



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304104-19**

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<b>Development</b>	Revision of permission 10/277 to include extension of restaurant, shop, Parking and services for campervans, charging facilities for electric cars.
<b>Location</b>	Scartnaglorane , Cahir , Co. Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	19600012
<b>Applicant(s)</b>	John O'Leary.
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John O'Leary
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> of August 2019
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The site is located at Scartnaglorane, Co. Tipperary, on lands west of Junction 11 off the M8 (Dublin – Cork) approximately 2 Km south of Cahir, Co. Tipperary, and with access off the R639.
- 1.2. The site which is irregular in shape has a stated site area of 2.26 hectares. The eastern part of the site includes a narrow section through Council owned land to provide for access from the Scartnaglorane Road. The main body of the site is partially covered in tarmacadam and is overgrown in places. There is a disused container on site, and a number of old cars.
- 1.3. There are some earthen embankments towards the northern site boundary. The western part of the site and the field of which the site forms part comprises marshy grassland.
- 1.4. The southern site frontage is along the public road (R639) to Mitchelstown (which formerly functioned as the N8 National Primary Route). The site is bounded to the east by a roundabout serving the M8. There is a bungalow, within the landholding immediately north of the proposed entrance, at the present time the site is been accessed via the bungalow entrance.

## 2.0 Proposed Development

- 2.1. Planning permission is been sought for amendments to a development granted under planning registration PL23.237520 (10/277) which was for retention of a hardcore area to cater for 27No. trucks and 18No. carparking spaces, and included permission for a small restaurant.
- 2.2. The current proposal is revisions to the above permitted scheme, which to date has not been developed, and the permission for same was extended by Tipperary Co. Co. in 2015, under planning registration number 15600374.
- 2.3. This current proposal includes;
  - 5No. coach parking spaces,
  - 23No. articulated truck spaces,
  - 34No. car parking bays,
  - 20No. space for electric vehicle parking, and

22No. campervan parking bays.

- 2.4 In addition, it is proposed to provide a 26sq.m. convenience shop, a restaurant, sleeping accommodation to include 6No. twin rooms, 2No. double rooms and 4No. family rooms, with an office, reception and ancillary facilities within a two storey building, and a separate hygiene and toilet facility to cater for the campervan/ caravan bays of the proposed development.
- 2.5 It is proposed to use the new access permitted under Planning Reg. No. 15600374.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Tipperary Co. Co. **REFUSED** the proposed development for 2No. reasons:

1. The proposed development would constitute an off-line motorway service/ rest area with the provision of tourist/ visitor related accommodation and services. This type of development does not fall under the scope of national policy set out in Service Area Policy by the NRA (August 2014) and the applicant has failed to demonstrate a clear need for this type of development on unserviced, unzoned lands on the open countryside.

Furthermore, it is considered the proposed development would be at variance with the policies of South Tipperary Development Plan 2009 regarding *Safeguarding the Strategic Road Network* (9.3.2), *Motorway Service Stations and Rest Areas* (9.3.3) and *Tourism Development and Facilities* (5.5.1).

2. Having regard to the location of the proposed development in close proximity to the northside roundabout serving the M8 motorway at junction 11 and to the significant change in the nature and scale of the proposed development as compared with that permitted under PL23.237520, it is considered the proposal would lead to complex and potentially conflicting traffic movements which would endanger public safety by reason of a traffic hazard.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. ***Planning Reports***

The report formed the basis of the planning authority's decision to refuse with the most relevant points been similar to the Roads Report and TII submission.

- The proposal will function as an off-line motorway rest and services area that includes campervan/ caravan parking. Hygiene facilities and overnight accommodation. There is no rationale for these developments. No justification for the tourism facilities has been provided.
- Intensification of use of an access
- The distance from the entrance to the roundabout does not meet with TII standards
- The applicant has not demonstrated compliance with T13 and T14 policies
- Previous applications for similar uses on the site have been refused.
- No details regarding water supply from a private borehole
- Insufficient details regarding surface water collection and disposal
- EIA not required

### 3.2.2. Other Technical Reports

#### ***Roads Capital Office***

There is a history of refusals on the site for any intensification of use on the site following the granting of the original permission. A refusal is recommended on a similar basis to the history files.

