



An
Bord
Pleanála

Inspector's Report ABP-310975-21

Development

Permission is sought for the construction of a storey and a half dwelling house, single storey domestic garage, wastewater treatment system and percolation area, discontinuation of the use of existing garage for vehicle repair/valet, use of existing long established entrance and access lane via existing private laneway from public road currently serving the vehicle repair/valet garage to instead serve the proposed dwelling house together with all ancillary site development works.

* Significant further information received.

Location

Gorteens, Castleblayney, Co. Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

2183.

Applicant(s)

Jane McGuigan & Ryan Boyle.

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| Type of Application | Planning Permission. |
| Planning Authority Decision | Grant with Conditions. |
| Type of Appeal | Third Party |
| Appellant | Transport Infrastructure Ireland. |
| Observer(s) | None. |
| Date of Site Inspection | 1 st day of November, 2021. |
| Inspector | Patricia-Marie Young |

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.795ha area. It is located in the Townland of 'Gorteens', c5.5km to the south east of the historic centre of Castleblayney, in the rolling drumlin landscape of County Monaghan.
- 1.2. The site comprises of an existing access that serves a vehicle repair garage and valeting commercial operations that is located on its north westernmost side. This is one of two existing accesses that serve this site. With this access opening onto a private laneway at a point where sightlines are restricted in both directions, the lane has a curving alignment and where the ground levels fall towards this lanes entrance with the N53 c65m to the east of it. At this lanes entrance with the N53 it is of a restricted width, and it is flanked on either side by entrances that serve individual dwellings including one of the applicant's family home, which I note is situated on the southern side.
- 1.3. The vehicle repair and valeting operations operate from a single storey building and its surrounding curtilage. To the rear of which is the main area of the site which is pastureland. The ground levels fall steadily in an easterly direction from the rear of the main site area and the falling topography reflects the undulating character of the surrounding drumlin landscape.
- 1.4. The main site area aligns with the heavily trafficked N53 with its eastern boundary containing an existing agricultural entrance that opens onto the N53. At this point there is a grass verge between this entrance and the N53's roadside edge. Directly opposite is an entrance serving what appears to be a business operation.
- 1.5. The site itself in terms of its overall shape has an L-shaped layout and it effectively wraps around the applicant's family home which is a substantial gable fronted dwelling house that has a c45m setback from the N53 and at its nearest point the rear elevation of this property is within c4m of the boundary of the site.
- 1.6. The predominant boundary treatment is characterised by mature hedgerows and trees with the roadside boundary along the N53 being low and of a poor quality. Whereas the other boundaries are more robust containing mature hedgerow species and a number of indigenous tree species. The surrounding area is characterised by its rural and agricultural nature.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a storey and a half dwelling house with a given gross floor space of 340m², single storey domestic garage with a given gross floor space of 96m², wastewater treatment system and percolation area, discontinuation of the use of existing garage for vehicle repair/valet, use of existing long established entrance and access lane via existing private laneway from public road currently serving the vehicle repair/valet garage to instead serve the proposed dwelling house together with all ancillary site development works.
- 2.2. The accompanying planning application form in response to Question 10(d) answers 'NIL' for the gross floor space of any demolition and the submitted drawings indicate its retention alongside the agricultural entrance that opens onto the N53.
- 2.3. On the 11th day of June, 2021, the Planning Authority received the applicant's further information response which was accompanied by new public notices.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 6th day of July, 2021, the Planning Authority decided to **grant** permission for the proposed development set out under Section 2.1 above subject to 11 no. mainly standard conditions. Of note:

Condition No. 1: Requires prior the demolition of the existing body repair shop and valeting business building together with the cessation of this business and all of its associated business activities prior to any works commencing.

Condition No. 6: Requires pollution discharge measures to be put in place during construction phase and on completion of works.

Condition No. 7 & 8: Sets out waste management requirements.

Condition No. 9: Deals with asbestos.

Condition No. 10: Deals with hazardous wastes.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report**, dated the 30th day of June, 2021, considered that the applicant had addressed the further information request to their satisfaction.

The Planning Officer was satisfied that the existing vehicle repair business operations would cease operations and its associated building would be removed in order to facilitate the proposed development. Having regard to this amendment to the proposal it was considered that the proposed development would not result in an intensification of traffic onto the N53 from the private lane that would serve the proposed development.

The design and layout of the proposed dwelling and garage was deemed to be acceptable and not out of context with its setting.

The landscaping proposed by way of the further information was considered to be commensurate to the proposal and its location.

