



An
Bord
Pleanála

Inspector's Report ABP.300944-18

Development	Construction of a new dwelling, plot entrance, wastewater treatment plant, polishing filter and associated site works
Location	Ardvone, Ardagh, Co. Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	17/898
Applicant(s)	James Muckell and Ida Kennedy
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	James Muckell & Ida Kennedy
Observer(s)	None
Date of Site Inspection	8 th June 2018
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located in the townland of Ardvone, near the village of Ardagh, to the north of Newcastle West, Co. Limerick. Ardagh is situated on a crossroads at the junction of R521 (Newcastle West to Foynes) and the R523 (Rathkeale to Athea). The site is located on a local road leading in a south-westerly direction from the R523 and is approx. 500m from the village. There are a number of single dwellings and farmhouses located along the road.
- 1.2.** The site is triangular in shape and is stated as being 0.42ha in area. It has road frontage of approx. 85m and a depth of approx. 102m. It forms part of a larger agricultural field, which the applicants are now proposing to purchase (outlined in blue on Drawing submitted as unsolicited FI to P.A. on 22/12/17). There is an existing dwelling on the site immediately to the north-east. The level of the site is raised approx. 1 metre above the level of the public road. The road frontage boundary has been removed. There is an agricultural entrance gate at the southern end of the site.

2.0 Proposed Development

- 2.1.** Outline permission is being sought for the erection of a single dwelling house, together with a wastewater treatment plant and polishing filter. It is proposed to provide a new vehicular access from the L1333 at the northern end of the site. The indicative site layout plan shows the proposed dwelling located in the centre of the site, approx. 35m back from the roadside boundary. It is further proposed to lower the existing earthen bank at the roadside boundary, set the boundary back and to grass over the lowered ground. It is proposed to erect a timber post and rail fence at the top of the embankment with native hedgerow planting behind it.
- 2.2.** A revised plan was submitted to the P.A. on 22/12/17 showing the proposed entrance relocated further to the south.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for two reasons which were based on the following elements:

- Traffic hazard - due to inadequate sightlines, notwithstanding the proposal to lower the earthen bank, which it was considered would result in the potential for increased speed as motorists would be able to see through the bend in the road.
- Ribbon development – in a rural area and would give rise to demands for the provision of urban type services which would be both uneconomic and inappropriate to provide, and would, therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that the site is located c. 487m outside the village and that the speed limit on the L1333 is 80kph. It was further noted that the roadside boundary vegetation had been removed since the previous decision to refuse planning permission to the same applicants on the site. The following comments were also made:-

- The site is located in an Area of Strong Agricultural Base and that the applicants are purchasing the site, but that one of them qualifies as a local resident who is currently residing in Australia.
- Report from Roads Dept. noted in which it was identified that sightlines in a northerly direction were inadequate (75m) notwithstanding remedial works, with the further potential for increased speed due to proposed boundary treatment. The sightline to the north is across the road and the sightline to the south requires significant works to the roadside boundary, including an 80m setback, which it was considered would result in additional significant

exposure of the site. The lowering of levels would also affect the gradient of the site.

- The Sustainable Rural Housing Guidelines discourage ribbon development and state that in stronger rural areas, a balance should be struck between development within the village/town and the local rural area. Ribbon development constitutes a high density of almost continuous road frontage development, such as where 5 or more houses are located within 250m. It was considered that the proposed development would result in a fifth dwelling over a distance of 140m.
- The development should not result in a significant effect on the conservation status of any European site and that Appropriate Assessment is not required.

It was concluded that the proposed development should be refused.

3.2.2. Other Technical Reports

Environment – refer to previous report on file 16/973. [However, no detailed report on file].

Roads -The applicant has indicated sight lines of 90m in each direction, but it is disputed that these can be achieved. The sightline available in a northerly direction is just 75m as further visibility in this direction is hindered by the existing bend in the road. Sightlines in a southerly direction are severely impeded by the bend in the road and due to the difference between the site levels and the level of the road of approx. 1.2m. Although the proposals to set back (by 3-5 metres) and lower the roadside boundary for a 75m stretch would improve sightlines, it could potentially lead to increased speed as motorists could see through the bend in the road. As a result, the proposed development is unacceptable, given that the design speed is 80kph.