### 3.3. Prescribed Bodies

#### **TII**

The proposal is at variance with official policy relating to the control of development on national roads as outlined in *DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*. Section 2.7 concerns development at National Road Interchanges or junctions. The proposal would create an adverse impact on the national road and junction.

There has been insufficient data submitted with the planning application to demonstrate the proposed development will not have a detrimental impact on the

capacity, safety or operational efficiency of the national road network in the vicinity of the site.

A Traffic and Transport Assessment (TTA) is carried out to assess the impacts of the proposed development in accordance with the Guidelines set out in the Traffic and transport Assessment Guidelines 2014 and a Road Safety Audit in accordance with TII publications.

Regard should be given to previous refusal on the site for intensification of the use, 17/600342.

Access to the site is 40metres of the yield sign to the western roundabout off the M8 junction 11. According to TII standards it should be 90metres. The proposal is an intensification of use therefore, previous permission regarding access and egress under planning ref. 10/277 are subject to a new application.

The new changes are not minor and require Traffic Impact Assessment that affects Regional road R639 and Junction 11 off the M8. As it will attract traffic off the M8, it should comply with the spatial Planning and National Road Guidelines.

## 4.0 Planning History

### **10/277 (PL23.237520)**

Permission granted for a temporary area to park trucks, a driver rest area, restaurant, new access proximate to the M8 dual carriageway. This permission was extended under 15/600374 until 13/05/2021. The Board granted the development, which was commenced but remains uncomplete to the present day. The site was partially hard surfaced, there were no facilities provided on site, and the site is currently in a derelict and overgrown state.

### **12/397 (PL23.242382)**

Permission refused for a service station with shop, café, takeaway off licence, truck washing facilities and parking:

Having regard to the location of the proposed development in close proximity to the M8 at junction 11 and to the significant increase in traffic generation in comparison with that permitted under PL23.237520, it is considered that the complexity of additional traffic movements generated would create traffic conflict due to the internal and external layout, in particular the design of the slip lane off the R639 and the local

road between the site entrance and the M8 roundabout. Furthermore the traffic layout within the site is considered to be convoluted and impractical. Accordingly, it is considered that the design and layout of the proposed scheme would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

The Board order noted also that “The Board expressed concern regarding the need for a comprehensive disposal and effluent treatment system given the increased intensity of use on the site and the level of information lodged.”

**14/600036 (PL24.244135)**

Permission refused for a service station with proposed forecourt layout to include forecourt canopy.

- 1. The Board considered that the proposed development would constitute an off-line motorway service area. Such a development at this location does not fall under the scope of national policy as set out in Service Area Policy of the National Roads Authority dated August, 2014 and the developer has failed to demonstrate a need for development of the type proposed on unserviced, unzoned lands in the open countryside. Furthermore, it is considered that the proposed development would contravene the policies of South Tipperary County Development Plan 2009-2015 with respect to, inter alia, Preserving Route Capacity (section 7.1.2) and Petrol Filling and Service Stations (section 9.16). The proposed development would prejudice and undermine the delivery of strategic infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the location of the proposed development in close proximity to the north side roundabout serving the M8 motorway at junction 11 and to the significant change in the nature and scale of the proposed development as compared with that permitted under PL 23.237520 (planning register reference number 10/277), it is considered that the proposed development would give rise to complex and potentially conflicting traffic movements which would endanger public safety by reason of traffic hazard and would, therefore, not be in accordance with the proper planning and sustainable development of the area.*

3. *The Board is not satisfied on the basis of the information submitted that effluent from the proposed development, including discharges from the car wash, can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.*
4. *The Board is not satisfied, on the basis of the information submitted, that the proposed development, and in particular the proposed access road, because of its location in very close proximity to an existing dwellinghouse would not seriously injure the amenities, or depreciate the value, of property in the vicinity.*

### **Planning Registration 15600374**

Permission granted for truck stop and driver rest area for 27No. trucks, 18No. cars and a restaurant as permitted under planning reg. no. 10/277 (PL23.237520) with a vehicular access to the site from a new access point proximate to the M8 dual carriageway with the R639.

