



An
Bord
Pleanála

Inspector's Report ABP 305767 -19

Development	Relocation of existing farm entrance & construction of new farm entrance.
Location	Lands located in, Wolganstown, Oldtown, Co Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0345
Applicant	Helen Ward
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party
Appellant	Helen Ward
Observer(s)	None
Date of Site Inspection	8 th May 2020
Inspector	Brendan Coyne

1.0 Site Location and Description

1.1. The site (0.19 ha) is located on the eastern side of a local primary road (L1040) in the townland of Wolganstown, c. 3.3km east of Ashbourne and c. 2.2 km south-west of Oldtown. The site is narrow and rectangular in shape, with a road frontage length of c.178.6 metres. The site forms part of a large agricultural field. The roadside boundary is defined with trees, hedging and an agricultural entrance at its southern end. The site is relatively level. A single storey residential dwelling is located on lands adjoining the site to the south. The character of the surrounding area is rural with some commercial / agri-business use on adjacent lands to the west of the site. The speed limit of the local road is 80km/hr.

2.0 Proposed Development

2.1. Permission sought for the following;

- Closure of the existing agricultural vehicular entrance and its relocation c. 32m to the north along the site's roadside boundary – referred to in drawings as entrance No. 1.
- Provision of a new (second) agricultural vehicular entrance along the site's roadside boundary – referred to as entrance No. 2.
- Both new entrances are 5.5m wide and would contain galvanised steel gates.
- Removal of sections of the existing roadside hedgerow to enable the provision of sightlines and the provision of a new hedging behind sightlines to match the existing native hedgerow.
- All associated site works.

3.0 Planning Authority Decision

3.1. **Decision**

3.1.1. Split Decision, as follows;

3.1.2. Fingal County Council **GRANTED PERMISSION** for the relocation of the existing farm site entrance (No.1), the removal of a section of the existing hedgerow, the provision of new boundary treatment to match existing native hedgerow and all associated site work, subject to 4 no. Conditions. Noted Condition includes;

Condition No. 2 Prior to commencement of development the applicant/ developer shall submit for the written agreement of the Planning Authority the following;

(i) A revised site layout plan repositioning the gate 12 metres inwards/eastwards from the roadside edge.

(ii) Agree the extent of hedgerow to be removed in order to facilitate sightlines for the relocated entrance and to confirm a compensatory planting scheme.

(iii) The existing vehicular farm entrance which is to be relocated shall be replaced with native hedgerow within 1 month of the removal of the existing entrance.

REASON: In the interests of traffic safety and to protect the amenity and biodiversity of the area.

3.1.3. Fingal County Council **REFUSED PERMISSION** for the provision of a new vehicular farm entrance (No.2) along the local primary road (L1040). The 2 no. reasons for refusal were as follows;

1. The proposed new vehicular farm entrance would lead to a proliferation of entrances at this location and would, therefore, contravene materially Objective DMS126 of the Fingal Development Plan 2017 – 2023 and would be contrary to the proper planning and sustainable development of the area.

2. The development if permitted would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the amenities of the area and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

Basis for the Planning Authority Decision. Includes:

- The applicant has not demonstrated a specific requirement for a second entrance.
- Development Plan policy seeks to restrict /limit entrances onto roads, including local/rural roads, in order to avoid the creation of traffic hazards.
- The proposed relocation of the existing entrance further north would improve sightlines and therefore is considered acceptable.
- The proposed second entrance would not be in accordance with the Fingal County Development Plan 2017 – 2023, specifically Objective DMS126 which seeks to restrict /limit entrances onto local / rural roads.
- The scale and design of the proposed gates are considered acceptable.
- The proposal makes provision for the reinstatement of the hedgerow which is to be removed. The proposal would integrate into the receiving environment.

3.2.2. Other Technical Reports

Transportation Planning Section Report.

Further Information requested, addressing the following;

- The applicant is requested to justify the need for a new road entrance at this location and to address why one road entrance is not sufficient for the purpose of accessing the site.
- The applicant is requested to provide a revised layout plan indicating how sightlines of 145m in both directions for the site entrance(s) are to be achieved. This should include details of the existing hedgerow and trees that need to be removed to achieve these sightlines.
- The entrance gates should be setback to accommodate the largest type vehicle to use the access on a regular basis, this may include a trailer.