This report concludes with a recommendation to grant permission subject to conditions.

This report is the basis of the Planning Authority's decision.

The **initial Planning Officer's report**, dated the 19th day of April, 2021, concludes with a recommendation for further information to address the following:

- Item No. 1: Requires details regarding the existing vehicle repair business operations on the site and the traffic it generates. It also seeks clarification that the vehicle repair building be demolished/replaced to facilitate the proposed development alongside the readvertisement of the proposed development to include reference to the demolition of the existing repair building.
- Item No. 2: Seeks compliance with the Design Guidelines for Rural Housing.
- Item No. 3: Seeks landscaping improvements.
- Item No. 4: Seeks that the domestic garage complies with Policy RDP 18.

3.2.2. Other Technical Reports

Roads: No objections, subject to safeguards.

Environmental Health: No objections, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland submission was received on the 23rd day of March, 2021 and is attached to file. The concerns raised therein are reiterated in their appeal submissions to the Board.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site:

- **P.A. Ref. No. 92/577:** Retention permission of body repair shop, bungalow, entrance, and septic tank was permitted subject to conditions.
- **P.A. Ref. No. 96/508:** Outline permission refused for a dwelling and garage.

4.2. Setting

- **ABP.PL18.24772 (P.A. Ref. No. 16/399):** On appeal to the Board retention permission was **refused** for a motor parts storage shed/combined agricultural shed including boundary fence for the following reasons and considerations:

“1. *It is a requirement, as set out in the “The Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in 2012, that planning authorities when preparing Development Plans adopt a policy to lands adjoining national roads to which the speed limit greater than 60 km/h applies, whereby it shall be the policy of the planning authority to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. It is an objective of the planning authority, as set out in the*

Monaghan County Development Plan 2013 to 2019, to prohibit the intensification of use or creation of any new access onto the national road network outside where a reduced speed limit applies. The proposed development would give rise to an intensification of traffic turning movements at a point where the general speed limit (100 km/h) applies. The proposed development would, therefore, contravene materially an objective set out in the Monaghan County Development Plan 2013-2019, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. *It is a policy of the planning authority, as set out in the Monaghan County Development Plan 2013-2019, that commercial development will not normally be permitted in the countryside outside settlements. The Board is not satisfied that it is necessary to locate the proposed development in the countryside outside any existing settlement. It is considered that the proposed development would, therefore, contravene an objective as set out in the Development Plan and be contrary to the proper planning and sustainable development of the area.”*

Of note the entrance serving the development sought under this application is located directly opposite the agricultural entrance on the eastern boundary of the appeal site.

Decision Date: 24th day of April, 2017.

5.0 Policy Context

5.1. National

- 5.1.1. **National Planning Framework National Planning Framework – Project Ireland, 2040**, (2018) includes but is not limited to National Strategic Outcome 2 which includes the objective of “*maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements*”.
- 5.1.2. **National Development Plan**, 2018 to 2027, seeks to safeguard the strategic function of the national road network alongside safeguarding investment made in the transport network to ensure its quality levels, accessibility, and connectivity for users. Section 5.2 states that: “*it is an investment priority to ensure that the existing extensive*

transport networks, which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, accessibility and connectivity to transport users”.

- 5.1.3. The National Roads guidelines are set out in the **Spatial Planning and National Roads Guidelines published by the Department of Environment, Community and Local Government in January 2012**. These guidelines indicate that the policy of Planning Authority’s will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply except in exceptional circumstances.
- 5.1.4. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005**. These guidelines require the planning system to facilitate people who are part of the rural community, including in areas under strong urban influence subject to safeguards such as meeting the normal requirements in relation to such matters as road safety, proper disposal of surface water while directing urban generated development to areas zoned for housing development in cities, towns, and villages. Essentially these guidelines seek to reach a balance in terms of development in the countryside so that the landscape is conserved and that new dwellings take account of as well as integrate in an appropriate manner with their surroundings. In addition, I note Map 1 which sets out the indicative outline of NSS Rural Area Types places the site in an area under strong urban influence.
- 5.1.5. **Code of Practice Wastewater Treatment Disposal Systems serving Single Houses, (2021)**.

5.2. Regional

- 5.2.1. The **Northern and Western Regional Assembly Regional Spatial and Economic Strategy, 2020 – 2032**, outlines the Regional Policy Objective to maintain the strategic capacity and safety of the national road network under RPO 6.5 which states: *“the capacity and safety of the region’s land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome No. 2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements”*. The RSES supports the

consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the Core Strategies of the County Development Plans.