## **5.0 Policy Context**

### **5.1 National Guidance**

**Spatial Planning and National Roads, Guidelines for Planning Authorities, Department of the Environment Community and Local Government, January 2012.**

Section 2.8 deals with Service Areas. It is noted that services areas may come in two formats:

On-line Motorway Service Areas, provided by way of direct NRA / Local Authority involvement and which incorporate extensive parking and also facilities that cater specifically for the refuelling, refreshment and toilet needs of drivers and passengers. No provision is made for hotel accommodation facilities, nor extensive retail outlets. The Authority's service areas are designed to discourage infrastructure from becoming destinations in their own right.

Off-line Motorway Service Areas at National road Junctions: “In the preparation of their plans, planning authorities may consider policies for the provision for off-line motorway service area facilities with reference to the requirements and advice included in the most up-to-date NRA guidance on the location and layout of the NRA’s service areas and also similar type existing or planned privately promoted service facilities within existing towns / settlements and located in the general environs of the relevant road corridor.

A proliferation of private off line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans.

## **5.2 NRA Service Area Policy, National Roads Authority August 2014.**

**9.1.3.1** The document sets out the policy basis on which service areas will be provided to meet the needs of road users on the National Road network in Ireland. As set out at 2.2 in relation to design standards for service areas the authority publishes design standards for on-line service areas which are regularly updated.

The NRA TA 70/14 (June 2014), Volume 6, Section 3, NRA Design Manual for Roads and Bridges. The authority does not prescribe standards for developments which are not part of national roads, such as off-line service areas, though planning authorities and road authorities may have regard to National Roads Standards.

In relation to spacing of service areas the policy targets the provision of Type 1 Service Areas (full service areas) every 100km in most cases.

The needs for service areas on the existing dual carriageway network is demonstrated in Figure 3.1 and associated text identifies Mitchelstown Fermoy section (J13 to J14) and Ballycolla to Cashel (J3 to J8) as potential location where future off line facilities could meet the relevant criteria in terms of provision of relevant services on the M8. The existing services at Cashel is identified as having the potential to meet the needs of road users.



At 5.2 it is stated that “Except for the statutory consultee role, the Authority has no role in determining how off-line development should be delivered

NRA Advice Note TA 70/14 The Location and Layout of On-line Service Areas, June 2014.

The advice note gives general principles to be followed for the siting and layout of on-line service areas on National Roads. The advice note supersedes NRA TA 70/13 and includes amendments of the definition and types of service area.

## 5.1. **Development Plan**

### **South Tipperary County Development Plan 2009**

#### **9.3.2 Safeguarding the Strategic Road Network**

It is a key aim of the Plan (as varied) to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 km applies. Having consideration to this key aim, development proposals will be assessed having regard to Spatial Planning and National Roads: Guidelines for Planning Authorities (DECLG 2012).

The Council will seek to restrict access onto national routes in order to protect critical investment in infrastructure, route carrying capacity and the safety of road users. The Plan (as varied) has identified routes of strategic importance, by virtue of their significance in terms of connectivity between settlements, traffic volumes and role as scenic tourism routes within the county. These routes are illustrated in Figure 9.2 and include all motorways, all national primary and secondary route and regional routes, (excluding lightly trafficked regional routes).

#### **Policy TI3: Strategic Road Network**

It is the policy of the Council to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategic Routes, subject to the following policy exceptions:

(a) New access to facilitate orderly urban development on Strategic Routes on appropriately zoned land on the approaches to or exit from, urban centres that are

subject to a speed limit of 60 km before a lower 50 km limit is encountered may be permitted subject to road safety audit carried out in accordance with the TII's requirements and avoidance of a proliferation of such entrances.

(b) New access to lands adjoining Strategic Routes within 50 km speed limits may be considered in accordance with normal road safety, traffic management and urban design criteria for built up areas.

(c) New accesses to Strategic Routes may be permitted in exceptional circumstances, in the case of developments of national and regional strategic importance<sup>58</sup> which by their nature are most appropriately located outside urban areas, and where the locations concerned have specific characteristics that make them particularly suitable for the developments.

(d) Proposals for new rural houses to access onto a Strategic Regional Road or a National Secondary Road will only be permitted where compliance is demonstrated with Policy SS5: Housing on Strategic Regional Roads<sup>59</sup> and Policy SS6: Housing on National Secondary Roads.

