



An
Bord
Pleanála

Inspector's Report ABP-301839-18

Development	Construct house, proprietary effluent treatment unit, percolation area and domestic garage along with all associated services.
Location	CREAGHANBOY, Manulla, Castlebar, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	1873
Applicant(s)	Damien and Michelle Conway
Type of Application	For permission
Planning Authority Decision	GRANT with conditions
Type of Appeal	Third Party
Appellant(s)	TII
Observer(s)	None
Date of Site Inspection	26/11/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a site of 0.502ha, situated in the open countryside, located c.6.5km southeast of Castlebar and 1km, or so, south of the rural village of Manulla.
- 1.2. The site is adjacent the N60, national secondary road, to the east/northeast. To the north it abuts one of the applicant's (Michell Conway, née Gavin) parents' house (her family home), which would appear to date from the 1970's, and her grandparents' house adjacent the north thereof, being a traditional single storey cottage. To the south and west is greenfield agricultural grazing land set out in fields.
- 1.3. The site slopes up generally from east to west and is elevated above the N60, by c.1.5m at the field boundary and increasing to c.8m, or so, to the west (this is unclear as only one spot level is given on site) and commands views over Derreen Lough and Rush Hill to the north and east. The roadside boundary is demarcated by timber post and rail fencing, with traditional field boundary hedging there-along.
- 1.4. The site and the neighbouring family-member dwellings are situated on the inside of a convex bend on the national road. The site has an existing agricultural field entrance at its northernmost corner and the two family-member residential properties to the north each have separate vehicular entrances to the national road. The roadside boundary to the application site and to the adjoining residence is setback from the end of the carriageway, behind a hard shoulder and grass verge, by as much as c.7m at the greatest distance, decreasing with distance from the existing agricultural entrance. There is uncertainty in this regard as the applicants' planning drawings forwarded by the planning authority are not to the scale indicated thereon and are not to any recognisable scale.

2.0 Proposed Development

To erect a private dwellinghouse, a proprietary effluent treatment system, percolation area and domestic garage with all associated services.

The layout plans indicated the removal and setting back of existing roadside boundary walls to the two neighbouring properties to the north, and the closing up and relocation of the vehicular entrance to the neighbouring site to the north

(applicant's parents' house) to be a double-width entrance shared with the proposed dwelling.

Supplementary documentation included Cover Letter prepared by Donal McCormack Design; Site Suitability Assessment prepared by GASS Building Compliance; Land Registry details; Letter from Manulla NS confirming attendance of Michelle Gavin; Letter of Consent from Norah Gavin; Michelle's grandmother, for the applicants to make their application on her lands; Letter of Support from Michelle's parents; Letter from applicants to explain their case.

Revisions at **FURTHER INFORMATION** stage comprised the encompassing within the application site redline boundary of the proposed relocated neighbouring site vehicular entrance (to applicant's parents' dwelling), a reduction in ground level to slope down towards roadside boundary, new hedgerow planting to roadside, and details of proposed driveway finish.

3.0 **Planning Authority Decision**

3.1. **Decision**

To **GRANT** permission subject to 16no. conditions, contrary to the recommendation of the planning officer, on the basis that the development would improve safety if carried out in accordance with appropriate conditions, having regard to the report of Richard Lyons, SEE, Roads Design Office. The following non-standard conditions are of particular relevance to the appeal:

No.6 – requires double recessed entrance as per Layout Plan Dwg.No.101 Rev A submitted 24/04/18 in accordance with Appendix 1 Fig.4.3 page 51 of the Mayo CDP 2014-2020.

No.7 – requires removal of existing front boundary wall from entire front boundary and new boundary fence/wall to be erected along line as per Layout Plan Dwg.No.101 Rev A submitted 24/04/18 prior to the commencement of development.

No.8 – requires removal of existing front boundary to applicant's grandparent's dwellinghouse and new fence/wall erected along line indicated on Layout Plan Dwg. No.101 Rev A submitted 24/0418 prior to commencement of development.

3.2. Further information

Further information was sought on three points concerning:

- Details of boundary treatment (particular attention to be paid to N60 boundary);
- Materials proposed for access road;
- Indicating all works necessary to achieve sight lines at entrance on site layout plan.