5.3. Development Plan

5.3.1. The applicable Development Plan is the Monaghan County Development Plan, 2019-2025, under which the site is situated outside of the settlement envelope of Carrickmacross on un-zoned land.

5.3.2. It is a Strategic Objective of this Plan under SO 8 “*to maintain the strategic capacity and safety of the national roads network and to safeguard the investment in national roads*”.

5.3.3. Section 2.6 of the Plan deals with the matter of Rural Settlement.

5.3.4. Section 2.8 of the Plan sets out Rural Area Types.

5.3.5. Section 3.6 of the Plan states: “*the suitability of a site or an area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria requires careful assessment. Therefore, to ensure development in the countryside takes place in a sustainable manner that does not compromise the vitality of designated settlements, specific areas of the county have been classified ‘Rural Areas Urban Strong Urban Influence’ in an attempt to preserve a clear distinction between the built-up areas of settlements and the surrounding countryside*”.

5.3.6. Section 7.8 of the Plan states that “*a high quality, safe and efficient road network is paramount in Monaghan where road transport is the only mode of travel to access ports, airports and wider markets in the region and Country*” with the National Road network providing “*the County’s towns with fast and efficient access to Dublin and other principal towns, airports, sea ports and Northern Ireland*”. It also sets out these roads also provide quality linkages from the wider rural hinterland to settlements.

5.3.7. National Road Policies are set out under Section 7.8.1 of the Plan and includes:

NPR 1: “*To protect the traffic carrying capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently, by avoiding the creation of new access points or generation*”

of increased traffic from existing accesses onto the N-2, N-53, N-54, and N-12 outside the 60 km/h speed limit, in accordance with the DoECLG's publication Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)."

NPR 2: *"To consider, in exceptional circumstances, permitting access onto national roads for developments of national and regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed, subject to such developments being provided for through the Local Area Plan or Development Plan making process in accordance with Section 2.6 of the DoECLG Spatial Planning and National Road Guidelines, and in consultation with the TII."*

5.3.8. Section 15.17 of the Plan deals with the matter of housing in rural areas.

5.4. Natural Heritage Designations

5.4.1. None in the immediate and/or the wider vicinity.

5.5. EIA Screening

5.5.1. Having regard to the nature and scale of the development proposed, i.e., a dwelling house, garage and associated works, the sites geographic remoteness from any Natura 2000 sites, 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of this 3rd Party Appeal can be summarised as follows:

- The proposed development is reliant upon shared access onto the N53, national secondary road, where a 100kph speed limit applies. This is at variance with official policy.
- This development has the potential to compromise the safety and efficiency of the national road network at a point where the 100kph posted speed limit applies.
- The Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, state in relation to lands adjoining national roads to which speed limit greater than 60kmph apply that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses onto the national roads. This provision applies to all categories of development including individual houses in rural areas, regardless of the housing circumstances of the applicant.
- This proposal will inevitably bring about additional vehicular movements resulting in intensification of access onto and off the N53, national secondary road. With this arising from the day-to-day occupation, pattern of activity associated with same, and trips generated by other services, utilities, visitors, etc. as well as the applicant. As such the proposed development is at variance with the provisions of official policy.
- It is acknowledged that the applicant proposes to cease the use of an adjoining vehicle repair/valeting access; however, the provision of an additional house accessing onto the N53 at this location will inevitably increase. As such the intensification of traffic movements onto and off the N53 would be at variance with Section 2.5 of the Spatial Planning & National Roads Guidelines for Planning Authorities.
- The car repair/valeting business adjoining this appeal site is an established use with its existing business use permitted predating Government policies relating to the safeguarding of national roads.
- The replacement of a new dwelling establishes a different trip movement associated with typical residential activity.

- The intensification of existing accesses onto national roads would give rise to the generation of additional turning movements that introduce new safety risks to road users.
- This grant of permission establishes an undesirable precedent for further similar developments.
- National roads account for less than 6% of the total length of public roads throughout the country and their significance in serving our economic and social transport needs is reflected in the fact that they carry approximately 45% of all road traffic in Ireland and over 50% of those travelling by public transport. It is therefore critical to maintain their strategic function.
- Reference is made to increase in road fatalities in the period January, 2020 to December, 2020.
- Restricting direct access and intensification of use of direct access to the high-speed national road network can, and does, contribute to a reduction in such collisions and fatalities.
- Planning Authorities must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60km/h applies as part of the overall effort to reduce road fatalities and injuries.
- Controlling the extent of direct accesses to national roads at high-speed locations, and turning movements associated with such accesses, is a critical element in meeting road safety objectives in accordance with the provisions of official policy.
- It is reasonable that caution is exercised in the assessment of any development proposals impacting on the safe operation of strategic national roads.
- It is considered that the provision of a new additional house accessing onto the N53 at this location via an existing private direct laneway access is inconsistent with the provisions of the Development Plan, 2019 to 2025. In particular Policy NRP 1.
- It is acknowledged the need to sustain rural communities, however, no exceptional reason has been put forward to justify departure from standard policy and road safety considerations in this instance.