### **9.3.3 Motorway Service Stations and Rest Areas**

Motorway Services Stations and rest areas provide roads users the opportunity to rest during longer journeys are important facilities to support the safe operation of the national motorway network. National guidance on the provision of such facilities is set out in Spatial Planning and National Roads, Guidelines for Planning Authorities, DECLG, 2011 and supplementary guidance set out in NRA Service Area Policy, 2014.

The M8 and M7 are serviced by the following facilities:

- Moneygall (M7)- Barrack Obama Plaza, Topaz, Junction 23.
- Birdhill (M7)- Applegreen, Junction 27
- Cashel (M8)- Topaz Facility at Junction 8, Cashel.

Further, there is a permitted NRA 'on-line' Motorway service station at Ballytarsna, Cashel and a permitted truck stop located at Junction 11 Tincurry, Cahir.

Motorway Services Areas may be developed 'on-line' by the TII in accordance with the provision of the Roads Act, 1993. In the event that the TII consider that an on-

line facility is required on the motorway network in the County, such facilities will be supported by the Council.

The Council considers that an additional off-line service station may be required in the county to support the operation of the M8. In the assessment of proposals, the Council will consider further off line facilities on the network. The Council will require that such proposals demonstrate that the facility is justified in terms of traffic volumes and contributes toward the safe and effective operation of the motorway.

**Policy TI4: Motorway Service Stations and rest areas (off-line)**

It is the policy of the Council to support off-line motorway service areas along the motorways which demonstrate consistency with the Spatial Planning and National Roads: Guidelines for Planning Authorities, DECLG 2012 (or any amendment thereof) and the National Roads Authority Service Area Policy, 2014 (or any amendment thereof). In particular, the Planning Authority will have regard to locations where national routes coincide. In the consideration of proposals for motor service areas the Council will require the following criteria to be met:

(i) The facility is justified by virtue of location and traffic volumes, and it has been demonstrated that the development will not adversely affect the capacity and efficiency of the road network, and will contribute positively towards the safety of roads users of the network;  
and

(ii) The development will not act as a draw from, or negatively impact on the vitality or viability of any town or village in proximity to the proposal

**5.2. Natural Heritage Designations**

The Lower Suir SAC is 5.3Km from the subject site.

**5.3. EIA Screening**

Having regard to the nature and scale of the development, an EIA is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The key issues raised in the First Party appeal to refuse the proposed development are summarised below in bullet points.

- The proposed revisions do not represent a significant intensity to the overall development originally permitted on the site in 2010. Condition No. 2 of the parent permission 10/277 stated '*There shall be no intensification of scale or nature of the activities proposed unless otherwise authorised by a prior grant of permission*'.
- The planning authority's decision to refuse relies heavily on the applicant's failed planning history rather than examining the merits of the current proposal.

#### ***Explanation of Development***

- Planning registration 10/277 established an off-site truck rest stop for 27No. trucks and 18No. cars, along with a kitchen and dining room. The current facility is not financially viable, and now wishes to expand to 34No. car parking spaces, 22 campervans, 5 coaches and 23 trucks. The net increase from the permitted scale is 20 electrical car spaces, 5 coach spaces and 22 No. camper vans.
- There is no off-line Type 2 service area off the M8, there are a considerable number of Type 1 service stations.
- It is accepted the introduction of overnight sleeping accommodation is a significant departure from the original permission, and this element is primarily aimed at the health, safety and convenience of travellers. The accommodation is very basic and it is not like a hotel.
- There are cars park daily under the bridge at Junction 11 along the M\*, it is clear they require dedicated parking.
- Type 1 Service stations are completely different to Type 2 service stations, having fuel pumps and extensive restaurant facilities and retail units. The dining area in the proposed development is very basic, and can only cater for 30-50 persons, and the shop is only 26sq.m.

