



An
Bord
Pleanála

Inspector's Report PL05E.248902.

Development	Retention and completion of works to widen and set-back an existing agricultural entrance and formation of access laneway.
Location	Corcam, Stranorlar, Lifford PO, Co. Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	17/050669.
Applicant(s)	Seamus Mc Menamin.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Seamus Mc Menamin.
Observer(s)	None.
Date of Site Inspection	02 nd of November 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

1.1. The subject site is an agricultural field located along the national road, N15, between Ballybofey/Stranorlar and Lifford, Co Donegal. There is an existing agricultural gate along the front of the site and a new access into the agricultural field has been partially completed, where the roadside boundaries have been removed and there are approx. 5 no. steel poles erected which are set back from the road. The agricultural laneway has been spatially surfaced with hard core approx. 1km into the field. To the east and west of the site, along the national road, are existing rural dwellings which have individual access and front onto the national road.

2.0 Proposed Development

2.1. The proposed development includes the retention and completion of works to wide and set-back and existing agricultural entrance and formation of access laneway off the N15.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for three reasons as summarised below:

1. The proposed development is contrary to Policy T-P-16 of the development plan, not to permit new or intensification of entrances onto National Roads where the speed limit is greater than 60kp/h and the required visibility splay of (215m) in each direction cannot be achieved.
2. The subject site is located on the route corridor of the N15 Stranorlar to Lifford realignment scheme. Policy T-O-6 refers to the need to protect corridors and routes for transport improvements. The proposed development would prejudice the planning and delivery of this scheme.
3. The proposed development includes the provision of an access onto an unimproved stretch of a National Primary Road, which is substandard in terms of both horizontal and vertical alignment, where the speed limit of 100kp/h applies. Table 23 in Chapter 10 of the development plan includes the

minimum visibility splays required for all developments. The proposed development cannot provide these visibility splays and having regard to the unknowns on the use of the site and the amount of traffic movements, the proposed development would be contrary to Policy T-P-15 of the plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to:

- The polices in the Settlement Framework for Ballybofey/ Stranorlar and the requirement to protect the N15 route as a strategic route,
- The submitted engineers report which contests the new access is an upgrade from the previous and it will address some of the safety hazards,
- The failure of the proposal to provide the minimum visibility splays,
- Enforcement action (UD 1344) undertaken in relation to works on the site,
- The current design of the road realignment scheme along this stretch of the road which is anticipated to proceed to Part VIII and CPO.

3.2.2. Other Technical Reports

Road Department- No objection subject to conditions.

Roads Design- Request for further information on visibility splays, vehicle movements, flooding and use of materials / drainage.

3.3. Prescribed Bodies

Transport Infrastructure Ireland- Recommend a refusal as the proposed development would have an adverse impact on the national road and be at variance to national policy.

3.4. Third Party Observations

A third party submission was received on behalf of The Corcam Residents Group and Others which may be summarised as follows:

- There is an ongoing dispute between the residents and council about the nature of these lands in relation to an industrial zoning and transfer of lands between parishes. Historic letters to the County Manager of the Council, Councillors, Senior Planner and Minister of State were submitted in relation to this issue.
- A previous permission of the site was refused by the Board based on the sightlines and the site is located along a dangerous hotspot.
- Unauthorised works were undertaken on the site including the pouring of concrete and preparation of footings.
- The proposal will have an adverse effect on the watercourses by way of runoff and contamination.

4.0 Planning History

05E.207936 (Reg Ref 03.8057)

Permission refused for a building for the fabrication of steelworks including shot blasting and spraying, external storage compound including 2.4m high palisade fence, installation of a septic tank and construction of a new entrance. The reasons for refusal related to the haphazard and sporadic spread on industrial uses, the visual impact on the surrounding countryside and the undesirable precedent and impact on the national road.