- This proposal is at variance with local and national planning provisions on such matters.
- Reference is made to National Strategic Outcome No. 2 of the NPF which seeks to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.
- Chapter 5 of the National Development Plan sets out that it is an investment priority to ensure that the existing extensive transport networks, which have been greatly enhanced over the last two decades are maintained to a high level to ensure quality levels of service, accessibility, and connectivity to transport users.
- Reference is made to the Northern and Western Regional Spatial and Economic Strategy, 2020 – 2032, in particular RPO 6.5 which seeks to maintain the strategic capacity and safety of the national road network.
- The decision of the Planning Authority should therefore be reviewed.

6.2. Applicant Response

6.2.1. The Applicant's Response can be summarised as follows:

- There are no compelling or reasonable planning justification to set aside the Councils decision in relation to this application.
- The appellants interpretation and application of the National and County Development Plan policy is inaccurate and their continued objection to the proposed development despite acknowledging the exceptional circumstances associated with this proposal and appeal site is unreasonable and unjustified.
- The contention of the appellant is not accepted that the intensification of the access would lead to additional traffic hazard along the N53 or endangerment of public safety through increased traffic volumes and turning movements.
- The appellant dismisses the volume of commercial traffic generated by the existing approved business which would be ceased and removed.
- The appeal omits reference or consideration of the volume of agricultural traffic generated by the use of the appeal site to graze animals.
- The Council was presented with documentary evidence of the scope of the activity and vehicle movements associated with the existing garage and valeting business.

With this documentation also outlining that in addition to the repair of vehicles the site is used as an overflow parking facility for the family car sales business (McGuigan Motors) in Castleblayney and the valeting service attracted 10 to 12 customers per day equating to 12 to 24 vehicle movements per day.

- Written confirmation has been provided that this business would cease operations and be removed to facilitate the proposed development.
- Standard trip modelling programmes such as TRICS (or similar) apply and average 2.5 (circa) arrivals and 2.5 (circa) departures per day for residential dwellings. This is substantially less than the estimated trips of the business that would cease to accommodate this development.
- The proposed development would result in a de-intensification of an existing entrance onto a national road and as such it is not at variance with the guidelines or with Policy NRP1.
- This development would also remove associated vehicle movements related to the agricultural use of the field.
- The removal of the agricultural entrance and the removal of grazing would eliminate the possibility of escaping sheep. The latter presents a hazard to fast moving traffic.
- The appellants interpretation of planning provisions is unnecessarily rigid and disregards the road safety benefits that would arise from this development.
- The exceptional circumstances are the substantial net loss of traffic that would arise from this development.
- This proposal is consistent with the existing pattern and grain of surrounding development which includes one-off dwellings.
- There are no known future upgrades to this stretch of the N53 that this development would interfere with.
- Reference is made to appeal case which appears to be provided with an incorrect ABP reference (Note: ABP-3007588-20).
- The reduction in traffic this development would give rise to improved traffic safety.

- This appeal raises no issue with regards to the applicant's qualification for a rural one-off dwelling.
- The National Planning Framework makes a distinction between urban and rural generated housing need restricting the former and encouraging the latter if demonstratable justification for the need to live rurally can be established.
- The applicant, Ms McGuigan's, family have a long established and ongoing connection to the surrounding rural area and satisfy NPO 19 of the NPF.
- The applicant and her partner are bound to continue living within a rural setting and continue with their active participation in rural community life.
- Relocating to an urban settlement would effectively negate her continued involvement in the local community and social groups that have support her application.
- The appeal submission does not set out why the Council erred in their decision.