Notes attached to the request indicated that the Council had serious concerns with the proposed access to the N60 and that the proposed development was located in an emerging preferred route corridor for proposed N60 upgrade; the proposed relocation of the access to the applicant's parents' house is development and should be subject of a separate application or incorporated as part of the current application with a revised site area; the access road should comprise permeable material.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The **final report (16/05/18)**, signed by AP and SEP, recommended that permission be **REFUSED** for 3no. reasons as contrary to provisions of *Spatial Planning and National Roads Guidelines* and endangering public safety by reasons of traffic hazard or obstruction of road users; precedent leading to proliferation of similar and consequential reduction in capacity of the national road; and premature pending completion of N60 Castlebar Balla Road (Manulla) Improvement Scheme.

Note attached (name illegible) which, having considered the report of SEE, RDO of 28/02/18 and subsequent report, noted that this development would improve safety if carried out in accordance with appropriate conditions and **DIRECTED** that permission be granted subject to 16no. conditions

The **initial report (29/03/19)**, noting the recommendations of the Regional [sic] Design Office, the MCC RDO and TII, recommended that permission be **REFUSED** for 4no. reasons, generally as per final report but with the additional reason relating to potential impact on landscape character in view of Objective LP01 of the CDP 2014-2020. An **undated and unsigned memo** (in the name of the AP and SEP) with no planning reference number is attached to the copy of the planner's report

(received to the Board 07/08/18) requesting further information on one point requiring a revised site layout plan with proposed entrance to be incorporated as part of the site area. This was followed by a **memo (03/04/18)** indicating that on the instruction of the Head of the Municipal District of Castlebar, it was recommended that further information be sought on three points (the third point added from the said undated memo) concerning boundary treatment (particular attention to be paid to N60 boundary), materials proposed for access road and indicating works necessary to achieve sight lines at entrance.

3.3.2. Other Technical Reports

Area Engineer (21/02/18) – Refer to RDO. If granted, no water to flow onto public road.

SEE Roads Design Office (15/05/18) – Refuse permission for two reasons relating endangering public safety by reason of traffic hazard and obstruction of road users due to movement of extra traffic generated on the N60; reduction in capacity of the N60 and interference with safety and free flowing nature of traffic arising from proliferation of similar development for which precedent would be set by a grant of permission on this application.

Includes a **note to planner** indicating that the proposed development would improve existing entrance (with substandard visibility) to existing house through proposed double recessed entrance outline in Fig.4.3 of Mayo CDP and advised on five conditions to apply in the event that permission is granted.

National Roads Design Office (17/05/18) – The **final report** recommended that permission be **REFUSED** for 3no. reasons concerning premature development '*located in close proximity to*' and pending completion of emerging preferred route corridor for N60 Castlebar Ball Road (Manulla) Improvement Scheme; safety risk to road users within 100kph zone; contrary to CDP 2014-2020 objective RD-01 concerning protection of capacity and safety of national road network and compliance with SPNR Guidelines.

To the report were appended detailed comments (6no. points) on proposed revised development were attached to the recommendation, including the suggestion that the proposed sightlines be set out on the ground to establish true extent of works necessary to achieve same.

National Roads Design Office (26/03/18) – The **initial report** recommended permission be **REFUSED** for 3no. reasons (as per final report). It noted the improved sight visibility arising from proposed new shared access (entailing relocation of applicant's parents' existing vehicular entrance), but that much of the proposed access and sight visibility proposals are shown outside the site boundary and involve work in the public road verge.

3.4. **Prescribed Bodies**

TII (12/03/18) – At variance with official policy in relation to control of frontage development on / affecting national roads set out in the SP&NR Guidelines (2012) as it would, in itself and by precedent, adversely affect the operation and safety of the national road network where the national speed limit applies, at an unimproved section, that would endanger public safety by reason of traffic hazard and obstruction of road users due to additional traffic generated. Subsequent **report (11/05/18)** indicates TII's position remains unchanged.