3.2.3. Further Information

Unsolicited further information was submitted on 22 December 2017. This consisted of a traffic survey of the L1333; a Drawing refuting the suggestion of ribbon development; and a revised site layout plan with modification to the site boundary, a revised vehicular entrance and revised location for the WWTP and polishing filter.

The traffic survey indicated that the road is a lightly trafficked road (330 cars in both directions on a daily basis) and that the design speed is essentially 50kph, rather

than the 80kph stated in the P.A. Road Engineer's report. The revised entrance affords 63m sightlines in a northerly direction and 80m in the southerly direction and will necessitate less remedial work to the roadside boundary. It is asserted that these sightlines are appropriate for the "actual design speed of the road".

3.3. Prescribed Bodies

Irish Water – No objection.

3.4. Third Party Observations

None.

4.0 Planning History

16/973 – planning permission refused by P.A. for a single house on the site by same applicants in March 2017. Four reasons for refusal which related to the following elements:-

1. Ribbon development
2. Failure to meet housing need criteria under CDP policies.
3. Need to remove extensive stretch of roadside boundary would be detrimental to visual amenities of area and contrary to CDP policies EH05 and EH 06.
4. Inappropriate design, unduly prominent and obtrusive feature and inability to assimilate into local landscape would detract from character and visual amenities of the area.

Adjacent sites

14/964 – planning permission granted for extension to dwelling, alteration to entrance and treatment system.

97/1079 – planning permission granted for bungalow, entrance and septic tank. Applicant Thomas Moloney.

5.0 Policy Context

5.1. Sustainable Rural Housing Guidelines

Section 3.2.3 defines **Rural Generated Housing Need** and provides examples of such need. This includes “Persons who are an Intrinsic Part of the Rural Community” This category includes people who would have spent a substantial part of their lives living in the area as members of the established rural community, and also includes returning emigrants.

Appendix 3 states that the objectives for **Stronger Rural Areas** should seek to consolidate and sustain the stability of the population and in particular, to strike an appropriate balance between development activity in smaller towns/villages and the wider rural areas.

Appendix 4 addresses the issue of **Ribbon Development**. The guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

-

5.2. Development Plan

Limerick County Development Plan 2010-2016 (as extended)

In terms of Rural Settlement Policy, (3.9), the site is located in an Area of Strong Agricultural Base.

Objective RD02 – Single Houses in Areas of Strong Agricultural Base to recognise the individual housing need of people intrinsic to the rural area subject to the availability of suitable sites and normal proper planning and sustainable development criteria. Facilitate people with a genuine rural housing need subject to certain criteria.

Objective EH021 – Septic tanks and proprietary systems to comply with relevant guidelines and only be constructed where site conditions are appropriate.

Objective EH05 – preserve and enhance existing level of tree cover

Objective EH06 – integrate development into the landscape and retain trees and existing landscape features where possible. Only in exceptional circumstances should roadside boundaries be removed.

Policy IN P7 Road Safety and Capacity – improve road safety and capacity through minimising existing traffic hazards and prevention of new hazards in the network.

Objective IN 09 Substandard Roads – development on roads that are substandard either in terms of width, alignment, surface condition or junction with nearest main road to be permitted only in exceptional circumstances.

Objective In 010 Land Use and Access Standards – any development involving a new access or intensification of an existing access onto a public road will not be permitted if it would compromise the capacity or safety of the road network, unless it meets the appropriate design standards.

5.3. Natural Heritage Designations

There are three European sites within 15km of the site as follows –

Stack's Mountains to Mullaghareirk Mountains SPA (004161) which is approx. 5km to west;

Lower River Shannon SAC (002165) which is approx. 5km at its closest point

Askeaton Fen Complex SAC, (00279) which is approx. 12km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal was submitted by Adam Kearney Associates Planning Consultancy on behalf of the applicant. The main points raised may be summarised as follows:

- The reason for refusal of ribbon development is disputed and scaled aerial imagery is provided to substantiate this view. It is submitted that the Sustainable Rural Housing Guidelines are definitive in respect of what constitutes ribbon development, which is where 5 or more dwellings exist on

any one side of a given 250 metres of road frontage. The proposed dwelling will be the fourth house on one side of the road within a distance of 250m. it is claimed that the P.A. include infill sites with no planning history as existing houses. It is further claimed that over a distance of 1.5km, there are 12 dwellings taking account of both sides of the road.