6.3. Planning Authority Response

6.3.1. No comments.

6.4. Further Responses

6.4.1. The Appellants further response can be summarised as follows:

- They remain of the opinion that the provision of an additional new house accessing onto the N53, national road, by means of the private lane, at this location will inevitably bring about vehicular movements onto and off the N53, that will introduce safety risks to road users.
- It is noted that the applicant's response includes additional comments in relation to the applicants' exceptional circumstances and planning precedents quoted.
- The applicant's response sets out that under Section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities a less restrictive approach to policy on access to national roads might be applied.
- The Spatial Planning and National Roads Guidelines for Planning Authorities advises where account should be had to it.

- It is inappropriate to apply provisions that provide exceptions for developments of national and regional strategic importance to apply to an application for a rural dwelling which cannot be considered to be such.
- Section 2.6(b) of the Spatial Planning and National Roads Guidelines for Planning Authorities addresses exceptional circumstances for lightly trafficked sections of national secondary routes. In such circumstances, traffic volumes are required to be below and remain below 3,000 AADT. Such circumstances do not apply to the N53 which currently records an AADT of 4,634 for 2021 at the nearest traffic counter.
- There are no applicable exceptional circumstances within the Spatial Planning and National Roads Guidelines for Planning Authorities that the applicants comply with that would justify or compel a departure from standard policy and road safety considerations.
- The precedent case referred to, i.e., ABP-3075880-20, is not a precedent that supports this current application, and it is noted that the Boards inspector in this case recommended refusal due to conflict with official policy on access to national roads as well as road safety concerns.
- Reference is made to the following appeal cases: ABP.PL16.309464; ABP.PL08.307430; ABP.PL07.304495; PL02.306790 and ABP.PL27.307219 where permission was refused for similar developments where access to the public road network was dependent upon national roads where the 100kp/h applied.
- Although it is proposed to cease a car repair/valeting business it must be acknowledged that permission for this business predates Government policies relating to the safeguarding of national roads.
- The proposed development is at variance with the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities and a grant of permission would represent a departure from standard policy and road safety considerations.

7.0 Assessment

7.1. Overview

- 7.1.1. Having inspected the site and examined the associated documentation, the submissions and responses on file, I consider that the substantive matter that arises in this case relates to the Planning Authority's decision to grant permission for the proposed development despite the concerns raised by the appellant that in doing so that the proposed development would conflict with the Government's objectives to safeguard the strategic function of the national road network and to safeguard the investment made in the transport network to ensure quality levels of road safety, service, accessibility and connectivity to transport users.
- 7.1.2. In addition, it is the view of the appellant that there is no exceptional circumstance demonstrated by the applicant in this case that would justify overriding this Government objective.
- 7.1.3. In relation to the later concern the First Party set out that they have demonstrated that they meet the rural settlement strategy set out in the Development Plan for a dwelling house at this location and that the proposed development by virtue of the removal of an existing vehicle repair and valeting operation from the site would not give rise to any effective intensification of traffic onto the stretch of the N53 upon which access to the public road network for the proposed development would be dependent upon.
- 7.1.4. I therefore propose to assess this appeal case under the following broad headings:
- Access
 - Principle of the Proposed Development
- 7.1.5. In addition, the matter of 'Appropriate Assessment' requires examination.

7.2. Access

- 7.2.1. The appellant by way of their submissions to the Board consider that the proposed development is at variance with the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities', 2012, due to the proposed development in their view would introduce additional trips and turning movements onto and off the N53, national road, even when compared to the established commercial business operating at the appeal site which predates the aforementioned guidelines.

- 7.2.2. They point out that the replacement of the commercial unit with a new dwelling establishes a different type of trip movements. With such trips not being cyclical or of a temporary duration. Additional residential trips would arise from the overall day to day occupation of the occupants, the pattern of activity associated with the same and trips generated by other services, utilities, visitors, home based economic activity. In this regard the additional turning movements that would arise onto and off the national road at section of national road where the maximum speed limit applies introduces a significant safety risk to road users on a national road.
- 7.2.3. They further contend that the exceptional circumstances set out under Section 2.6 of the aforementioned Ministerial Guidelines do not apply in to this application as a rural dwelling house cannot be considered a development that is of National and/or Regional Strategic Importance nor is this a lightly trafficked section of national road with the traffic volumes recorded in 2021 as 4,634 ADDT at the nearest traffic counter.
- 7.2.4. It is also pointed out that the aforementioned guidelines set out that the 'exceptional circumstances' cases are to be plan-led and agreed for inclusion in the Development Plan. As such a concern is raised by the appellant that deferring such cases for the management function of the County Council or the planning appeals function of An Bord Pleanála is not consistent with the provisions of the said guidelines.
- 7.2.5. The applicant in their response to the grounds of appeal argue that the proposed development does not represent an intensification of the existing access onto the N53, nor does it generate increased levels of traffic but rather there would be a reduction arising from the cessation and removal of the existing commercial traffic generated by the existing approved business whose approval dates back to 1993.
- 7.2.6. They further point out that the appellant also takes no regard of the volume of agricultural traffic generated by the use of the appeal site for the grazing of animals and that this activity has resulted in animals escaping the site onto the N53. The latter also represents a hazard to fast flowing traffic.
- 7.2.7. Overall, they argue that this proposal would result in a substantial nett loss of commercial traffic from private land and the junction onto the N53 which is an argument that was accepted by the Planning Authority's Planning Officer in their consideration of this application.