An Taisce (05/03/18) – Advised that determination of the case must have regard to the provision of Mayo CDP concerning Rural House and Amenity and site access to national roads (s.16.1.2), the National Planning Framework (NPO 19), the SRH Guidelines (2005) concerning protection of water quality (s.4.5), cultural heritage and landscape, access to national road (s.3.3.4), compliance with EU Groundwater Directive (80/86/EEC) and SP&NR Guidelines (2012).

3.5. **Third Party Observations**

None.

4.0 **Planning History**

On site – None.

Within the vicinity – Adjacent site to south

Reg.Ref.P16/1027 – Outline permission **REFUSED** (20/04/17) to Damien and Michelle Conway for dwellinghouse, separate garage, WWTP, new entrance driveway and ancillary works.

5.0 Policy Context

5.1. Development Plan

Mayo County Development Plan 2014-2020

Map Landscape Policy Area 4 Drumlins and Inland Lowlands

Core Strategy Policies P-01 and P-06

Rural Housing Policies RH-01 and RH-02

Landscape Protection policies LP-01, LP-02, LP-03 and LP-04.

Roads Policies RD-01, RD-02, RD-03 and RD-04

5.2. Natural Heritage Designations

River Moy SAC site code 002298 c.1.4km west of the application site.

Balla Turlough SAC site code 000463 c.4km to the southeast.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal by TII against the decision may be summarised as follow:

- The proposed development provides for the creation of a new direct access to the N60, national road, where the 100kph speed limit applies and where a continuous white centreline road marking applies.
- The creation of the proposed new direct access to the national road is at variance with the official policy to preserve the level of service and carrying capacity of national roads and to protect public investment in national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- The creation of the new direct access to the national road raises significant safety concerns.

- Any safety benefit resulting from improvement to extant sightlines is offset by the intensification of development that the creation of a new access to the N60 would represent in contravention to national policy and at variance with the interests of the protection of a strategic infrastructure resource and the delivery of a road improvement scheme.
- This section of the N60 is an unimproved piece of national road infrastructure subject to a proposed road improvement scheme included as an objective in the Mayo CDP (N60 Castlebar Balla Road (Manulla) Improvement Scheme). The location of the proposed development site alongside the emerging route may prejudice the delivery of same.
- National policy (*Spatial Planning and National Roads Guidelines for Planning Authorities*, 2012) is to avoid creation of additional access points from new development or the generation of increased traffic from existing accesses onto national roads where the speed limit exceeds 60kph.
- In recognition that accesses and associated turning movements are a cause of road traffic collisions, the Road Safety Strategy (2013-2020) has a target of reducing the number of accesses onto national road by 5% by 2020. The proposed development is in conflict with this objective.
- The proposed entrance is at variance with objective RD-01 of the County Development Plan to protect the capacity and safety of the national road network and strategically important regional road network listed in appendix 4 of the CDP, ensuring compliance with the SP&NR Guidelines.
- The CDP Volume II development standards (s.16.1) provides that (s.16.1.1) access points shall be kept to a minimum and (s.16.1.2) no new accesses or development that generates increased traffic from existing accesses onto national roads outside the 60kph speed limit shall be permitted in accordance with s.2.5 of the SP&NR Guidelines.
- S.2.6 of the SP&NR Guidelines provides a mechanism whereby a less restrictive approach may be applied to control of development accessing national secondary routes, but the CDP does not include agreed exceptions where such an approach might apply in accordance with the Guidelines and

the section of the N60, with AADT of 5,697 for 2017, does not constitute a lightly trafficked national road for the purposes of the Guidelines.

