on national roads must be brought forward either by the NRA or the relevant County Council or City Council for the area concerned. However, proposals for service area type facilities at off-line locations close to the national road network may be pursued by private sector development interests. Guidance on the planning and development of such proposals is provided in Section 2.8 of the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 as outlined above. The TII published their “Service Area Policy” in August 2014. With regard to existing off-line facilities the document sets out that “a number of off-line facilities already existing or are advanced in construction or planning in close proximity to the dual carriageway network. The Authority considers that the policy should recognise those

off-line facilities that provide extensive services and fulfil certain criteria namely: include an appropriate level of provision parking for cars and Heavy Commercial Vehicles, be located within a few hundred metres of the dual carriageway, remain open 24 hours and permit commercial vehicles to park for longer periods including overnight thus allowing drivers to take break and rest periods.” In regards to the M11 the document identifies the scope for a Type 1 or Type 2 off-line service area between junction 10 and 14. As clearly set out “any decision to advance these service areas is a matter for the developers and any decision to approve them is a matter for the planning authorities. The Authority is not advocating or opposing their development, but to the extent that these service areas are developed and fulfil the criteria noted, the Authority does not envisage providing on-line service areas in their vicinity, at least not in the short or medium term.”

7.3.4 As clearly stated in the document, except for the statutory consultee role as described under section 1.4 of the Services Area Policy, the TII has no role in determining how off-line developments should be delivered. The proposal is for an off-line service station and as such should be assessed on its own merits having regard to all national, regional and local planning policies. In terms of type of development proposed the design and scale of the proposal is consistent with a Type 1 Service Area as identified under section 2 of the Service Area Policy Document and is defined as being “a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information), fuel facilities, parking and picnic area”. The TII document notes that there is scope for an offline Service Area between junctions 10-14 and notes that an online Service Area is earmarked between junctions 21 and 22 (Gorey, constructed but yet to open). It is notable that an offline Service Station has been constructed at Junction 14 (Cullenmore/Coynes Cross permitted under PL27.241347).

7.3.5 Normally where there are proposals for a number of commercial developments similar in nature, such would be viewed on their merits and with no consideration of competition or the cumulative impact of such. The current proposal is being assessed on its merits, but must be assessed in the context of similar development

permitted or planned along the M11/N11. As noted above National Policy states that “a proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans”. I would have concerns regarding compliance with this policy in the context of permitted development, existing development and planned development of this type. In the context of the M11 there is a planned (constructed but yet to open) Type 1 online Service Area between junction 21 and 22 of the M11 (Gorey), approximately 29km from the appeal site and a Type 2 Service Area in operation at junction 14 (Cullenmore/Coynes Cross) approximately 11km to the north of the site. As it stands there does not appear to be a coordinated approach being taken to the provision of off-line motorway service area facilities and there is a very real possibility that if permitted the proposal would lead to a proliferation of such facilities and be contrary National Policy as outlined under Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012. Notwithstanding such and having regard to level of planned, permitted and proposed competing proposals in close proximity to the M11 the proposal would be contrary to National Policy as set out under The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 which states that “a proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans”. The proposed development would, therefore, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.

- 7.3.6 The appeal submission raise concern that proposal may become a destination in itself and detrimental to existing town centres such as Wicklow Town. As noted earlier Section 2.8 the Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 state that to “permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns

or other local centres". In this regard I would acknowledge that there is an existing commercial development on site and that its likely to have in the past and present served traffic travelling along the national road network to a degree. The proposal entails a modest extension/refurbishment of this existing use as well as adding a Type 1 service area. The development of the Beehive Inn is modest in nature with the main factor being the impact of the service area proposed. In terms of the design and scale of the service area, it is not out of keeping with both the on-line and off-line service areas permitted along the national road network in terms of the nature and scale of uses proposed with the amenity building. In regards to retail policy the proposal provides for 100sqm of retail floor space, which is in keeping with national policy as set down under the Retail Planning Guidelines 2005. Notwithstanding such, I would note that the location is highly accessible in the local area given its position at the junction of the R751 and R772. In addition, the proposed service area taken in conjunction with the redevelopment of the Beehive Inn does have the potential to generate local trips. I would consider that the proposal to extend the Beehive Inn in isolation of the new service area would be acceptable on the basis of it being a long established commercial development. I would however have concerns that taken in conjunction with the proposed service area would have the potential to become a destination for local customers and would be contrary to Section 2.8 the Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres such as Wicklow Town.