- 7.2.8. On the day of my site inspection, I observed that the stretch of the N53 upon which access to the public road network is dependent upon via what is described as an 'existing private lane' was heavily trafficked by vehicles travelling at high speed. I also observed that the entrance of the private lane was seriously substandard in its overall design being unsuitable to accommodate two vehicles side by side with either side of this entry point accommodating private entrances serving individual dwellings with the entrance point serving the applicants family home including obstacles to define their entrance to close to the national road's carriage edge.
- 7.2.9. I further observed that the lane itself significantly sloped from the existing entrance that serves a vehicle and valeting business being operated by the applicant's family. This ground level difference is just below 4m with the lane width being only suitable for one car with no roadside verge or opportunity in between its entrance onto the N53 and the entrance serving the said business for two vehicles to pass one another safely. Either side of the lane was demarcated by tall dense hedgerows. The height, the ground topography and orientation were such that there was little light falling on the surface of this lane despite my site inspection occurring just before midday. Grass was also present in the middle of this single carriage lane, and I observed that this lane served other properties along its length.
- 7.2.10. The national guidance in relation to development management and the national route system is to protect the safety and carrying capacity of these routes and the proposed development, notwithstanding the contentions made by the First Party that overall, an improved situation would arise over and above the existing situation. With this conclusion based on the proposed cessation of a family commercial operations on the site itself.
- 7.2.11. In respect of the same I consider that this use is one would expect to operate around normal business hours and days.
- 7.2.12. In this regard, it would generate a traffic pattern that in my view is different to the traffic pattern a dwelling house would give rise to in an un-serviced rural area where the site is remote and highly car dependent to services through to amenities that future occupants would require to support occupation of what is large four-bedroom dwelling.
- 7.2.13. Such a dwelling house would generate other types of traffic movements when compared to a vehicle repair and valeting operation with the latter appearing to support

or is ancillary but remote from the applicant's family's motor sales business. With this traffic generation including but not limited to vehicles associated with the maintenance and servicing of infrastructure including the waste water treatment system, space and water heat systems associated with the dwelling. Through to vehicles associated with potentially the collection of waste generated, postal deliveries, visitors etc. arising from day-to-day occupation of the dwelling.

- 7.2.14. The various types of traffic generated would not like the existing development on site be confined to business hours and days with such hours coinciding with daylight hours during most of the year. Thus, in conditions where light visibility through to conditions of the lane and entrance to the national road may be safer.
- 7.2.15. Instead, the proposed development but would be a type of development that would generate a more *ad hoc* seven-day week and 24 hour a day pattern of traffic generation when compared to the existing business hours of the business operating from the site.
- 7.2.16. There is also no dwell area on the N53 to accommodate vehicles that have journeyed in a southerly direction to turn onto the lane if it were obstructed. Similarly, there is no safe provision on the N53 for vehicles who have journeyed in a northerly direction to dwell safely if the entrance to the lane is obstructed.
- 7.2.17. In addition, I note that the ADDT figures provided by the appellant for the N53 at this location based on the nearest counter gives figures for a period when the country was in lock down and under various restrictions of movement due to the pandemic. Thus, they do not reflect normal circumstances which would probably give rise to a higher ADDT figure being captured.
- 7.2.18. I therefore concur with the appellant in this case that to permit the proposed development would be in conflict with the national guidance in relation to development management of strategic road infrastructure like National Roads which the said guidelines.
- 7.2.19. I also consider that the proposed development would conflict with local planning provisions as provided for in the Development Plan. In particular policies NP R1 and NP R2.