- The proposed development would endanger public safety by reason of a traffic hazard and the additional traffic movements within the 100kph zone would interfere with the free-flow of traffic on the road.
- National roads account for less than 6% of all roads but carry 45% of traffic and 50% of public transport and the protection, maintenance and safety of this finite network is critical.
- Mayo County Council's Road Design report and the Mayo National RDO reports all recommend refusal and the planning officer's assessment concluded that permission be refused, including following a review of the further information submission.
- The Mayo National RDO report also highlighted the practical difficulties in achieving sightlines at the subject location, a significant road safety issue that has not been resolved in the decision.
- No exceptional circumstances have been put forward by the applicant or Council that would justify a departure from the standard policy and road safety considerations.
- National Strategic Outcome 2 of the NPF includes the objective to maintain the strategic capacity and safety of the national roads network. TII seeks to ensure that official national objectives are not undermined and that anticipated benefits of the investment made in the national road network are not jeopardised.
- It is an investment priority of the National Development Plan 2018-2027 to ensure transport networks are maintained to a high level to ensure quality levels of service, accessibility and connectivity to transport users. The permission granted conflicts with the objective to safeguard the strategic function of the national road network and to safeguard investment made in the transport network.

6.2. Applicant Response

The main points of the response by the first-party (11/07/18) may be summarised as follow:

- The applicant (Michelle Conway, a primary school teacher) was born and reared on the family farm in Creaghanboy, Manulla and continues to live in her family home with her husband (Damien Conway, co-applicant) and daughter, with her husband increasingly involved in the day-to-day running of the farm. The applicants will be the fourth generation to inherit and continue the family farm.
- The applicant's (Michelle Conway's) family farmland holding has no road access other than to the N60 (PRA registry map of holdings are detailed in appendix 2.0).
- In terms of roads, all alternative '*compliant*' proposals put forward by the applicants at pre-planning discussions with Mayo County Council, before DMC (consultants) were engaged by the applicants, received negative feedback.
- DMC have proposed two main points in order to achieve a key point in any application, safe access and egress, a new entrance to achieve 215m Y-distance at 2.4m X-distance. This is shown in plan and section indicating the setback of the families' neighbouring wall and removal of an embankment, with the only improvement works to occur outside the front of the site and across the front of the applicant's family's property, being works that are not difficult to achieve.
- Also provided for relocation of the applicant's parents' entrance to achieve improved sightlines is a far better alternative to the one that currently exists.
- No negative feedback was received from MCC's Senior Roads engineers to the proposals (copy of email correspondence between DMC and Michael Lyons, SEE are appended to the appeal).
- The applicant complies with housing need, rural housing design, site suitability and water supply.

- In further information the applicant addressed all points and noted in detail on the emerging preferred route corridor indicated that the development was always to be clear of this possible route and would not impact on it in any way.
- MCC accepts the applicant comply with all policies. The applicant has no other lands available and, were they to purchase a site outside family lands they would likely not comply with the strict rural housing need requirements (if >5m distant from family home) and as this is their only option the SRH Guidelines support their right to build a home on their family's land.
- Sight distance complies with requirements of table 3, s.16.2 of the Mayo CDP for proposed entrance and relocated entrance, and the new entrance will cater for the same traffic movements for currently exists. This should have been taken into account by TII.
- National Policy (SP&NR) – the proposed development does not create an additional access point, there will still be one access point; there will not be increased traffic as the applicants already live there; and if the applicant's lived elsewhere traffic to/from the site would be increased as they would need to drive to the farm several times a day.
- Point 3 of SP&NR requires TII and Pas to work together at the early stage of the plan preparation to identify areas where a less restrictive approach may apply. The applicants fall under the less restrictive category with the improved required sightlines.
- Local Policy (CDP) – As there are no agreed exceptions under the CDP where a less restrictive approach may apply (as provided for under the SP&NR), the applicants could be one in this case for reasons including – taking over family farm, daughter of farmer, no alternative, road safety, one improved access point with required sightlines.
- SP&NR Chapter 2.6, exceptional circumstances point 1 concerning:
 - (3) *'the nature of the proposed development and volume of traffic to be generated by it'*. The level of traffic would remain unchanged as the applicants already live at the family home;