### ***Relevant Planning Policy that Supports the Development***

- The relevant policy for off-line service stations is contained in NRA Service Area Policy (2014). Driving Time and Rest Periods states that drivers need to break for 45minutes after every four and a half hours driving.
- The Roads Safety Strategy targets a reduction in road collisions by 2020, and recognises driver fatigue cause 15-20% of all traffic collisions. The strategy does not specify the locations for service areas on the motorway network. Trucks, campervans and buses are not transport modes for short trips. The proposal is aimed primarily at this type of transport and electric cars, that will have no impact on retail or town centres and are not aimed at local traffic.
- A Type 2 Service Area (rest area) will be a small scale service area providing parking, picnic and toilet facilities, but without a main amenity building or fuel facilities. The permitted development under 10/277, allowed for amenity building, the NRA policy is form 2014 and it is suggested that there is a conflict. However, due to the positive permitted planning and obvious supply of parking, picnic and toilet facilities, the amenity building proposed can be allowed as it is not a destination and it has no fuel facilities. Provision of Type 2 Service Areas (rest areas)as infill gaps between Type 1 service areas, as the gap between type 1 service stations is in excess of 85km. There are 2No. off-line service areas that currently fulfil the criteria of Section 3.3.2 Mayfield (Junction 14) on the M7 and Moneygall (Junction 23) on the M7. There are four more locations of existing or off-line service areas that could fulfil criteria set out in Section 3.3.3. Flexibility is clearly encouraged in this policy extract and this allows for a more holistic assessment of the proposed development.
- The Council considers that an additional off-line service station may be required in support of the operation of the M\*. The site has been designated an off-site service area at junction 11, Tincurry. There is a permitted NRA 'on-line' Motorway service station at Ballytarsna, Cashel and a permitted truck stop located at Junction 11, Tincurry, Cahir.
- The second reason for refusal relates the lack of a TTIA associated with the development. A TTIA is not required with this current proposal due to the previous approved development and previously approved TTIA. The

minimum thresholds in the Traffic and Transport Assessment Guidelines, NRA, 2014 are far above the proposed development. The proposed development which has the potential to double the maximum, worst case traffic to 93 vehicles at peak traffic periods, applying the 10% increase in traffic allowance, the potential of 93 vehicles does not trigger sub-threshold levels in the guidelines. The local authority refers to non-compliance with Policy T13 however this policy relates to an entirely new access, the policy in T13 (c) is applicable to the development.

- The Roads department took an entirely precautionary approach, the application has been subject to previous positive planning precedent without recourse to the new TTIA reports. Photograph 1 is suggestive of the need for the development, and should be a starting point of any assessment.
- The adjacent road network consists of a wide carriageway (regional Road) designed to accommodate 40,000 vehicles per day but now it accommodates 1500 vehicles per day, therefore sightlines are achievable.
- The proposed development is a departure from the permitted development on the site under 10/277 but it does not deviate substantially from the principle of planning permitted on the site. The justification for the proposal is to provide a service that is distinctly lacking along the entire route. The number of rooms is only 10, potentially 10 traffic movements, and 100% occupancy is unlikely all. of the time

## 6.2. **Planning Authority Response**

There appears to be no further response from the planning authority.

## 7.0 **Assessment**

### 7.1. **Introduction**

There is an extensive planning history associated with the subject site. In 2010, the planning authority refused permission for, and the Board overturn the decision to grant retention of a hardcore surface for the parking of trucks, a driver rest area with a restaurant and site development works alongside the M8 (Dublin to Cork motorway). This permission was not fully developed and an extension of the duration of the permission to the 13<sup>th</sup> of May 2021 was granted under planning

reference 15600374 by Tipperary Co. Co.. This current proposal is to augment the permitted scheme on the site to include 22No caravan bays, and a building to include showers, toilets and wash facilities, to provide electric car parking bays, and to include overnight accommodation with the permitted restaurant facility, and to include truck and coach parking bays. The site is not developed to date and is in an unkempt condition.

## 7.2 National Policy

The proposal is just off the M8 (Dublin-Cork motorway) and is located alongside a slip road at the Cahir interchange, therefore the national policies regarding motorways is relevant. I refer to the NRA publication *Spatial Planning and National Roads* whereby, **On-line Motorway Service Areas** incorporates extensive parking and also facilities that cater specifically for the refuelling, refreshment and toilet needs of drivers and passengers on the motorway. No provision is made for hotel or other accommodation facilities, nor extensive retail outlets. In terms of **Off-line Motorway Service Areas at National Road Junctions**, planning authorities may consider policies for the provision for off-line motorway service area facilities with reference to the requirements and advice included in the most up-to-date NRA guidance on the location and layout of the NRA's service areas and also similar type existing or planned privately promoted service facilities within existing towns/settlements and located in the general environs of the relevant road corridor.