Irish Water: No objections

4.0 Planning History

None for subject site.

5.0 Policy and Context

5.1. Development Plan

Fingal County Development Plan 2017-2023 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned objective 'RU – Rural' which seeks to 'Protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

Objective DMS126: Restrict unnecessary new accesses directly off Regional Roads. Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances. Ensure that necessary new entrances are designed in accordance with DMRB or DMURS as appropriate, thereby avoiding the creation of traffic hazards.

Objective DMS129: Promote road safety measures in conjunction with the relevant stakeholders and avoid the creation of traffic hazards.

Objective NH27: Protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character and ensure that proper provision is made for their protection and management.

5.2. Other Relevant Government Guidelines

Design Manual for Roads and Bridges (2011)

Design Manual for Urban Roads and Streets (2019)

5.3. Natural Heritage Designations

- 5.3.1. The site is located c. 11km to the west of the Rogerstown Estuary SPA (site code: 004015) and SAC (site code: 000208).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal was received from Hughes Planning & Development Consultants representing the applicant Helen Ward, against the decision made by the Planning Authority to refuse permission for the provision of a new vehicular farm entrance (no. 2). The grounds of appeal can be summarised as follows:

- The lands owned by the Applicant extend to provide a substantial landholding of c. 38.83 hectares.
- The Applicant is currently in discussions with prospective purchasers for the sale of approx. 28.32 hectares of their landholding for the purposes of agricultural farming.
- Aerial image submitted illustrating the application site as outlined, the extent of lands within the applicant's ownership and the lands which are subject to sale for agricultural purposes.
- Prior to the lodgement of the planning application, the Applicant was informed by her estate agent that the sale of the lands could prove severely problematic if entrance to the lands was provided via a shared entrance.
- The proposed vehicular entrance (no.2) would provide direct agricultural entrance to these lands, whilst the proposed relocated vehicular entrance (no.1) would be used to maintain the Applicant's means of access to the remainder of the landholding.
- The relocated vehicular entrance has been purposely situated closer to the proposed northernmost vehicular entrance to allow for the clustering of entrances within close proximity, so as to limit negative impacts on the visual amenity of the area.
- The proposed entrances have been designed in accordance with both the Design Manual for Roads and Bridges (2011) and the Design Manual for Urban Streets and Roads (2019) and are not considered to represent a traffic hazard.

- Whilst the speed limit of the local road is stated as being 80km/hr, the operational speed on this local primary road is significantly less, thus a relaxation of the required sightline distances should be considered acceptable.
- Taking the concerns of the Transportation Section into consideration, the applicant has submitted an updated drawing (Drawing No. 119139-NJD-VI-ZZ-DR-C-102), which demonstrates that the required sightlines of 145 metres from the northern proposed entrance (Proposed Entrance No. 2) are achievable.
- The proposed development provides a high-quality boundary treatment and new agricultural entrances that have been formulated with consideration of the local rural environment.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response is summarised as follows;

- The Planning Authority remains of the opinion that the part of the development which was refused permission (i.e. the provision of a new vehicular farm entrance) would lead to a proliferation of entrances at this location, contravening materially Objective DMS126 of the Fingal County Development Plan and would set an undesirable precedent for other similar developments.
- The appellant makes the case that a portion of the landholding is to be sold and that the proposed additional entrance is being sought to serve access to these lands. It is noted that the establishment of a right of way or similar legal agreement at the permitted entrance would facilitate access to the lands in question without the requirement for a second additional entrance.

7.0 Assessment

7.1.1. I have reviewed the proposed development and the correspondence on the file. I note that the proposed relocated agricultural vehicular entrance (no. 1) and ancillary works were considered acceptable by the Planning Authority and was granted permission. I am satisfied that the layout and design of this relocated entrance (no. 1) would not detract from the character or visual amenity of the surrounding rural area and, subject to Conditions, would not create a traffic hazard. I consider therefore that the main issue

for consideration in this appeal is the proposed new agricultural vehicular entrance (No. 2) which was refused permission by the Planning Authority and the 2 no. reasons for its refusal. These are addressed under the following heading;

- Road Safety and Proliferation of Entrances

This is addressed below.