7.4 Traffic impact/roads layout:

7.4.1 The proposal as submitted originally provided for use of the existing entrance off the R751 to serve the Beehive Inn with the provision of a new vehicular entrance off the R772 including a new roundabout on the R772 providing access and egress. The site at junction 18 of the M11 motorway with existing slipways providing traffic travelling both north and south along the motorway access to the site as well access back onto the M11. The proposed roundabout on the R772 ties in with the slipway allowing traffic back onto the M11 to travel south. Over the course of the application

the layout was revised with the layout submitted as further information omitting the roundabout on the R772 and replacing it with an exit and entrance arrangement further south along the R772. The Planning Authority were of the view that the roundabout arrangement was a preferred access arrangement and a further revised layout was submitted in response to clarification of further information reinstating the roundabout, revising the internal layout and providing a separate exit for the HCV and coach parking to the south of the site onto the R772. It is notable that in approving this development and layout the Council conditioned that the existing entrance off the R751 should be closed off.

7.4.2 The applicant submitted a Traffic and Transport Assessment (TTA). The TTA includes details of traffic surveys, junction capacity analysis, trip generation and analysis of traffic impact for the opening year (2017) and design year (2032). In relation to parking it is noted that the provision on site is sufficient to cater for the requirement likely to be generated at this location and is in keeping with the standard required for a Type 1 service area. The conclusions drawn are the interchange and associated junctions would operate well within capacity following development of the proposal and for the design year. The level of parking proposed is sufficient and the proposal does not pose any significant risk in from a traffic and road safety perspective. As a result of a further information request a Stage 1 Road Safety Audit was submitted and the layout of the proposal was alerted. The TTA was revised to include consideration of additional traffic flow data regarding the M11. The layout was revised in response to clarification of further information including the vehicular access and internal road layout a revised Stage 1 Road Safety Audit was submitted.

7.4.3 The approved site layout (01/02/17) provides for 104 no. car parking spaces for the service area, 13 no. HCV parking spaces, 8no. coach parking spaces, as well as motorcycle and bicycle parking. 59 spaces are also proposed adjacent the Beehive Inn. As noted earlier the proposal is a Type 1 Service Area based on the TII guidelines. The internal road layout and level of car parking provided would appear be satisfactory based on the information in the Transport and Traffic Assessment and in context of TII guidance regarding the design and layout of service stations.

7.4.4 Under the Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 one of the key objectives under Chapter 2 is that “development plans must include policies which seek 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 kmh applies”. Current Development Plan policy in relation to the National Road network is under Chapter 9 of the Wicklow County Development Plan 2016-2022 with one of the main objectives TR23 “to protect the carrying capacity, operational efficiency and safety of the national road network and associated junctions, significant applications either in the vicinity of or remote from the national road network and associated junctions, that would have an impact on the national route, must critically assess the capacity of the relevant junction. If there is insufficient spare capacity to accommodate the increased traffic movements generated by that development taken in conjunction with other developments with planning permission that have not been fully developed, or if such combined movements impact on road safety, then such applications must include proposals to mitigate these impacts”.