A proliferation of private off-line service area facilities at national road junctions should be avoided. It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans.

I now refer to the more updated publication *NRA Service Area Policy 2014* which outlines two types of Service Areas:

A Type 1 Service Area (full service area) will be **a large scale service area providing an amenity building (including a convenience shop, restaurant, washrooms and tourist information), fuel facilities, parking and picnic area**

A Type 2 Service Area (rest area) will be

***a small scale service area providing parking, picnic and toilet facilities, but without a main amenity building or fuel facilities.***

The applicant states the proposed development is a Type 2 Service Area as defined by the National Policy document. The applicant further states, there are no Type 2 service developments in the area, and according to the applicant, cars currently park along the road close to the motorway and there is a need for a rest area for truck drivers. The proposed dining and accommodation are basic provisions for truck drivers.

In my opinion, this proposal is somewhere between the Type 1 and Type 2 Service Area, and having regard to the scale and nature of the proposal, it could be considered to be a Type 1 Service Area without the fuel facilities only, and yet according to national policy, overnight accommodation is to be discouraged on Type 1 sites, to avoid the site becoming a 'destination'. It is certainly more a Type 1 service area than a Type 2 area as described under national policy, as it includes spaces for 22No. camper vans/ caravans, a small convenience shop, a 12No. bedroom sleeping accommodation, and a restaurant, truck, coach and carparking spaces, which is a significant development and not a pitstop/ rest area envisaged under the national guidelines, Type 2 Service Areas.

*Transport Infrastructure Ireland* states the proposed development is at variance with national policy affecting national roads. Having noted the content of Section 2.8 of the DoECLG publication cited above, Spatial Planning and National Road Guidelines, the nature of the proposed facility does not meet with the definitions or national policy. Piecemeal ad hoc facilities such as the current proposal at the motorway interchanges cannot be permitted, and require a plan-led approach. I consider the applicant does not comply with current national policy, and the first reason for refusal should be upheld for this reason.

## **7.2 Development Plan policy**

Section 9.3.3 of the South Tipperary County Development Plan 2009 (as varied) states that the Council would consider additional off-line service stations along the motorway provided it is demonstrated that such proposals are justified in terms of traffic volumes and that the development contributes towards the safe and effective



operation of the motorway. The applicant has stated that the original proposal predated the NRA policy, and the entrance is permitted on site under the previous application in 2015. The applicant states the proposal is to provide a longer rest period for drivers along the M8, and there is a new facility for electric cars. The low key inexpensive overnight accommodation is to cater for delivery vans providing them with basic overnight accommodation, which cannot be catered for in trucks. I do not see how this is justification for the proposal when there is no supporting data to demonstrate the need for such a facility. There is a large foodhall and a Maldron Hotel along the M8 less than an hour north of the site which can cater for any necessary overnight trips, amongst other service areas along the M8. The caravan bays have not been justified by the applicant. The travel distance between Cork and Dublin does not warrant such facilities in my opinion. The applicant has not complied with Section 9.3.3 of the development plan.

Another relevant policy is T14 **Motorway Service Stations and rest areas (offline)** *It is the policy of the Council to support off-line motorway service areas along the motorways which demonstrates consistency with the Spatial Planning and National Roads: Guidelines for Planning Authorities, 2012 and the National Roads authority Service Area Policy 2014.* As stated, the proposal is not consistent with these national documents, and the applicant has not demonstrated by virtue of location and traffic volumes, that the proposal will not adversely affect the capacity and efficiency of the road network.

### 7.3 **Traffic Movements**

The proposed development represents a significant intensification of the development originally permitted under PL.23.237520, and an extension of the permission and new entrance under planning reference 15600374. The original development was to cater for 27No. trucks and 18No. cars, including a single storey restaurant 265sq.m. The current proposal includes 23No. truck spaces (only 4No. less than permitted), 34 carparking spaces and 18No. electric carparking spaces, 5No. coach spaces, 22No. campervan/ caravan spaces, and hygiene building to cater for the campervan/ caravan facility and 18No. bedrooms attached to the restaurant. The current proposal represents a significant material change and intensification of the development permitted on site.