- (4) *'Any implications for the safety and efficient operation of national roads'*. The exceptional circumstance would be drastic improvement in road safety by achieving sightlines and ingress area would also be improved;
 - (6) *'The suitability of the location compared to alternative locations'*. None available or acceptable. Will maintain the same number of access points.
 - (7) *'The Pattern of Existing Development in the Area'*.
- Road safety considerations – TII's submission that there are 15% fewer deaths on the roads within 80kph or more speed limit in 2017 compared to 2016 is misleading, as Mayo experienced a 200% increase, with the highest number of passenger fatalities (5), joint highest driver fatalities (5) and 3rd highest number of deaths nationally. Sightlines to Castlebar side are only 26% and to Balla side only 45% of national guidance. Proposed development entails safety being improved.
 - The RDO recommended refusal but also set out conditions in the case planning would be granted; and the National RDO recommended refusal but following its review of further information its recommendation to refuse permission was followed by comments / suggestions.
 - Within the application and further information, clear and concise information was provided to the effect that all required improvement works were shown, with sightlines and sections through sightlines provide, indicating levels of excavation, proposed finishes and landscaping provisions. Queries whether the NRDO were furnished with or did not see all details submitted.
 - Protecting Public Investment – TII's reference to safeguarding investment is contradictory to its statements outlining the current road as substandard.
 - The continuous centre white line changes to a broken white line on the near side close to the current access, c.10m away from the proposed access, and the issue of a continuous white line will be resolved by improving visibility overall.
 - The TII appeal is based on a desk study, not on a site visit that takes into account the physical situation on the ground.

- TII ignores a large part of the application by calling it a new entrance to the N60 and in ignoring the improvement of current sightlines against the current combination of entrances, the same traffic movements with the proposal as currently exist and the current hazardous situation.
- Similar cases – Grant of permission by Galway County Council reg.ref.16/1028 for a new home for a farmer on family lands, including a proposed combined domestic entrance with an existing agricultural entrance to N84 national road. On appeal of the decision by TII (PL07.247556), the Board granted permission, realising the housing need of the applicant (necessity) coupled with the fact that the agricultural entrance was already being utilised (precedent), provided sufficient reason to grant permission. The said case did not provide details in terms of improvement of sightlines.
- The requirements of people in rural Ireland cannot be emphasised enough and the fact that the applicants have worked so hard to come up with a proposal to suit their site should be taken into account.

6.3. Planning Authority Response

The main points of the response of Mayo County Council Planning Authority (11/07/18), c/o John McMyler, Senior Planner, may be detailed as follow:

- TII's appeal is insufficient in its consideration of road safety concerns, is not based on a site visit and does not have any idea of the unique circumstances of the case.
- There is currently a substandard entrance to the applicant's grandparents' house, which the current application proposes to improve, as was highlighted in the report of MCC's Road Section (28/02/18) which was '*conveniently ignored*' by TII.
- MCC's Road Section recommended refusal for two reasons relating to 'unimproved section of N60, maximum speed limit, etc.,' and 'precedent', both being valid reasons.
- The Roads Section correctly outlined the policy issue but also highlighted that the proposed development would remove an existing substandard entrance

and replace it with a new entrance for both existing and proposed dwellings, thereby improving visibility at the existing house entrance.

- The case planner recommended refusal, correctly following the Roads Section recommendation as the planner is bound by national and local policy and this ensures consistency of decisions along the national route.
- The decisionmakers for MCC and An Bord Pleanála are allowed to consider exceptions to broad policies, and the Head of Castlebar Municipal District, taking account of all reports and the specific set of circumstances of the case, decided in this case alone the greater good would be served by permitting the application and facilitating the replacement of an existing substandard entrance with greatly improved visibility.
- The decisionmaker's role must allow for a certain freedom to deviate from a strict implementation of policy, as the Board occasionally deviates from the inspector's recommendation.
- MCC did not question national or local policy but openly took an informed decision that the proposed closure of a substandard entrance and its replacement with a greatly improved entrance, in terms of visibility, was the right decision with regards road safety.
- The Board should uphold the decision to grant permission.

