



An
Bord
Pleanála

Inspector's Report PL27.248964

Development	Increase width of existing entrance from 2.5m to 5m and set back entrance by 8m from the edge of the road and ancillary works.
Location	Kilmurray, Newtownmountkennedy, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/606
Applicant(s)	Daniel Brady
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Daniel Brady
Observer(s)	None
Date of Site Inspection	13 th October 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located c. 2.5 km to the west of Newtown Mount Kennedy off the R765, which runs between this town and Roundwood. This site lies in a position on the southern side of the regional road and in an area of farming and forestry. It is situated on rising ground at a height of c. 280m OD.
- 1.2. The site itself is rectangular in shape and it extends over an area of 0.2 hectares. This site comprises a hollowed out space beside an existing 2.5m wide gateway from the R765. This gateway lies to the back of a grass verge and it comprises stone gateposts and an ironwork gate, in a state of some disrepair. On either side are stretches of stone walling and there is a prominent conifer tree to the east.

2.0 Proposed Development

- 2.1. The proposal would entail the reconstruction of a widened gateway in a recessed position some 8m back from the nearside edge of the carriageway. This gateway would be 5m wide and it would be accompanied on either side by splayed, wing, dry stone walls with round capped pillars at their extremities. A pair of agricultural wire mesh gates would be installed in the gateway.

3.0 Planning Authority Decision

3.1. Decision

Refused for the following reason:

The proposed development would endanger public safety by reason of serious traffic hazard because the development would result in increased traffic movements at a point on the R765 where the road gradient is steep, and where the width/alignment is seriously deficient, and where sightlines would not accord with current standards.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reason for refusal.

3.2.2. Other Technical Reports

Area Engineer: Objects, on the grounds that the eastern sightline is deficient and the R765 to the west is the subject of a steep downhill gradient in an easterly direction.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

Under Map 10.13(a) and (c) of Appendix 5, entitled “Landscape Assessment”, of the Wicklow County Development Plan 2016 – 2022 (CDP), the site is shown as lying within the North East Mountain Lowlands Area of High Amenity (AHA). Section 5.3.11 of this Appendix sets out Key Development Considerations for this AHA.

The CDP’s “Infrastructure” chapter sets out Regional Road Objectives. Regional Road Objective TR27 states the following:

New means of access onto regional roads will be strictly controlled and may be considered if one of the following circumstances applies:

- *The regional road passes through a designated settlement and a speed limit of 50 kmph or less applies;*
- *Where the new access is intended to replace an existing deficient one*;*
- *Where it is demonstrated that the entrance is essential and no other means of access is available.*

** This does not imply that permission will be granted for additional vehicular movements onto the regional road on the basis that the existing access is being improved.*

5.2. Natural Heritage Designations

Lands 2.2 km to the north east of the site are the subject of two designations, i.e. Carriggower Bog SAC (site code 000716) and Carriggower Bog NHA (site code 000716).

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant accesses his farmland and woodland plantation a few times each week and the proposed improvement would make access/egress to his farmland and woodland plantation safer.
- In the absence of a refuge forward of the entrance, the applicant outlines the multiple procedures that are involved in accessing his lands at present and how these procedures necessitate the tractor remaining stationary on the R765, while he opens and closes the gate, thereby generating a traffic hazard.
- The Planning Authority is mistaken in stating that the proposal would result in increased traffic movements, as the access would, as at present, only be used for agricultural purposes.
- The sightlines to middle of the road to the east and to the west are 100m and 150m. To the west, the sightline to the road edge is 80m. To the east, the sightline to the road edge could be 100m if both the levelling of a bank and the removal of two trees were to occurred.
- The Planning Authority is mistaken in stating that the road gradient is steep and its width is deficient. Rather this road is virtually level and, given the splayed entrance way proposed, movements from and to it would be capable of being undertaken with ease.

6.2. Planning Authority Response

The Planning Authority states that under normal circumstances, an improvement to an existing entrance would be permitted, even if the entrance itself was sub-standard. However, the Authority would have regard to the need for such an improvement within the context of the applicant's landholding and the presence or otherwise of other entrances. Information on these points has not been submitted by the applicant. Attention is also drawn to the need to replicate hedgerows and sod/stone banks and so the proposed stone walling may be inappropriate.

6.3. Further Responses

The applicant has responded to the Planning Authority's response as follows:

- The widening of the existing access from 2.5m to 5m would ensure that this access can be operated in a safe manner.
- The R765 is a regional road, which, like many other such roads, has multiple accesses off it.
- The applicant has submitted a plan on which the area to be served by the widened access is highlighted by means of a red edge. He explains that, whereas access to this area is also available via a shared gate from the R765 further to the east, his use of this gate is problematic as it then entails passing over someone else's land to reach the said area, the owner of which objects to him doing so.
- Access to the highlighted area is needed to tend to a forest and to feed and care for sheep.
- The proposed entrance way would be enclosed by means of dry stone walls. Sod/stone banks and hedgerows would not be lost in the construction of this entrance way and so bio-diversity would not be adversely affected.

7.0 Assessment

7.1. I have reviewed the proposal in the light of the CDP, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Traffic and access,
- (ii) Visual amenity, and
- (iii) AA.

