



An
Bord
Pleanála

Inspector's Report ABP - 300486-17

Development	Construction of a new farm entrance and associated site works
Location	Lisloughlin, Ballinasloe, Co. Galway.
Planning Authority	Galway County Council
P. A. Reg. Ref.	17/1459
Applicant.	John and Margaret Tannion.
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Michael and Bridget O'Dea .
Date of Site Inspection	17 th April, 2018
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site has a stated area of 1.6 hectares and is located circa five kilometres to the northwest of Ballymacward on a minor county/third class road. It is a rural area primarily in agricultural use in which there are farmhouses and additional residential development. At the time of inspection, a display board was on display in front of the farm dwelling indicating that the farm holding, including the residence was for Sale.
- 1.2. The existing farm dwelling and entrance is to the north east of the proposed location of the agricultural entrance on the road frontage and the applicant's landholding extends eastwards from the road frontage. The farm entrance is to the north-east side of the dwelling and extends toward the rear of the house to the farmyard and lands.
- 1.3. At the site location the land falls towards the road level but the ground level is relatively flat. The carriageway is relatively even in alignment along the frontage and to either side. A single white line is located at the centre of the carriageway in front of the proposed entrance location. There is a high, dense hedgerow along the frontage of the field in which the proposed entrance is to be formed and an open drain in which water flow is in a south westerly direction is located along the road frontage.
- 1.4. A large house is located on the lands to the south west adjoining the proposed site location. Timber post and rail fencing is located along the frontage of this property as far as the boundary with the application site. Farm complexes and dwellings are located further to the north east and to the south west on the road frontage.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 9th October, 2017 indicates proposals for an opening in the frontage boundary involving removal of hedgerow to facilitate development of an agricultural entrance in which the proposed entrance gates which total 6.3 metres in width exclusive of pillars are setback. A 450 mm drainage pipe is to be installed beneath the surface level the applicant's lands

3.0 Planning Authority Decision

3.1. Decision

By order dated, 28th November, 2017, the planning authority decided to grant permission for the proposed development subject to conditions. Condition No 5 contains a requirement for surface water to be disposed within the site and Condition No 6 requires maintenance of the existing surface water drainage so that there is no increase in flooding risk to properties or to the road.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer in his report notes that it is demonstrated that 70 km sightlines can be achieved both directions. A letter of consent from the owners of the lands to the south west which the proposes sightlines cross which is provided with the application relates to an application under P. A. Reg. Ref. 07/4307. According to the planning officer the applicant does not have consent to alter the road side boundary to facilitate achievement of a 70 km sightline on land under the control of a third separate third party.
- 3.2.2. In view of the proposed agricultural use for the entrance, and a 1.5 metres distance between the road edge and the hedgerow, the planning officer indicated that works to the roadside boundaries would not be necessary and confirmed that the proposed development would be acceptable.

3.3. Third Party Observations

- 3.3.1. A submission was lodged by the appellant party, Michael and Bridget O'Dea who indicate that consent would not be forthcoming for maintenance of the hedgerow on the frontage of their lands to facilitate achievement of sightlines for the proposed entrance.

4.0 Planning History

There is no record of any planning history for the site of the proposed development. The planning officer in his report notes a grant of permission to Colm O'Dea under P.A. Reg. Ref. 07/4303 for a dwelling, garage and proprietary treatment system on adjoining lands.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway County Development Plan, 2015-2021 according to which the site location, which is in a rural area, which is defined in the landscape character assessment as Landscape Class 1 which is the least sensitive in a class range of 1-5.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Michael and Bridget O'Dea of Mounthazel, Castleblakeney, owners of the lands to the south west of the site location, on their own behalf on 18th December 2017 and they object to the decision to grant permission on the grounds outlined in brief below:

- Consent to the applicant to maintain the hedge in the appellant's ownership to facilitate achievement of sightlines will not be forthcoming. Safe use of the entrance will therefore not be possible. It is easy to achieve the 80 kph. maximum speed as it is a straight section on the road.
- As the land is elevated above the road level water drains towards the public road which would be flooded when the open roadside drain is filled and this is unavoidable. The development would therefore make an existing problem of flooding on the road circa eighty metres to the south west worse.
- There is existing access to the applicant's farm which is used for loading livestock. It is expected that the new entrance would be used for loading

livestock in large vehicles and the five metres setback would be deficient leading to blocking of the road by the vehicles and or escape of livestock. The existing arrangement for access via the existing entrance thirty to forty metres from the road is a much safer arrangement.