- 7.2.20. In this regard, I note that policy NP R1 sets out the Council will seek to protect the traffic capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently by avoiding increased traffic onto the N53 outside of the 60kph posted speed limit. Policy NP R2 sets out that only in exceptional circumstances will access be permitted onto national roads. These being set out as developments of national or regional strategic importance where the locations concerned have specific characteristics that make them particularly suitable for the development proposed. These two policies indicate that they are in accordance with the Spatial Planning and National Roads – Guidelines for Planning Authorities.
- 7.2.21. Moreover, it is a Strategic Objective of the Development Plan under SO 8 to maintain the strategic capacity and safety of the national roads network as well as to safeguard the investment in national roads.
- 7.2.22. Further, National Planning Framework under National Strategic Outcome 2 sets out the objective of maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements and under Section 5.2 of the National Development Plan. It similarly sets out the need to safeguard the strategic function of the national road network alongside safeguarding investment made in the transport network to ensure its quality levels, accessibility, and connectivity for users.
- 7.2.23. Conclusion

I consider that local through to national guidance in relation to the development management of national roads is consistent in it setting out to protect its safety, its carrying capacity and the investment that has been made in it.

The proposed development is one that albeit would generate modest traffic it is one that is heavily reliant on vehicle use to gain access to services, amenities, and other types of provision upon which dwellings poorly serviced by safe access to other modes of movement such as by foot, by bicycle and by public transport.

Such a development would give rise to a different pattern and intensity of additional access and egress movements onto a substandard lane and substandard entrance onto N53 upon which access to the public road network through to connectivity to services, infrastructure and the like this development would be dependent and reliant upon.

Of further concern the entrance opens onto a heavily trafficked stretch of the N53 where the posted speed limit of 100kph applies. Thus, the changed nature and pattern of development has the potential to give rise to additional conflicts to arise for road users of the N53 at the private lanes entrance. Further, this potential for conflict is added to by the presence of private entrance on either side of the restricted in width and depth private lane.

Moreover, the revised drawings do not support that the existing agricultural entrance that opens onto the western side of the N53 would be blocked up by way of this development and of further concern the drawings show a random placement of a car on this lower portion of the site in proximity to the N53. It would therefore appear that the applicant intends to keep the agricultural entrance onto the N53.

Based on the above considerations the proposed development should be refused as it is a type of development that is contrary to local and national policy provisions as well as guidance as well on road safety and traffic hazard grounds.

7.3. Settlement Strategy

- 7.3.1. The First Party in their submission to the Board indicate that they are compliant with the rural settlement strategy for a dwelling at this location. Whilst I accept that the site lies outside of an area designated in the Development Plan as one that is subject to strong urban influence and pressure; notwithstanding, I am not convinced based on the documentation accompanying this application that either applicant has demonstrated any particular social and/or economic based need for a dwelling at this rural locality as opposed to a desire. This is not to say that the main applicant has not demonstrated a tangible social link to this area through residing in the adjoining property which is the family home. Limited evidence is provided to support this actual residence by her and the other applicant in recent years. Banks statements are provided but these do not alone provide substantive proof of residence and it is not uncommon for these to be maintained when one leaves home for substantial periods of time while residing elsewhere.
- 7.3.2. Of further concern her place of employment is given as being located in Monaghan Town which is c28.9km to the north west of the site and the type of employment is not one that could be considered to be one intrinsically linked to a rural locality or this rural locality.

- 7.3.3. In addition, there is no information provided to support that the other applicant is connected through employment or otherwise in any rural based economy in this locality either and no substantive evidence is provided to base this applicant as residing as stated in the adjoining family home of the applicant Jane McGuigan.
- 7.3.4. On this point I note that the National Planning Framework states that the: *“Irish countryside is, and will continue to be, a living and lived in landscape focusing on the requirements of rural economies and rural communities, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”*.
- 7.3.5. It also recognises that there is a continuing need for housing provision for people to live and work in the countryside. It also indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns. National Policy Objective 3a of the NPF sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 7.3.6. It is therefore a concern that the proposed development is not for an applicant with a genuine need to live and work in the countryside at this location but rather is another proposed development which seeks a proliferation of a dwelling type that has had disregard to the rural design guidelines for this county. In preference for a highly visually overt suburban in appearance built form, height, mass, modulation through to palette of materials that if permitted when viewed from the public domain of the N53 would be an unsympathetic adverse visual intrusion that would further diminish the intrinsic character of its rural setting.
- 7.3.7. Whilst the Planning Authority raised this matter as a concern as part of the further information the applicants did not seek to amend the design of the dwelling to respond to these concerns. Simply setting out precedents for similar designs in the locality. The Planning Officer for the Planning Authority accepted this response, and no improvements were sought to the dwellings design as part of the grant of permission.
- 7.3.8. Moreover, it would take a significant time to reduce its visual impact by way of planting even when regard is had to the more robust landscaping plan submitted with the applicant’s further information response. This is due to the significantly higher ground levels that this highly dominant new built form would occupy in comparison to the ground level of the national road.