UD 1344

Enforcement notice issued to remove the concrete spot/pad foundations, remove the hard core from the newly constructed access road and fill the excavated areas where the spot/pad foundations and access road were and covered with topsoil.

5.0 Policy Context

5.1. National Policy

Spatial Planning and National Roads (DoECLG, 2012)

5.2. Donegal County Development Plan 2012-2018

The site is located on lands, not zoned, within the Settlement Framework area of Ballybofey/Stranorlar (Tier 2 settlement).

The subject site is located along the N15, therefore objectives and policies relating to national roads are listed below:

Objective T-O-2

To provide for high quality connectivity within the County in line with the Core Strategy through the promotion of a quality Strategic Road Network as identified on Map 3a.

Objective T-O-5

To safeguard the carrying capacity and safety of National roads and other specified regional roads.

Objective T-O-6

To protect the corridors and routes and acquire the lands necessary for transportation improvement projects as identified in Chapter 10.

Policy T-P-15

It is a policy of the Council to require that all development proposals comply with the Development and Technical Standards set out in Chapter 10 to promote road safety.

Policy T-P-16: Strategic Roads

It is a policy of the Council not to permit developments requiring new accesses or which would result in the intensification of existing access points onto National Roads where the speed limit is greater than 60 kph or roads treated to National Roads Standards namely (map 3b refers): (Strategic Road Network) where the speed limit is greater than 60kph

- R238 Bridgend-Buncrana Road (where the speed limit is greater than 60 kph)

Notwithstanding the foregoing, in exceptional circumstances, developments of national and regional strategic importance may be considered where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed, subject to such developments being provided for through the Local Area Plan or Development Plan making process, including in consultation with the NRA.

Policy T-P-17

It is a policy of the Council to require that all new development proposed adjacent to existing and planned National Primary roads is set back 50m from outside edge of running carriageway unless existing buildings have formed an established building line in which case the new buildings may follow the established building line.

Section 10.2.10: Vision Lines at junctions with Non-National Public Roads

Vision Lines at junctions with the Non- National Public Road shall be in accordance with Table 23, and figures 7 or 8.

Table 23: Vision Lines at accesses to Non-National Roads

Speed Limit 100kph: y distance 215m, x distance 3-9m depending on the erection of a stop or a yield sign.

Section 10.14 Routes and Corridors Mapped for Reservation

Maps included in Section 10.14 are indicative only and may be subject to some change.

National Roads

- N15 Lifford to Ballybofey Stranorlar

5.3. Natural Heritage Designations

The subject site is located 0.6km to the north of the River Finn SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant and may be summarised as follows:

- The access is to accommodate agricultural lands currently under crop and pasture which have been farmed in the past.
- The only frontage onto the lands are from the N15.
- There was one grant of permission in 1995 (94/1842) and a refusal for a steel fabrication (05E.207936).
- There is no policy for an established use, only T-P-16 which relates to a new entrance and there is not intensification proposed.
- Reference is provided to the Draft Donegal County Development Plan 2018-2024.
- Section 10.14 of the development plan designated the N15 Lifford to Stranorlar road as a “protected corridor for strategic road improvement projects”.
- The planners report refers to the imminent redesign of this stretch of the road, Part 8, CPO and possible compensation implications. The information in this report does not reflect the land acquisition requirements for the N15, previously forwarded to the appellant.
- The national guidelines are silent on improvements to existing access points where no intensification occurs.
- A third party submission refers to a historical steel fabrication proposal, previously refused and refer to a separate proposal which has no relevance to this proposal.
- The proposed development is an attempt to improve a dangerous access for farm employees and other traffic users on the N15.

- The erection of a machinery and fodder storage shed on lands would be subject of a separate planning application, previously thought to be exempt development.
- The paved access lane is considered good farming practice to prevent rutting of the field.
- A copy of the maps relating to the N15 Corcam Bends Safety Scheme (N15-DL-019) are submitted indicating the inclusion of a portion of applicants lands in the scheme (along the entrance).