7.0 Assessment

The main issues arising in this case may be considered under the following headings:

- 7.1 Policy / principle
- 7.2 Roads issues
- 7.3 Water issues
- 7.4 Landscape and visual
- 7.5 EIA Screening
- 7.6 AA Screening

7.1. Policy / principle

- 7.1.1. Whilst the key issue arising in this case relates to national roads policy, roads planning, road standards and road safety issues, I consider it necessary, for clarity, to first review the Council's rural housing policy.
- 7.1.2. The Planning Authority considered the applicants' to be compliant with Council policy requirements for rural one-off housing, in terms of housing need and the technical considerations including effluent disposal, water supply and surface water disposal, although it should be noted that the planning assessment provides no assessment of these issues or reference to specific policies and objectives under the County Development Plan 2014-2020 governing such development.
- 7.1.3. It is the policy of the Council (P-01) to manage development outside the linked hub and key towns in a way that ensures the viability of rural communities and ensuring environmental protection through the implementation of the objectives and guidance of the Development Plan. It is an objective of the Council (RH-01) to ensure that rural housing complies with the *Sustainable Rural Housing Guidelines (2005)* and with Map 1 Core Strategy and the development guidance under the Development Plan and (RH-02) that such housing be in accordance with MCC's Design Guidelines for Rural Housing, subject to consideration of minor deviations not having an adverse visual impact on the landscape or residential amenities.
- 7.1.4. Section 2.3 of the CDP, Vol.2, indicates that rural housing will be assessed against specified criteria, including satisfying the Council that the proposal constitutes genuine rural generated housing need based on compliance with one of the categories of housing need specified under that section, which relate to different categories of rural areas, which are generally consistent with those categories identified in the SRH Guidelines (2005).
- 7.1.5. The site is located within a rural area defined as being under strong urban influence on Map 1 of the CDP. The appeal response indicates that the applicant, Michelle Conway, is the daughter of a farmer and was born and raised on the farm, and together with the co-applicant, her husband Damien Conway, who currently works part-time on the farm, will inherit and continue the family farm. The applicants indicate that they do not own a home and that they currently live at Michelle Conway's family home with their daughter and with Michelle Conway's parents, on

land adjacent the north of the application site. I consider the planning authority's determination that the applicants are compliant in terms of housing need, as '*persons who are an intrinsic part of the local rural community*', to be reasonable and consistent with the provisions of the CDP and the SRH Guidelines.

7.2. Roads issues

- 7.2.1. Roads issues are the key consideration of this case, including the interrelated issues of national roads policy, roads planning, road standards and road safety. As noted in the pre-assessment section of this report, the Council's Roads Design Office report and the National Roads Design Office report both recommend that permission be refused for reasons relating to endangering public safety by reason of traffic hazard and obstruction of road users due to movement of extra traffic generated on the N60; reduction in capacity of and interference with safety and free flowing nature of traffic on the N60 (by proliferation of similar development for which a grant of permission would set precedent); premature development '*located in close proximity to*' and pending completion of the emerging preferred route corridor for N60 Castlebar Ball Road (Manulla) Improvement Scheme; safety risk to road users within 100kph zone; and contravention of Council's infrastructure strategy under objective RD-01 of the Development Plan to protect the of capacity and safety of national road network and ensure compliance with the *Spatial Planning and National Roads Guidelines for Planning Authorities*.
- 7.2.2. A note was appended to the RDO report indicating that the proposed development would improve the visibility to the existing entrance to the family home, which currently has substandard visibility, through the proposed provision of a double recessed entrance (as outlined in Fig.4.3 of Mayo CDP) and specifying five conditions to apply in the event of a decision to grant of permission.
- 7.2.3. The NRDO's report provided additional comments on the revised proposal, which were offered without prejudice to its recommendation to refuse permission. This comprised a critical review of Site Layout Drawings no.101 Rev A (submitted as further information) and included 6no. suggestions as to what, not insignificant additional, or amended information would be necessary to establish the true extent of works necessary to achieve sightlines at the proposed entrance to the correct

standard¹. The related to, *inter alia*, sightlines being shown from a 2.4m setback, not the required 3.0m²; sightlines not shown centrally but offset to the right-hand side by c.4m; and the full extent of groundworks required to accommodate sightlines being grossly underestimated. However, it would appear to be within the ability of the applicant's family to achieve sightlines to TD 40-42/09 standard given the extensive N60 road-frontage under the family's control. Improvements to the existing substandard entrance may be made without the development of an additional dwelling on their lands.