6.2. Applicant Response

A submission was received on 30th January, 2018 from O'Brien Survey and Design on behalf of the applicant according to which:

- The son of the applicant has a house on the adjoining land where there is a timber post and rail fence running as far as the appellant property boundary. It is 3.5 metres back from the public road. The ground is maintained for sightlines.
- The O'Dea's blocked the existing drain and did not insert an adequate size pipe to cater for flow in heavy rainfall conditions. The applicant will form a soak pit adjacent to the proposed entrance.
- The entrance is required because the applicant intends to retire and to rent out the land while retaining the existing farm entrance as a separate, private entrance for the dwelling.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues central to the appeal and considered below are:

Adequacy of sightlines at the proposed entrance and third-party lands.

Endangerment of pedestrian and vehicular safety

Justification for and Nature of use of the entrance.

Surface water drainage and flooding risk

7.2. Adequacy of sightlines at the proposed entrance and third-party lands.

It is considered, further to the site inspection, that for an agricultural entrance opening onto a minor country road, the sight lines, subject to the proposed alterations to the hedgerow in the applicant's ownership, sufficient and safe sightlines can be achieved with the timber post and wire fence on the adjoining lands to the south west in position. There is no hedgerow along the frontage of the adjoining lands although there can be no assurance that the front boundary treatment for the third-party lands will remain unchanged as the matter is outside the control of the applicant.

7.3. Endangerment of pedestrian and vehicular safety

The appellant asserts that the proposed entrance will be used for access for the loading and unloading of livestock from large vehicles and that the public road may be blocked by these vehicles whereas this does not occur when the existing entrance to the farmyard is used for these purposes. In this regard, it is noted that the entrance width is considerable in that exceeds six metres with double gates. This could be regarded as excessive for a simple agricultural entrance. Given the relatively modest size of the farm-holding, and lack of any proposals for farm buildings within the current application the likelihood is that occurrences of obstruction of the public road by large vehicles would be infrequent. In the event of any intensive operation be considered at a future date a further grant of permission would be required. It is not agreed that significant or undue risk of endangerment to pedestrian and vehicular safety by reason of obstruction of the road way would occur.

7.4. Justification for and Nature of use of the entrance.

According to the applicant's agent it is the applicant's intention to retire from farming and, to retain the existing entrance as a private entrance to the dwelling in which he intends to continue to reside. Although it appears from the description, "residential farm" on the display board relating to the sale of the property, it is reasonable to assume that the applicant may enter into an arrangement whereby he can continue to reside at the dwelling.

Nevertheless, it is considered the case for justification for the creation of the additional entrance, for agricultural use, especially at the width proposed, is relatively

weak but on the other hand, a presumption in favour of agricultural entrances facilitating agricultural and rural related activities in areas so designated in local policy is reasonable.

7.5. Surface water drainage and flooding risk.

It is considered that the applicant has incorporated sufficient measures within the application by way of inclusion of provision for a soakpit and piping of the open drain to address any potential concerns as the proposed development leading to additional runoff from lands via the entrance to the drain. Contentions to the contrary appear to be without substance.

7.6. Appropriate Assessment.

The application site is not within or close to European sites although several SACs are within fifteen kilometres of the location. Having regard to limited scale and nature of the proposed development, no Appropriate Assessment issues proposed development would not 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. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld. Draft Reasons and Considerations and Conditions follow:

9.0 Reasons and Considerations

Having regard to the limitation of the proposed use of the entrance to use in connection with agriculture, to the horizontal and vertical alignment of the road and sightlines that can be achieved in either direction and, to the proposed arrangements included in the application to provide for collection and disposal of surface water, it is considered that subject to the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard and would not endanger public health and would be in accordance 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 lodged with the application as amended by the further plans and particulars and, by the plans and received by the planning authority on 9th October, 2017 except as may otherwise be required 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 use of the proposed entrance shall be solely for agricultural purposes unless otherwise authorised by a prior grant of planning permission.

Reason: In the interests of clarity, rural amenity and the proper planning and sustainable development of the area.

- 3 Surface water generated by the proposed development shall be disposed of within the site in accordance with the details submitted with the planning application on 9th October, 2017 and not allowed onto the public road or onto adjoining property.

Reason: In the interest of clarity and orderly development.

Jane Dennehy
Senior Planning Inspector
19th April, 2018.