6.2. Planning Authority Response

The response from the planning authority refers to the reasons for refusal and other issues raised are summarised as follows:

- The appellant has misquoted Policy T-P-16 of the development plan as it does not allow for the elimination of a traffic hazard as suggested, Variation No. 1 in July 2013, removed this provision.
- Reference is provided to the Section 1.4, 1.5 and 2.5 which detail the restrictions on trip generation and additional access points onto national roads. The development cannot be classified under Exceptional Circumstances as it is not of national, regional or strategic importance.
- The location of the development would conflict with the proposed new alignment works along Corcam bends Road Realignment Scheme. This section of the road has been identified as having a high collision rate for National Roads.
- Appendix 1 (attached) indicates Corcam bends as a priority for capital expenditure and Appendix 2 includes a map which identified the location of road collisions in the vicinity of the site.

6.3. Observations

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Access onto a National Road
- N15 Lifford to Ballybofey/ Stranorlar Realignment Scheme.
- Appropriate Assessment

Principle of Development

7.2. The subject site is an agricultural field located approx. 2km from the centre of Stranorlar where the speed limit along the road is 100km/ph. The surrounding area is rural in nature with one-off rural dwellings fronting onto the national road. The site is included within the boundary of the settlement framework area for Ballybofey/ Stranorlar although does not have a designated zoning.

7.3. The proposed development relates to the retention and completion of works carried out to an agricultural entrance and follows enforcement action undertaken by the planning authority relating to the entrance and foundations for a building. The reasons for refusal refer to the unknowns associated with the intended use on the site and the traffic movements associated with the final use. The grounds of appeal refer to those previous works carried out on the site including the creation of foundation pads for an agricultural shed which were previously thought to be exempted development.

7.4. The lands subject to the proposed development are 0.338heactres although this relates solely to the access and laneway into agricultural lands which is approx. 7 hectares in size. The appellant states that the erection of machinery and fodder storage sheds on the lands would be the subject of a planning application and the drawings submitted refer the access as a vehicle set down and livestock holding area. Having regard to the size of the access and laneway and the land which it will service, I consider the proposed development will cause intensification of these agricultural lands and although the use may be permitted in general, based on the location onto a national road the principle of intensification is not permitted. This is further assessed below.

Access onto a National Road

- 7.5. The proposed development includes access via a new agricultural entrance onto the N15. The N15 has been identified in Map 3 A of the development plan as part of the strategic road network of County Donegal. The reason for refusal refers to the location of the site onto an unimproved stretch of the national road where the speed limit of 100kph applies, the substandard visibility splays and the impact on the proper planning and sustainability of the area. The grounds of appeal argue the proposed development would facilitate an upgrade of an existing access to an agricultural field which would improve the road safety, therefore the maximum standards would not be necessary.
- 7.6. Map 3B illustrates the N15 as part of a strategic network linked to Policy T-P-16 of the development plan which restricts new access or those which would result in the intensification of existing access points onto National Roads where the speed limit is greater than 60kph. In exceptional circumstances, of regional or national importance, certain developments may be considered, which also require consultation with the NRA (now TII). The submission from the planning authority states that the proposed development may not be considered as “exceptional circumstances” as it is not of national and regional strategic importance and does not comply with the national guidance.
- 7.7. Section 1.5 of the *DoEHLG Spatial Planning and National Roads (2012)*, issued under Section 28 of the Planning and Development Act 2000 (as amended) states that;
- “The creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users...”*
- The submission by Transport Infrastructure Ireland (TII) refers to the national policy *DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and the need to control frontage development on national roads.
- 7.8. The intensification of use on the site will cause additional traffic movements onto a national primary route which is identified as part of the strategic roads network of County Donegal. The significance of traffic is unknown at present although it is

considered reasonable that all additional traffic generated at this location would give rise to an increase in traffic flow and the proposed development would have an undesirable precedent for future similar developments in the vicinity. The intensification of an access onto the N15, part of the strategic road network of Donegal, is not acceptable.