- 7.2.4. The planning officer recommendation of refusal for three reasons reflects the recommendations of the two said reports, but the planning authority decided to grant permission having regard to the appended to the RDO's report which stated *'the development would improve safety if carried out in accordance with appropriate conditions'*.
- 7.2.5. The SP&NR Guidelines (s.2.5) requires that all development plans include the policy to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply, for all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant. It is Council policy (RD-01) to protect the capacity and safety of the national road network and strategically important regional road network listed in appendix 4 of the CDP and to ensure compliance with the SP&NR Guidelines. The Council's development standards provide (s.16.1.1) that access points shall be kept to a minimum and (s.16.1.2) that no new accesses or development that generates increased traffic from existing accesses onto national roads outside the 60kph speed limit shall be permitted in accordance with the national guidelines. TII submits that the proposed development, which entails the provision of a new direct access onto the N60, national road, where the 100kph speed limit applies is at variance with the said national policy and with the aforementioned Council policies and development standards.
- 7.2.6. TII notes that the SP&NR Guidelines (s.2.6 Exceptional Circumstances) provides a mechanism whereby a less restrictive approach may be applied, however it submits

¹ It is assumed that the standard being referred to is NRA TD 41-42/09.

² The standard does allow for a relaxation to 2.4m in difficult circumstances.

that the Mayo County Development Plan does not include agreed exceptions (i.e. agreed with TII) where such an approach might apply in accordance with the Guidelines. The CDP does make provision for a relaxation of this policy under S.16.1.2, in exceptional circumstances, for any development accessing onto National Roads from an existing access, where it can be demonstrated that such a development will not generate increased traffic onto the National Road, subject to mitigation measures and upgrading where it is found to be substandard. However, TII correctly point out that the CDP provisions fall short of the requirement of the Guidelines which allow for the application of a less restrictive approach under the Development Plan only to identified stretches of national roads, having consulted and taken on board the advice of TII, in accordance with the approach outlined either (1) for *developments of national and regional strategic importance*, or (2) for *lightly trafficked sections of national secondary routes*.

7.2.7. Clearly the proposed development does not fall within the scope of a development of national or regional strategic importance. TII indicate that this section of road, with an AADT of 5,697 for 2017, significantly exceeds the threshold of 3000 AADT referred to under s.2.6 of the Guidelines and is not a lightly trafficked section of a national secondary route. The proposed development does not therefore fall within the scope of exceptional circumstances under the Guidelines, regardless of the applicants' submission that the proposed additional entrance and the relocation of the existing substandard entrance to the N60 would constitute and improvement in road safety through improved and compliant sightline distances.

7.2.8. TII submit that the proposed development is located alongside the emerging preferred route for the proposed N60 Castlebar Balla Road (Manulla) Improvement Scheme. The NRDO report indicates the site is close proximity to the emerging preferred route. The N60 Castlebar to Claremorris route is identified as a priority infrastructure project under the Development Plan (table 3), the development of which is an objective (RD-02) of the Council to support, in addition to the Council's objective (RD-01) to protect the capacity and safety of the N60. The NRDO 2015 public consultation maps for the scheme show the site encroached upon by the emerging preferred route. The NRDO report (15/02/17) on the previous application (refused) reg.ref.P16/1027 shows the current application site is largely contained on the emerging preferred route, however no such map was attached to the NRDO

report on this current appeal case. Based on the TII and NRDO report it can reasonably be assumed that the emerging preferred route has been refined since 2015, however The EPR does not appear to be publicly accessible to date and no information appears to be available on the road scheme activity search database the TII website. Based on the NRDO report I am satisfied that the proposed development is premature pending the determination by the planning authority or the road authority of a road layout for the area.

- 7.2.9. The applicant refers to the Board's decision (ref.PL07.247556) to uphold, on appeal against the decision by TII, the decision of Galway County Council to grant permission (reg.ref.16/1028) for a new home for a farmer on family lands, including a proposed combined domestic entrance with an existing agricultural entrance to N84 national road. In that case the Board considered the proposal did not represent an intensification of traffic usage from the existing access point.