- 7.3.9. I also consider that the positioning of the proposed dwelling relative to the adjoining dwelling and the private lane that it has a backland quality despite its principal façade addressing the N53.
- 7.3.10. Due to the significant proliferation of this car dependent development sprawl in this rural area the capacity of its open countryside to absorb genuine rural generated developments in the future becomes more limited and the adds to further precedents of unsustainable patterns of residential remote from serviced areas and places further economic demands and strains on public infrastructure through to the environment.
- 7.3.11. This also has a cumulative impact on the carrying capacity, safety through to efficiency of national, regional, and local road network in rural areas outside of settlements.
- 7.3.12. Conclusion

Based on the above considerations I consider that the proposed development whilst being located in an area outside of a designated area under strong urban influence is a type of development that is unsustainable at this rural location.

I do not accept that it is a type of development that cannot be accommodated on serviced land and zoned lands where it could be more sustainably be catered and it would be less reliant on private car.

The proposed development, if permitted would add to precedent in this area of similar random car dependent sprawl one off residential developments served by substandard access to the public road, dependent upon proprietary wastewater and water infrastructure through to having built forms that show little regard to the guidance for developments of this type in such rural settings, in particular to the Rural Design Guidelines.

The proposed development would be highly prominent and visually incongruous as observed from the public domain of the N53 and it would militate against the preservation of the rural environment.

I do not consider this to be a new issue in this appeal case given the contents of the First Party's Response to the grounds of appeal which clearly refers to such matters.

These are reasons in themselves to substantiate refusal of the proposed development sought under this application.

7.4. **Appropriate Assessment**

Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission is **refused**.

9.0 **Reasons and Considerations**

1. Having regard to the site's location on unzoned and un-serviced rural land outside the boundaries of any settlement and accessed via an existing substandard in width, surface through to alignment lane and a substandard in design and layout entrance off the N53 which is flanked by two independent entrances serving one-off dwellings on either side and at a point where the posted speed limit is 100kph, it is considered that the proposed development by its nature and type would give rise to a different pattern of traffic movements as well as additional traffic movements, that would have the potential to interfere with the free flow of traffic on this heavily trafficked stretch of National Road, it would compromise the level of service and carrying capacity of this road at this location and it would fail to protect public investment in the national road network and would have the potential to endanger public safety by reason of a traffic hazard by way of the different nature, type and scope of access and egressing from the access onto the N53 with the potential for conflict with other road users to arise.

For these reasons, the proposed development would conflict with relevant provisions of the Monaghan County Development Plan, 2019 to 2025, which are considered reasonable. Namely Strategic Objective SO 8 which seeks to maintain the strategic capacity and safety of the national roads network and to safeguard

the investment in national roads; National Road Policy NPR 1 which seeks to protect the traffic carrying capacity of national roads, the level of service they deliver and the period over which they continue to perform efficiently by way of avoiding increased traffic from existing accesses onto the N-53 outside of the 60kph posted speed limit; and, NPR 2 which seeks to only permit access onto national roads for developments of national and regional strategic importance where the locations concerned have characteristics that make them suitable. It is considered that NPR 1 and NPR 2 are in accordance with Section 2.5 and Section 2.6 of the DoECLG's publication Spatial Planning and National Roads – Guidelines for Planning Authorities, (2012), respectively.

It is, therefore, considered that the additional and conflicting turning movements generated by the proposed development at the private lanes entrance onto the N53 would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development.

For these reasons the proposed development would be contrary to said local planning provisions and said Ministerial Guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development being located on elevated ground relative to the N53 and backland relative to the adjoining residential development would constitute a random car dependent sprawl and visually overtly dominant development when viewed from the public domain of the N53 which would add to the proliferation of such developments in this rural locality and would militate against the preservation of the rural environment. To permit the development would set an undesirable precedent for similar inappropriate development, would give rise to an excessive density of development in the area which is served by a poor road network and would not give rise to a dwelling where there is a justifiable economic and/or social need for a dwelling house at this rural locality and a need that cannot be met on lands more suitable to accommodate the needs of such a development in a

spatially more response and climate resilient manner. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

17th day of November, 2021.