



An
Bord
Pleanála

Inspector's Report ABP 302028-18

Development	Construct house, use existing septic tank/percolation area.
Location	Grangeford, Bennekerry, County Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	18/48
Applicant(s)	Martin Moran
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Refusal
Appellant(s)	Martin Moran
Observer(s)	None
Date of Site Inspection	11 th October 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.28ha and is located at the end of an access laneway which serves three houses and the applicant's current mobile home accommodation. The red-line site boundary does not include a complex of farm buildings adjoining the site but the appeal makes the point that the applicant is involved in the horse industry.
- 1.2. The site is accessed over a private laneway which has an access with the R725 Carlow/Tullow regional route northwest of the application site.

2.0 Proposed Development

- 2.1. The erection of a bungalow and use of an existing septic tank and percolation area at Grangeford, Bennekerry, County Carlow.

3.0 Planning Authority Decision

3.1. Decision – Refuse permission

- The proposed development would create an additional vehicular traffic access to a regional route and contravene the Spatial Planning Guidance for National Roads.
- The required sightlines are not clearly demonstrated at the entrance to the junction with the regional route and the proposed development would endanger public safety.
- The proposed development would comprise haphazard backland development with no direct road access would contravene the county development plan.
- The proposed development does not comply with the rural housing policy set out in the County Development Plan.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports

3.2.3. The **Environment Section** initially sought additional information concerning the amount of percolation pipes on site, the suitability for the percolation area to accommodate the loading from a three-bed house, and submit a drawing of the as-constructed percolation area. Following submission of the further information the environment section reported no further objection.

3.2.4. **Roads Section** initially sought further information in relation to safe access to the R725. Subsequent to the submission of the additional information the Roads Section recommended refusal for lack of sightlines and resulting traffic hazard.

3.2.5. **Transport Department** reported no objection.

3.2.6. **Fire Officer** reported no objection.

3.3. **Prescribed Bodies**

Inland Fisheries Ireland raised concerns in relation to the proximity of the percolation area to the Burren River a tributary of the Barrow River SAC.

Irish Water reported no objections.

3.4. **Third Party Observations**

None

4.0 **Planning History**

The planning history of the landholding is set out in the planner's report on file.

5.0 Policy Context

5.1. Development Plan

The Carlow County Development Plan 2015-2021 is the relevant county development plan for the area.

Policy 2.7.7 Backland Development

The Council discourages backland development. All new developments in rural areas must have minimum road frontage of 20m.

Transport Policy 4 Regional Routes

It is the policy of Carlow County Council to:

Exercise control over new developments requiring direct access to regional roads by restricting new access points to a minimum to preserve their strategic function and in the interests of traffic safety

5.2. Natural Heritage Designations

See AA screening below.

6.0 The Appeal

6.1. Grounds of Appeal

- The entrance is an existing entrance which has previously served a mobile home and agricultural shed.
- The applicant works in the equestrian business which occupies this landholding and the proposed development will not increase the volumes of traffic using this entrance.
- The county development plan recognises that exceptions should be made for persons who work on landholdings as in this case.
- The original house is now occupied by the current applicant's former wife. Previously a 3-year permission was given for a mobile home. This has now expired.

6.2. **Planning Authority Response**

- The proposed development is an intensification of access to a regional route.
- The application site does not have 20m road frontage as required in the county development plan.
- The sightlines at the access junction with the regional route are inadequate.

6.3. **Observations**

- None

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. There is an existing mobile home on site which is served by a septic tank/percolation system. The planning authority initially sought additional information in relation to the length of percolation pipe constructed on site, confirmation that the percolation area can accommodate effluent from a 5pe dwelling house and provision of an as-constructed drawing of the percolation area.

7.2. The applicant replied to the request for additional information including the details sought (see additional information received by the planning authority 18th May and 30th May 2018). The senior environment engineer reviewed the additional information and recommended a grant of permission.

7.3. Having regard to the existing accommodation served by a septic tank and percolation area, the additional material submitted with the application and the reports on file I conclude that the proposed development may be drained to a waste water treatment system without giving rise to water pollution or prejudice to public health.

7.4. **Traffic Safety**

- 7.5. The application site is accessed over a private laneway which serves several existing residential and agricultural uses including the applicant's equine business. There are no footpaths, cycle paths or median line on this road. It is inadequate to allow cars to pass at some points and its horizontal alignment is inadequate, especially at the southern end closer to the site.
- 7.6. This access road has a junction with the R725 to the northwest of the site. Sightlines to the northwest, towards Carlow, are very poor while sightlines to the east, towards Tullow, are absent until a motor vehicle enters the public road. This issue was raised by the planning authority's roads section which reported that permission should be refused because of an absence of sightlines. The applicant was given an opportunity to address this matter through the submission of additional information (see point 3(a)) and although addressing other points did not address the road safety issue. After the submission of additional information the planning authority's roads engineer repeated his advice that permission should be refused because there are no sightlines from the junction of the access road with the regional route in the Tullow direction.
- 7.7. The potential mitigating point in relation to road safety is that there is an existing mobile home on site. The appeal makes the point that the applicant's personal circumstances necessitated this mobile home the permission for which has now expired. I conclude that the previous temporary permission for the mobile home could have facilitated the applicant satisfying a housing need in a manner which does not give rise to traffic hazard. I conclude that the proposed development will give rise to long term additional traffic turning movements on a regional route at a point where sightlines are inadequate
- 7.8. The Spatial Planning and National Roads Guidelines for Planning Authorities (DoEC & LG 2012) make the point that the carrying capacity and enhanced safety standards on regional routes outside the 50/60kph limit should be protected. The access is onto a regional route where the 80kms per hour speed limit applies and where sightlines in both direction are inadequate. I conclude that the proposed development will give rise to long term additional traffic turning movements on a regional route at a point where sightlines are inadequate which will endanger public safety by reason of traffic hazard.

7.9. Rural Housing Policy

7.10. The planning authority refused permission because the proposed development did not comply with the County Development Plan's policy in relation to rural housing outside designated settlements or towns and where new housing is restricted to persons involved in agriculture and or to other restricted categories of persons. The site is located in a 'stronger rural area' described in the Sustainable Rural Housing Guidelines for Planning authorities (DoEHLG 2005) as areas where population is stable with a well-developed network of towns and villages. The Guidelines make the point that new housing in rural areas but accessing important regional routes should not endanger public safety by reason of traffic hazard (section 4.4). I conclude that, notwithstanding any other consideration, the protection of traffic safety on a heavily trafficked regional route which links Tullow to Carlow and the M9 motorway requires the prevention of additional traffic turning movements at a point where there is inadequate sightlines onto the regional route.

7.11. Appropriate Assessment

7.12. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom 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.

7.13. Environmental Impact Assessment Screening

7.14. Having regard to nature of the development comprising a single house there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend permission be refused.

9.0 Reasons and Considerations

The proposed development would give rise to additional traffic turning movement on the Carlow to Tullow R725 regional route at a point where

sightlines are inadequate and would thereby endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

5th November 2018