



An
Bord
Pleanála

Inspector's Report

ABP-313256-22

Development	Reinstatement of a previous farm entrance.
Location	Tinnock Lower, Ballynestragh, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220073
Applicant(s)	Stephen Byrne
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stephen Byrne
Observer(s)	None
Date of Site Inspection	21/07/2023
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site refers to a stretch of the R772 (also known as the Arklow Road or the old N11) that runs south from Inch towards the Tinnock Roundabout with the M11.
- 1.1.2. The regional road has a speed limit of 80kph and an unbroken white line at the existing entrance to the applicants farm & dwelling house. There is a cycle lane on the eastern side of the road (opposite the applicant site). The area is agricultural.

2.0 Proposed Development

- 2.1. On the 24th January 2022, planning permission was sought for the reinstatement of a previous farm entrance and the introduction of a 20m deep dwell area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 11th March 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following two reasons:

- 1 It is considered that the proposed development would endanger public safety by reason of traffic hazard and contrary to section 18.29.3 of the Wexford County Development Plan 2013-2019 (as extended) as it has not been shown that adequate sightlines are available at the junction of the proposed access with the public road and to achieve the required 220m sightlines would require significant works. The proposed development is therefore contrary to the proper planning and development of the area.
- 2 It is the policy of the Council to prevent new or the significant intensification of existing, access / egress points from / to Class I Regional Road. The proposed development of a new entrance on the R772 is contrary to Objective T27 and is therefore considered contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Roads Section:** Refuse permission as submission has not detailed required sightlines for Class 1 regional road.

3.2.2. **Planning Report:** Only 160m sightlines demonstrated – would pose a traffic risk as 220m sightlines required. Recommendation to refuse permission.

3.3. **Prescribed Bodies**

3.3.1. None on file.

3.4. **Third Party Observations**

3.4.1. None on file.

4.0 **Planning History**

4.1.1. Planning Authority reg. ref. **20210581**: Planning permission refused for the installation of an agricultural entrance and associated works on the grounds of traffic safety reacting to sightlines and dangerous traffic movements onto and off a regional road with a speed limit of 100km/h.

5.0 **Policy Context**

5.1. **Wexford County Development Plan 2022-2028**

5.1.1. Section 6.7.6.2 Agriculture Development: • Objective ED99: To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Volume 2.

5.1.2. Section 6.2.6 Siting and Design of Access / Egress Points:

The Planning Authority will only permit the formation of a new, or the material intensification of use of an existing, vehicular access/egress to a public road (including to/from a private laneway) where it has been demonstrated that:

- The principle of a new/intensified access point to/from that category of road satisfies the criteria for such as set out in the Roads section of Volume 1 Chapter 8 Transportation Strategy.

- The detailed siting and design of the access/egress point is acceptable having regard to:

- a) The characteristics and features of the public road and private lane at that location;

- b) The availability of the required sightlines at the access/egress point to the public road, to allow for safe intervisibility of vehicles, cyclists, motorcyclists and pedestrians;
- c) The design and construction of the access/egress point;
- d) Surface water management arrangements;
- e) Impacts on existing mature trees and existing built features such as stone walls at the road frontage.

It should be noted that the Planning Authority will assess each application for a proposed new or the material intensification of an existing, access/egress point on its particular merits and will have regard to relevant TII Guidelines (including Rural Road Link Design and Geometric Design of Junctions, as may be updated) in that assessment.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is approx. 5.3km from the Slaney River Valley SAC (000781) and 4.5km from the Kilgorman River Marsh pNHA (001834).

5.3. EIA Screening

- 5.3.1. Having regard to nature and scale of the development and the location of the site 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. An agent for the applicant has appealed the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
 - The proposed development will improve the safety of the existing house, farm and farmyard.