7.3. **Water issues**

- 7.3.1. The proposed development would be served by a new connection to the public water supply.
- 7.3.2. A new onsite waste water treatment system is proposed to serve the proposed development. The Area Engineer report makes no comment on waste water treatment proposals or the site suitability assessment submitted with the application. There is no report from an Environmental Health or Water and Sewerage services section. The planning report make no assessment of the wastewater treatment proposals. There would appear to have been no explicit assessment of the waste water treatment proposals under the previous application (refused) for outline permission under reg.re.16/1027 on the adjacent site, which was refused permission on roads and landscape impact grounds.
- 7.3.3. For clarity, the site suitability assessment on this current case is a new assessment specific to the current application site. The site assessment is missing the photos, maps, site survey, site plan and filter section indicated as forming part of the contents of the report. The assessment determined that the site is suitable for a septic tank system or a secondary treatment, with discharge to groundwater. The contextual details (groundwater vulnerability, etc.) of the assessment are correct and

there is nothing on site to indicate that the site is poorly drained or otherwise unsuitable to accommodate an onsite WWTS. The applicant proposed a Sequencing Batch Reactor packaged WWTS of 6PE, with soil filter system. I consider the WWTS proposals to be generally acceptable, however there is potential for the site drainage characteristics to be altered by the significant site excavations proposed to accommodate the dwelling. The extent of excavations and infill are shown in section, but not in plan and therefore the implications for the proposed WWTS layout are uncertain. In the event of a decision to grant permission, this issue would need to be addressed by condition in the interest of public health and control of groundwater pollution.

7.4. Landscape and visual

- 7.4.1. The site is elevated relative to the N60 and to the lands to the northwest, commanding views over a relatively wide area of lakes, plains and hills. It is situated within the landscape character area *Drumlins and Inland Lowland*, designated Policy Area 4 under the Development Plan. Within Policy Area 4 the rural dwellings are considered to have low potential to create adverse impacts on the landscape character and is likely to be concerned as normal and appropriate unless site and design are poor.
- 7.4.2. The proposed dwelling would be the third dwelling in a row on this section of the N60 and would not constitute ribbon development under the SRH Guidelines. The single-storey dwelling design is generally consistent with the Design Guidelines for Rural Housing (Mayo County Council).

7.5. EIA Screening

- 7.5.1. The proposed development is development of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 10. Infrastructure projects, (b)(i) Urban Development. However, at 1no dwelling the development is significantly subthreshold the 500 house units limit provided for under that Part, the site is not of environmental sensitivity and therefore EIA is not required.

7.6. AA Screening

- 7.6.1. The site is situated at a distance of c.1.4km from the nearest European site (River Moy SAC site code 002298), to which it can reasonably be assumed to be connected hydrologically, but only indirectly and circuitously, via groundwater flow to Derreen Lough to the northeast, which eventually discharges the Moy. Having regard to the small-scale nature of the development proposed and to the wastewater treatment proposals submitted on file, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be **REFUSED** for the reasons and considerations set out under section 9.0, below:

9.0 Reasons and Considerations

1. The proposed development would entail the provision of an additional access point from new development directly onto the N60 National Secondary Road, outside the 60kph speed limit zone, where it is national policy under the *Spatial Planning and National Road Guidelines for Planning Authorities* (2012), supported by policy RD-01 of the Mayo County Development Plan 2014-2020, to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads for all development types, including individual houses in rural areas regardless of the circumstances of the applicant. The proposed development, which does not constitute a development of national or regional strategic importance and which would not access onto a lightly trafficked section of the national secondary route (defined as AADT of 3000 or less - the section concerned had an AADT of 5,697 for 2017) would not fall within the scope of exceptional circumstances whereby a less restrictive approach may be applied under the Development Plan, subject to the agreement of TII, as allowed for under s.2.6 of the Guidelines. The proposed development would

therefore be contrary to the proper planning and sustainable development of lands alongside a national road.

2. The proposed development, located in close proximity to the emerging preferred route for the N60 Castlebar Balla Road (Manulla) Improvement Scheme, is premature pending the determination by the planning authority or the road authority of a road layout for the area.

John Desmond
Senior Planning Inspector

3rd December 2018