- 7.9. Sightlines: The issue of public safety is also raised in the reasons for refusal and compliance with sightline standards is required as per Table 23 of the development plan which require x and y distances of 3-9m and 215m, respectfully. The proposed development includes the partial removal of the boundary treatment along the front of the site to provide sightlines with an x distance of 3m and y distance of 160m in each direction.
- 7.10. Policy T-P-15 of the development plan requires all developments to comply with the development and technical standards in chapter 10 in order to promote road safety. I note the standards relate to Non-national roads although the speed limit guidance for access at 100kph are applicable. The submission from the planning authority includes the TII High Collision Locations and illustrates 8 recorded traffic collisions in the immediate vicinity of this site, therefore I do not consider substandard sightlines are acceptable.
- 7.11. Therefore, I conclude that the intensification of the access would be contrary to the provisions of the *DoEHLG Spatial Planning and National Roads (2012)* and Policy T-P-15 and T-P16 of the development plan and the proposed development includes sub-standard sightlines which would interfere with the safety and free flow of traffic on a national road and cause a traffic hazard.

N15 Lifford to Ballybofey/ Stranorlar Realignment Scheme.

- 7.12. The second reason for refusal refers to the location of the proposed development within the route corridor of the N15 Stranorlar to Lifford Road realignment scheme. The grounds of appeal have submitted maps from the Council which illustrate inclusion of the applicant's lands within the N15 Corcam Bends Safety Scheme. The applicant is not opposed to these improvement works, although considers in the interim period the proposed development has obvious beneficial road improvements to the traffic safety along the road.

- 7.13. The site is located along a stretch of the N15 indicated on Map B and included in chapter 10 of the development plan as roads and corridors mapped for reservation. Policy T- 0-6 of the development plan states “*To protect the corridors and routes and acquire the lands necessary for transportation improvements projects as identified in Chapter 10*”. I consider these maps and policies reasonable in the interest of public safety and proper planning of the area and I note the submission from the planning authority refers to the imminent Part VIII and subsequent CPO for those lands identified.
- 7.14. As stated previously, it is considered the proposed development would lead to intensification of the site and lead to unnecessary traffic movements onto the N15. Having regard to the national policies to prevent road fatalities and injury and the policy of the development plan to upgrade the road for safety reasons, I consider the proposed development would compromise the delivery of the N15 Corcam Bends Safety Scheme and therefore the safety and free flow of traffic along the N15.

Appropriate Assessment

- 7.15. The subject site is located approx. 0.6km north of the River Finn SAC. I note the screening assessment undertaken by the planning authority concluded the proposed development would have no significant impact on the adjoining or any other designated site, which I consider reasonable.
- 7.16. Therefore, having regard to the nature and scale of the proposed development, the conservation objectives and distance from the European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Finn SAC, or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

- 8.1. Having regard to national policy, the current development plan, the design and location of access and proximity to a National Road, it is considered that, based on the reasons and considerations below, the proposed development would lead to an

intensification of an access onto the N15. The proposed development would seriously endanger road users causing a traffic hazard and would be contrary to proper planning and sustainable development of the area.

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

9.0 Reasons and Considerations

1. It is considered that the proposed development, which would result in intensification of an access onto the National Primary Road N15, where a speed limit of 100kph applies, would endanger public safety by reason of traffic hazard and obstruction of road users because of the intensification of traffic movements, where sightlines are insufficient and the alignment of the public road is deficient, would restrict on-coming traffic, compromised the delivery of the N15 Corcam Bends Safety Scheme and would interfere with the safety and free flow of traffic on the national road network. The proposed development therefore, if permitted, would be contrary to *DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, Policy T-P-15 and T-P16 of the County Development Plan 2012-2018 and to the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

08th of November 2017.