- The applicant commissioned a traffic survey in order to establish the actual design speed of the road and subsequently relocated to proposed entrance in order to minimise the amount of road frontage to be removed. It is claimed that the design speed is 51kph due to the light traffic. However, the Roads section of the P.A. formed the view that the proposed works needed to improve the sightlines would increase forward visibility on the road, and thereby increase the design speed of the road beyond the 51kph. This is refuted. Photographic evidence presented to substantiate this.
- The DMRB document has a desirable minimum safe stopping distance of 70m on a road with a design speed of 50kph. It is noted that the “one step below the Desirable Minimum” is 50m and that DMURS requires 45-50m in a 50kph zone.
- The applicants have been residing in Australia for 6 years and wish to return home. They discovered that the site was available when home on holidays and have spent considerable resources attempting to gain permission. There is very little land available in Ardagh at present that is not controlled by a few large landowners and have not been successful in obtaining an alternative site.

6.2. Planning Authority Response

The P.A. has not responded to the grounds of appeal.

7.0 Assessment

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

- Rural Settlement Policy and Ribbon Development
- Transport policy and traffic hazard

7.2. Rural Settlement Policy and Ribbon Development

7.2.1 The location of the site within an area of Strong Agricultural Base generally accords with the Stronger Rural Areas in the Sustainable Rural Housing Guidelines. It is considered that the CDP policy objective RD02 is generally consistent with the Guidelines and that the applicant falls within the category of being an intrinsic part of the rural community, and is a returning emigrant. Thus, I would accept that the applicants have a rural generated housing need. However, in Stronger Rural Areas, the guidelines indicate that a balance should be struck between accommodating such needs in the form of individual rural houses in the countryside and within the smaller towns and villages. It is further stated that development trends should be “carefully monitored to avoid areas becoming overdeveloped leading, for example, to extensive ribbon development”.

7.2.2 The Guidelines (Appendix 4) recommend against ribbon development and advise Planning Authorities to form a view as to whether a particular proposal would contribute to or exacerbate ribbon development. The characteristics of ribbon development are stated to include

“a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage”.

The guidelines state that whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant
- The degree to which the proposal might be considered infill development,
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

The applicant considers that the guidelines are definitive in respect to what constitutes ribbon development and that the current proposal does not meet the criteria as it would represent four houses in a row, rather than five. However, I consider that the concept of ribbon development is not quite so clear cut and is referred to in the guidelines as an example of high density or overdevelopment of

rural areas, which would give rise to issues such as road safety and visual impacts as well as future demands for the provision of public infrastructure, particularly, where development occurs close to towns or villages. In coming to a view on the matter, the advice is to take account of the nature of the rural area and whether the proposal would represent infill development or contribute to the coalescence of ribbon development.

- 7.2.3 The site of the appeal is located close to a rural village which is at a crossroad junction of two regional roads linking a number of larger towns, such as Newcastle West, Rathkeale, Askeaton and Adare and is within commuting distance of Limerick City. The area in the vicinity of the site is predominantly rural but contains a considerable degree of one off housing which spreads out along the R521 and the R523, and to a lesser extent, along the L1333. I would accept that the proposed dwelling would result in a fourth house along this particular stretch of road, but note that there is a further row of 4-5 houses on the opposite side of the road, approx. 150m further to the southwest along the L1333. It is considered, therefore, that the proposed development would contribute to further development on a substandard road in an area which is generally experiencing pressure for development. Thus it would give rise to issues of road safety and likely future demands for public infrastructure provision.
- 7.2.4 The applicants have links to the area, but not to the particular site the subject of the appeal. The site is located close to the village, but is c. 500m distant on a road which is not suited to pedestrian movement due to its substandard width and alignment. It is considered therefore that an alternative site either within or in closer proximity to the village may more appropriately meet the rural housing need in this instance. It is noted that the applicants have stated that efforts were made to find an alternative site without success, but no evidence was presented to substantiate this claim. It is considered, therefore, that the proposed development would contribute to the overdevelopment of this rural area at a point in the road which would contribute towards the creation of ribbon development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3. Transport policy and Traffic hazard