- The proposed development involves minimal disruption to stone walls, mature trees and hedgerows, in keeping with the development plan and green infrastructure requirements.
- The existing entrance is used by cars, all agricultural machinery and machinery, accessing the house and the farm. The dwell is inadequate for the length height and complexity of modern agricultural machinery. Photos attached.
- There was a farm entrance on to the R772 via a field beside the current entrance.
- A dwell of 20m with sightlines of 160m are proposed in line with the requirements of TII Design of Roads and Bridges Manual. Cover letter from Consulting Engineer regarding the swift removal of slow-moving traffic.
- Notes that the Planning Authority referred to the development as a new entrance. It is for the reinstatement of a previous entrance.
- The proposed development is not a traffic hazard, it will improve safety for traffic and other road users. The existing entrance forces farm machinery to stall at the entrance, causing a traffic hazard.
- The existing entrance has insufficient width and head room.
- The proposed development will decrease the likelihood of accidents.
- The Planning Authority erred in their consideration of the application. Section 18.29.1 of the Wexford County Development Plan provides for the protection of public safety on public roads.
- The proposed development does not require a Road Safety Audit or a Traffic and Transport Assessment.
- Wexford County Council have not complied with the design criteria of TII Publication Rural Road Link Design standard DN-GEO-03031. Section 18.29.2 of the development plan refers. The Council are using different sightline criteria which do not take account of prevention of destruction of old stone walls, mature trees and hedgerows, flora and fauna habitats.
- Section 18.29.3 lists indicative sightline requirements for national roads 230m, Regional Class 1 roads 220m, Regional Class 2 roads 135m, local / county roads 65m.

- Regarding sightlines within a 50/60kph speed limit, section 18.29.3 says sightlines will be assessed on a site by site basis. It is submitted that the Council did not assess the age and circumstances of the applicant who offered the safest access / egress available with a major safety improvement to the existing entrance.
- The Planning Authority erred in concluding that it has not been shown that adequate sightlines are available. The R772 carries a low level of mainly local traffic. It has been downgraded from 100kph to 80kph. Photos submitted and Road Inspection Report.
- The R772 is classified by Wexford County Council as a Class 1 Regional Road. Other Class 1 Regional Roads have 100kph speed limits.
- The National Roads Authority guidelines require 160m sightlines on national primary or secondary roads – many of which have 100kph speed limits.
- The Planning Authority application of a 220m sightline is an over zealous application of engineering requirements without design backup for safe road use.
- TII Publication Rural Road Link Design standard DN-GEO-03031 page 9, paragraph 1.3 shows for roads with design speed of 85kph, the safe stopping distance is 160m.
- The Planning Authority have not explained their requirement for 220m. This is unjustifiable, unwarranted and not in accordance with the development plan.
- Kilkenny County Council require adherence to the TII Design Manual for Roads and Bridges.
- Carlow County Council require sight distances of 150m on regional roads with 80 kph speed limits.
- Driving north of the R772 to Tinnock roundabout, the sightline is approx. 140m, the sightline looking to the right towards the flyover is approx. 35m. At the roundabout north of Inch / south of Arklow, existing from the M11 the sightline towards Inch on the R772 is 35m.
- The Applicant has demonstrated the required sightlines and planning permission should be granted.
- The second reason for refusal is incorrect as it is not a new entrance.

- Objective T27(d) of the development plan applies to the proposal. The applicant meets all the criteria as there is no suitable alternative access, no additional traffic movements will occur and there is a clear need for the development.
- Wexford County Council did not apply section T27(3) of the development plan regarding shared access to the proposal.
- The applicant will not remove stone walls, mature trees, established hedgerows or flora & fauna habitats and will be forced to use an existing access that was created by Wexford County Council into a field further up the road. Ground conditions in the field might not always be suitable and there is no dwell area for lorries to pull in off the R772. The applicant wants to avoid using this entrance where a safer alternative exists.
- The Board is requested to grant permission.
- The appeal is accompanied by the following supporting documents:
 - Planning appeal form
 - Copy of Planning Authority decision
 - Letter of consent from applicant
 - Photos of existing entrance
 - Wexford County Council Roads Report
 - Photos of other sightlines in area
 - Extract TII Publication Rural Road Link Design standard DN-GEO-03031, page 9 -13
 - Letter from Consulting Engineer requesting details of decision criteria
 - Extract Kilkenny County Development Plan 2021
 - Extract Carlow County Development Plan 2015-2021
 - Photos
 - Extract Wexford County Development Plan 2013
 - Acknowledgment of Observation
 - Planning Application documentation

6.2. **Planning Authority Response**

6.2.1. None on file.

6.3. **Observations**

6.3.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Traffic

7.2. **Principle of Development**

7.2.1. The appellant submits that the Planning Authority has erred in assessing the proposed development as a “new” entrance, rather than the reinstatement of an existing entrance.