A new entrance in close proximity to the existing roundabout off the slip road was permitted under planning registration 15/600824, which also related to an extension of time on the planning permission granted for the original smaller scale scheme on the site.

The applicant submitted the R693 serving the site serves circa 1,500 vehicles per day. Previously it was estimated that 45 No. vehicles would arrive and depart from the site at peak AM and PM times, therefore the current proposal will double the amount of traffic to 93 No. vehicles during peak times, which does not, according to the applicant, trigger sub-threshold Traffic and Transport Impact Assessment.

It is the policy in the development plan under T13 to avoid the creation of any additional access points from new developments or the generation of increased traffic from existing entrances to Strategic Routes. The Roads Report on file stated that the proposed intensification required a Traffic Impact Assessment on the affects of traffic on the R639 and Junction 11 of the M8. There has been no Traffic Impact Assessment carried out as part of the proposed development despite previous refusals relating to this issue and the reports raising this as a concern on the planning file. The previous appeal on the site did include a TIA The proposed development is more than just a rest area associated with the M8.

The egress permitted under planning registration 15/600824, is located immediately after the roundabout off the M8 slip road with a 3metre wide left turning lane to be created from the roundabout into the site off the Regional Road. Given the suggested levels and types of traffic envisaged at peak times, there is no Traffic Safety Audit provided with the submission documents, particularly regarding traffic turning movements into the site given that the site is to cater for trucks and campervans, etc. There are no proposed details either how passing traffic will be directed or find the subject facilities, which could lead to further problems entering and existing the site. In my opinion, given the close proximity of the permitted egress to the existing roundabout, I believe there is insufficient sightlines in a southeastern direction to cater for a development of this increased nature and scale. The sightlines have not been included on the submitted drawings. I would be concerned about traffic movements into the site from the roundabout, as the distance is very restricted to cater for heavy traffic which may occur during peak times.

Without the relevant data, it is difficult to determine whether the permitted egress/entrance is sufficient to cater for the proposed development and associated levels of traffic.

#### **7.4 Validity**

In my opinion, the validity of the public notices is questionable on the following basis: The planning notices state the development will consist of the revision of planning permission 10/277 to include a number of new developments and revisions. Firstly planning permission 10/277 was REFUSED by Tipperary SR Co. Co. The grant of permission for same came on foot of an appeal to the Board granted under reference PL. 23.237520.

The original permission was since then been superseded by planning registration 15600374, which extended the duration of the original permission to the 13/05/2021, but also permitted an materially altered entrance to the site, which is included as the proposed entrance to the current proposal under appeal.

Therefore, in my opinion, the public notices do not accurately describe the nature and extent of the proposed development.

#### **7.5 Appropriate Assessment**

In terms of Natura 2000 sites within 15km of the site, these include the Lower River Suir cSAC (002137) which is located circa 5.3km to the east of the site, the Galtee Mountain SAC ( is located circa 3km to the northwest of the site and Philipstown Marsh (001847) is located approximately 11km to the northwest of the site. The possibility of Significant Impact on Natura 2000 sites was screened out by the local authority.

Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend the planning authority's decision to refuse be upheld of the Board.

## 9.0 Reasons and Considerations

1. The Board considered that the proposed development would constitute an off-line motorway service area. Such a development at this location does not fall under the scope of national policy as set out in Service Area Policy of the National Roads Authority dated August, 2014 and the developer has failed to demonstrate a need for development of the type proposed on unserviced, unzoned lands in the open countryside. Furthermore, it is considered that the proposed development would contravene the policy of South Tipperary County Development Plan 2009-2015 with respect to Policy T14 Motorway Service Stations and rest areas (offline). The proposed development would prejudice and undermine the delivery of strategic infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development in close proximity to the north side roundabout serving the M8 motorway at junction 11 and to the significant change in the nature and scale of the proposed development as compared with that permitted under PL 23.237520 (planning register reference number 10/277), it is considered that the proposed development would give rise to complex and potentially conflicting traffic movements which would endanger public safety by reason of traffic hazard and would, therefore, not be in accordance with the proper planning and sustainable development of the area.

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Caryn Coogan

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Planning Inspector

6<sup>th</sup> of August 2019