- 7.3.1 The applicants state that as a result of the traffic survey carried out on their behalf the design speed of the road is not 80kph as the speed limit would indicate, but rather, is 51kph. They submit that in light of this and having regard to the proposals to remove vegetation and lower the level of the earthen bank at the roadside edge, adequate sightlines can be achieved which would be appropriate for the revised design speed of the road. It is stated that sightlines of 63m to the north and 81m to the south would be achieved from the site of the revised entrance.
- 7.3.2 The Area Planner and Area Engineer, however, disagree. They consider that even if it was accepted that the design speed of the road is 51kph, the remedial works to achieve the required sightlines would cancel out the effects of the reduced design speed, as forward visibility on the approach to the site would be improved. The Area Planner believes that the necessary sightlines cannot be achieved even with the removal of vegetation and lowering of ground levels.
- 7.3.3 The speed limit of the road is 80kph, which equates to a design speed of 85kph, which requires sightlines of 160m in each direction. It is acknowledged that the maximum design speed is unlikely to be achieved on this stretch of road due to the substandard width, alignment and road surface. However, I would agree with the Roads Engineer that the proposed remedial works at this location could have the unintended consequence of increasing speed at this point in the road. It is considered that there are a number of factors which contribute to visibility issues at this location. Firstly, the site is located between two sharp bends in the road and there are two existing entrances opposite one another immediately to the north of the site, one of which is also a farm entrance. I note that the property immediately to the north has a high stone wall which projects onto the road edge, at a point where there is a telegraph pole, and it is likely that these structures would interfere with views in a southerly direction when approaching the site from the north. There is a tree line to the south of the field adjacent to the proposed entrance. It is noted that the applicants now intend to purchase the field adjacent to the site, but it is unclear whether they would have control over the treeline which runs parallel with the southern boundary of the site. In addition, the junction between the R523 and the L1333 is extremely poor in terms of its alignment and is quite hazardous with poor visibility.

7.3.4 Regardless of whether the reduced design speed is accepted and/or the proposed entrance could technically achieve the sightlines appropriate for a revised design speed of 50kph, it is considered that the road is substandard in terms of its width, alignment, surface condition and the junction with the nearest road. As such, Objective IN09 of the CDP would only allow for development here in exceptional circumstances. As discussed previously, the rural housing need of the applicants is accepted, but is not restricted to the particular landholding or the site. Thus, it is difficult to accept that there are any exceptional circumstances that would justify a new entrance contribute to additional turning movements that would give rise to an additional traffic hazard. It is further considered that it would be contrary to Objective IN010 as a new access at this location would compromise the safety of the road network.

7.3.5 The removal of roadside trees, vegetation and earthen bank would also contravene Objectives EH05 and EH06 which seek to retain existing tree cover and hedgerows and to integrate new development into the landscape. It is considered that the proposed remedial works would create a visually prominent fence line above the level of the adjoining road, which be out of character with the natural landscaped setting of the site.

7.5 Appropriate Assessment

7.5.1 The site is located approximately 5km from the Lower River Shannon SAC (002165), and from the Stacks to Mullaghareirk Mountains SPA (004161), and is located approx. 12km from Askeaton Fen Complex cSAC (002279). Given the distances involved, and the nature and scale of the proposed development, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1. It is recommended that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Taken in conjunction with the existing development in the vicinity, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and served by a poor road network. It is considered that the proposed development would contribute to ribbon development in this area, lead to demands for the uneconomic provision of further public services and community facilities and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located on a minor road which is seriously substandard in terms of width, alignment, surface condition and the layout of the junction with the R523. The traffic generated by the proposed development would give rise to a traffic hazard and would necessitate the removal of a substantial length of existing roadside boundary in order to improve sightlines at the proposed entrance. The proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users and would contravene Policy IN P7 and Objectives IN O9, IN O10 and EH06 of the Limerick County Development Plan 2010-2016 (as extended) and to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

13th July 2018