7.2.2. The public notices describe the proposed development as (amongst other) the subdivision of an existing combined entrance into two individual entrances. However, I note that drawing no. 21_096_P08 does not show the subdivision of the existing entrance into two, rather it shows the retention of the existing entrance and the creation of a new entrance 8m to the north.

7.2.3. No evidence of a previous entrance at this location was provided nor was it noticed on the date of my site visit. I am satisfied that the Planning Authority was correct in assessing the proposed development as a new entrance.

7.2.4. I note section 6.2.6 of the 2022 development plan which provides for the siting and design of access / egress points. The plan states that the Planning Authority will only permit the formation of a new access / egress to a public road where it has been demonstrated that the proposed development satisfies the criteria set out in the transportation strategy. This is addressed in section 7.3 below.

7.3. Traffic

- 7.3.1. Section 8.3.1 of the 2022 development plan states that outside of 60kph zones, guidance on sightlines is provided in Rural Road Link Design: Geometric Design of Junctions 2017/2019.
- 7.3.2. Section 8.7.2 regarding Regional Roads states that the assessment of planning applications for new or materially intensified access points to regional roads will have regard to the speed limit in place on that road and the volume of traffic which that road carries. Within Table 8-11 the R722 (former N11) Oilgate – Wexford is designated as a Class 1 Regional Road. I note that Table 6-6 in the development management volume 2 of the development plan provides the same information – that the R772 is a Class 1 Regional Road.
- 7.3.3. Objective TS73 refers, seeks “To prevent new, or the material intensification of existing, access points to Class 1 regional roads where a speed limit of more than 60kmh applies (see Table 8-11 Regional Roads). The objective does not apply certain circumstances, such as dwellings houses for farmers children etc, commercial operations etc. None of which apply to the proposed development.
- 7.3.4. Objective TS74 seeks to prevent new, or the material intensification of, existing access points to Class 2 regional roads where a speed limit of greater than 60 kmh applies (see Table 8-11 Regional Roads), except where a need for the development at that location has been clearly established and there is no suitable alternative access possible from a local road. The proposed development does not qualify under Objective TS74 as a need for the development has not been demonstrated and at least two alternatives exist – the retention of the existing scenario or the alternative access point identified by the applicant to the south of the site.
- 7.3.5. I note that the applicant states that they do not wish to remove stone walls, mature trees, hedgerows but the proposed development of a new entrance to the north of the existing entrance would do exactly that – remove a section of an unbroken hedgerow and tree line.
- 7.3.6. Section 6.2.6 of the development management manual, volume 2 of the development plan refers to the siting and design of access / egress points. It states that the Planning Authority will only permit the formation of a new access on to a public road where it has been demonstrated that: the principle of the access satisfies

the policies in chapter 8, and that the details of the access are acceptable having regard to the characteristics of the road, the availability of sightlines, design, surface water management and impacts on trees and built features.

- 7.3.7. The proposed development does not comply with section 6.2.6(b) as it requires 220m sightlines on Class 1 regional roads. The appellant submits that the Planning Authority erred in apply a 220m sightline to the proposed development but I find no evidence to support that allegation. The appellant submits that the proposed development represents an improvement in traffic safety as the existing entrance has insufficient dwell length, is insufficient wide to accommodate modern machinery and vehicles. As above, the applicant has provided details of an alternative agricultural entrance that would not require the creation of a new entrance on to a Class 1 Regional Road.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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. I recommend permission be RERFUSED for the following reasons and considerations:

9.0 Reasons and Considerations

- 1 The proposed development which seeks to create a new agricultural entrance in close proximity to an existing entrance, at a point where sightlines of less than 220m are achievable, and where a single white line exists on the R722, is contrary to Objective TS72, Objective TS73 and Objective TS74 of the 2022-2028 Wexford County Development Plan. The proposed development would remove a section of unbroken hedgerow and tree line, and given that an alternative farm entrance exists, is therefore considered to be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector

24 July 2023