7.2. Road Safety and Proliferation of Entrances

7.2.1. The Planning Authority refused permission for the provision of a new vehicular entrance (no.2) on the ground that it would lead to a proliferation of entrances at this location, which would be contrary to Objective DMS126 of the Fingal County Development Plan. It was considered that such development would set an undesirable precedent for other similar developments.

7.2.2. Objective DMS126 of the Development Plan seeks to;

- Restrict unnecessary new accesses directly off Regional Roads.
- Ensure premature obsolescence of all county/local roads does not occur by avoiding excessive levels of individual entrances.
- Ensure that necessary new entrances are designed in accordance with the Design Manual for Roads and Bridges (2011) or the Design Manual for Urban Roads and Streets (2019) as appropriate, thereby avoiding the creation of traffic hazards.

7.2.3. With regard the issue of road safety and sightlines, the L1040 is a Local Primary Road subject to an 80km/hr speed limit. As stated in the Transportation Section report, the relocation of the existing entrance is welcomed as sightlines at the existing entrance are substandard and would be greatly improved at its relocated position. The report however notes that the drawings submitted detail that only 120m sightlines would be achievable from both proposed entrances. The report notes that required sightlines as set out in the TII Standards DN-GEO-03060 for an entrance within an 80km/hr speed limit are 145m, taken from a setback of 3.0m from the road edge. The Transportation Section report sought Further Information from the applicant addressing this issue. Notwithstanding this, the Planning Authority granted permission for the relocated entrance (no.1) and refused permission for the proposed second entrance (no.2).

- 7.2.4. In the Grounds of Appeal, the applicant has submitted a revised drawing (Drawing No. 119139-NJD-VI-ZZ-DR-C-102) which details the provision of 145 metre sightlines in both directions, taken from a setback of 3.0m from the road edge, in both directions of the proposed new entrance No. 2. Given that this complies with the requirement of the Transportation Section and TII Standards DN-GEO-03060, it is my view that the sightlines provided at proposed entrance No. 2 would not endanger public safety by reason of a traffic hazard. While the 120m sightlines at the proposed relocated entrance No. 1 do not strictly meet the TII Standards, I agree with the Transportation Section that its relocation would provide a significant improvement of visibility to that of its current location.
- 7.2.5. With regard the issue of proliferation of entrances, the Transportation Section report states that it is Council policy to limit vehicle conflict points and does not recommend the use of multiple access, for safety and visibility reasons. The Transportation Section sought Further Information requesting the applicant to provide a rationale for the need for an additional road entrance and to address why one road entrance is not sufficient for the purpose of accessing the site. The Planning Authority did not seek this Further Information request.
- 7.2.6. In the Grounds of Appeal, the Applicant provides a rationale for the proposed new vehicular entrance No. 2, as summarised in Section 6.1 above. In summary, the proposed new entrance would serve lands which the applicant is in discussions with prospective purchasers for the sale of approximately 28.32 hectares of their landholding, for the purposes of agricultural farming. Both proposed agricultural vehicular entrances would serve separate agricultural landholdings.
- 7.2.7. Given that a) both entrances would serve separate agricultural landholdings, b) that a separation distance of c.74 metres would be maintained between both vehicular entrances, c) that the extent of hedgerow to be removed would be replaced with new hedgerow inside the sightlines and d) the existing entrance to be closed will be planted with new hedgerow to match existing, it is my view that the proposed additional agricultural vehicular entrance (no.2) would not detract from the character and visual amenity of the surrounding rural area and would not cause undesirable precedent for similar development.

7.2.8. I recommend, therefore, that the appeal should succeed in relation to the Planning Authority's second reason for refusal for the provision of the new agricultural vehicular entrance (No.2).

7.3. Screening for Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, which relates to the provision of 2 no. agricultural entrance at a location that is not in close proximity of a Natura 2000 site, I am satisfied that 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.

8.0 Recommendation

8.1. Having regard to the 'RU' zoning of the site and the nature and use of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposal would not seriously injure the amenities of the area, result in a traffic hazard, or conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.2. I recommend that permission should be granted subject to the Conditions set out below.

9.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further plans and particulars received by An Bord Pleanála on the 24 th day of October 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of
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	<p>development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed entrances shall be solely used for agricultural purposes and shall not be used for any other purpose.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>(i) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>(ii) The Applicant / Developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road or footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>Drainage arrangements, for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

Brendan Coyne
 Planning Inspector

20th May 2020