(i) Traffic and access

7.2. The Planning Authority refused this application on the basis that increased usage would be facilitated by the proposal and that this would prejudice road safety, due to the narrow width of the public road, its variable horizontal and vertical alignment and the non-availability of a satisfactory sightline to the east. At the appeal stage the Planning Authority stated that improvements to an existing entrance could be permitted even if such improvements fell short of achieving an entrance that would be fully compliant with modern standards. The need for the subject entrance would however fall to be assessed in the context of whether other entrances are already available.

7.3. The Planning Authority's response to the applicant's grounds of appeal reflect the provisions of Regional Road Objective TR27 of the CDP, which states that new accesses can be considered, where they would replace deficient existing ones and in so doing they would not generate additional traffic movements, and where the applicant has demonstrated that the access is essential as no other means of access is available. Accordingly, at the appeal stage, the applicant was given the opportunity to comment on the Planning Authority's response.

7.4. The applicant has outlined that, due to a neighbouring landowner's objection, he is not in a position to access the area of land in question via a gateway further to the east off the R765. Consequently, he presently accesses this area via the subject gateway, which is inherently hazardous due to the absence of a refuge forward of this gateway and the narrowness of the gateway itself. Manoeuvres to and from the gateway thus entail the parking of his tractor on the R765, while he either opens or closes the gate, thereby causing an obstruction to the public road. The narrowness

of the gateway militates against the use of a trailer in conjunction with his tractor and so the utility of this gateway is presently restricted.

- 7.5. During my site visit, I observed the existing situation “on the ground” and I can confirm the applicant’s critique of the subject gateway. I observed too the shared gateway further to the east that the applicant refers to and another gateway and road further to the east again, which appears to be the subject of a retention permission application at present. In the light of the applicant’s comments, outlined above, I consider that the aforementioned provisions of TR27 are applicable in this case.
- 7.6. The area highlighted by the applicant is in agricultural use, for hill sheep farming and forestry. Thus, insofar as the subject gateway is used to access this area only, the present gateway is exclusively an agricultural one. The applicant states that this would continue to be the case. If the Board is minded to grant this application, then such usage could be conditioned.
- 7.7. The R765 within the vicinity of the site is narrow and of variable alignment. Thus to the east the road meanders and is subject to an upward gradient in a westerly direction. To the west it is of straighter alignment, but the upward gradient continues. Consequently, approaching traffic from the east and the west tends to travel at some speed. The relevant speed limit is 80 kmph. Accordingly, the relevant sightlines for any new access should exhibit x and y dimensions of 2.4m and 160m. A relaxation of the x dimension, for lightly used field accesses to 2m, can be acceded to.
- 7.8. The applicant’s submitted site layout plan shows that sightlines could be provided, with some regrading of an embankment to the east, with x and y dimensions of 2.5m and 90m. Given that the x dimension could be relaxed to 2m, the amount of regrading would thus, presumably, be reduced in amount and improved sightlines would still be achieved.
- 7.9. I can conclude that, in the circumstances outlined by the applicant, Objective TR27 of the CDP is applicable and so the improvement of the existing access would be appropriate in terms of good traffic management and road safety.

(ii) Visual amenity

- 7.10. The CDP shows the site as lying within the North East Mountain Lowlands Area of High Amenity. Section 5.3.11 of the CDP outlines Key Development Considerations (KDC) for this AHA. These considerations refer, amongst other things, to the

protection of structures of conservation interest and to the importance of ensuring that development is not conspicuous.

- 7.11. The design and layout of the improved gateway would accord with advice set out in the CDP's advice on entrance designs set out in the "Design Guidelines for New Homes in Rural Wicklow." In the light of the KDCs cited above, the existing stone pillar gateposts should be incorporated within this new gateway, along with the stone from the existing dry stone walls on either side of these gateposts.
- 7.12. I conclude that, provided the proposed improved gateway incorporates the stone gateposts and stone from existing walls on either side of these gateposts, this gateway would be compatible with the visual amenities of the AHA.

(iii) AA

- 7.13. The site is not in or within the vicinity of a Natura 2000 site. The nearest such site is Carriggower Bog SAC, which lies 2.2 km to the NE. Given the nature and scale of the proposal, no significant effects would arise upon the qualifying interests of either this or any other Natura 2000 site.
- 7.14. Having regard to the nature and scale of the proposed development, 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.

8.0 Recommendation

- 8.1. That this proposal be permitted.

9.0 Reasons and Considerations

Having regard to the location of the site within the North East Mountain Lowlands Area of High Amenity and the provisions of Regional Road Objective TR27 in the Wicklow County Development Plan 2016 – 2022, it is considered that, subject to conditions, the proposal would promote good traffic management and road safety and be compatible with the visual amenities of the area. No Appropriate Assessment issues would arise. Thus, the proposal would accord with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 2nd day of November, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Sightlines with x and y dimensions of 2m and 90m shall be shown and the works needed to achieve these sightlines shall be itemised and the extent of such works shall be indicated.
 - (b) The design of the gated entrance shall be modified to incorporate the existing stone pillar gateposts and the reuse of stone from the walls on either side of these gateposts.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and in the interest of visual amenity.

3. The entrance shall only be used for agricultural purposes.

Reason: In the interest of clarity and in the interest of good traffic management and road safety.

Hugh D. Morrison
Planning Inspector

15th November 2017