7.4.5 In regards traffic movements and traffic impact, the existing site is well serviced by existing road infrastructure that is of a high order with existing grade separated junctions providing access to and from the M11 motorway to the site. The appeal site is also served by existing regional routes in the form of the R751 and R772, which are of good standard in terms of width and alignment. I am satisfied based on the information contained in the Transport and Traffic Assessment (TTA) that the proposed development would be unlikely to have any adverse impact on the capacity or efficiency of the national road network. In regards to traffic layout, I would consider that the approved layout submitted on the 01/02/17 is the best traffic layout and that the provision of a roundabout on the R772 to provide access to and from the site is the best traffic solution. I would consider that such would facilitate traffic movement without the risk of causing a traffic hazard or obstruction to other road users. This layout also provides for a separate exit for HCV's/coaches further south along the R772. I would consider that such would be satisfactory and that the sightlines and

alignment of the public road is satisfactory in this regard. The proposal also entailed retention of the existing access to the Beehive Inn off the R751, however in granting permission a condition was applied closing this access point. In regards to traffic safety I would note that existing access is located at a point on the R751 where the alignment of the public road allows for good visibility and that the omission of this entrance is not completely necessary in regards to traffic safety. Notwithstanding such, the proposal for the main vehicular access with new roundabout would be the main access to the site and would be sufficient to serve all development on site without the need for the existing access to the R751 to be retained. I would consider that site layout and development as per the site layout submitted on the 01/02/17 would be satisfactory in regards to traffic safety. I would also recommend that a condition be applied in the event of grant of permission seeking the final design of the proposed roundabout on the R772 prior to the commencement of development similar to the condition applied by the Planning Authority.

7.5 Wastewater Treatment:

7.5.1 The proposal entails installation of a new wastewater treatment system as well as stormwater attenuation. Site characterisation was carried out including trial hole and percolation tests. The trial hole test notes that the water table level was encountered at a depth of 2m in the trial hole (2.7m). The percolation tests result for T tests carried out by the standard method, and P test carried out by the standard method with percolation values noted that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice. It appears based on the layout that the proposal meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries, layout of wastewater treatment system and location of the well the proposal should meet such standards). Based on the information on file and subject to appropriate conditions requiring compliance with the EPA Code Practice, I would consider that the proposal would be acceptable in the context of public health.

7.5.2 There is established commercial development on site including a wastewater treatment system. The proposal is a significant intensification of commercial use on

site, however the proposal for a new wastewater treatment system is likely to be replacing a much older system and providing a system more in keeping with modern standards set down under the EPA Code of Practice.

7.6 Appropriate Assessment:

7.6.1 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.

7.7 Other Issues:

7.7.1 The area that coincides with the new roundabout on the R772 is included in the redline boundary of the site. It is noted that this area is outside the ownership of the applicant and is part of the motorway works and may require a motorway order. There is suggestion on the file that consideration is being given to exclude this area from the remit of the TII, which would facilitate consent from the Planning Authority. At present there is potential issue regarding the ability of the applicant to provide the roundabout to facilitate the proposed development. Notwithstanding such, as noted above the proposal would be satisfactory in terms of its design and layout in regards to traffic safety and the TII submissions do not appear to raise any objection to the nature of works proposed.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

9.0 Reasons and Considerations

9.1

1. Having regard to level of planned, permitted and proposed competing proposals in close proximity to the M11 including an existing Type 2 off-line service area at junction 14 and a constructed and soon to open Type 1 on-line service area between junction 21 and 22, the proposal would be contrary to National Policy as set out under The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 which states that “a proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA (TII) as part of the drafting of development plans”. The proposed development would, therefore, by itself and the precedent it would set for similar development, would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of an off-line motorway service area of the scale proposed in conjunction with established commercial development on site, its accessibility in the local area, in particular from Wicklow Town and having regard to the level of existing motorway service facilities established along this portion of the M11 (between junctions 14 and 22), the proposed development has the potential to become a significant destination in its own right attracting customers and traffic from the local area to the detriment of local centres such Wicklow Town. Such would be contrary to Section 2.8 the Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 which states that to “permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres”. The proposed development would, therefore, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

12th July 2017