



An
Bord
Pleanála

Inspector's Addendum Report

ABP-313404-22

Development	Construction of a House.
Location	Templeraíne, Arklow, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	21/1219
Applicant(s)	J. Kavanagh.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party v Grant of Permission.
Appellant(s)	John McDonald.
Observer(s)	None.
Date of Site Inspection	20/12/2022.
Inspector	Enda Duignan.

1.0 Introduction

- 1.1. This report should be read in conjunction with the original Inspector's Report in respect of ABP-313404-22 dated 07/02/2023. This report recommended that planning permission be refused for the proposed development.

2.0 Background

- 2.1. On 14th July 2023, the Board decided to defer consideration of this case and to issue a notice under Section 137 of the Planning and Development Act, 2000 (as amended). All parties were invited to make a submission in relation to the matters raised below on or before the 9th August 2023. The matter raised by the Board is detailed as follows:

'In order to provide adequate sightlines in each direction, the proposed development would appear to necessitate the removal and reinstatement of the existing roadside boundary which includes a mature hedgerow. The Board might not be satisfied on the basis of the information on file, that it has been adequately demonstrated that the overall extent of hedgerow removal is unavoidable (i.e. approximately 240m of roadside boundary). In addition, it also unclear whether it would be necessary to remove two existing mature trees located to the north of the entrance to facilitate the proposed sightlines. Given the overall extent of potential hedgerow removal, it is considered that the proposed development might adversely impact the rural amenity and character of the area as a consequence of the loss of such an extent of hedgerow, and that the proposed development might therefore be considered to be contrary to CPO 17.23 of the Wicklow County Development Plan, 2022-2028 which seeks, 'To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).'

- 2.2. This report considers the submissions made on foot of the request.

3.0 Response to Board's Correspondence

3.1. First Party Response

- 3.1.1. The applicant's agent submitted a response to the Board's request on 4th August 2023. Included within this documentation are revised plans for a relocated vehicular entrance and a supplementary report prepared by Meinhardt Consulting Engineers.

3.2. Third Party Response

- 3.2.1. None received.

3.3. Planning Authority Response

- 3.3.1. None received.

4.0 Assessment

- 4.1. As per the request of the Board and the matters raised in the original Inspector's in respect of ABP-313404-22 (dated 07/02/2023), it would appear that the proposed development would necessitate the removal and reinstatement of the existing roadside boundary which includes a mature hedgerow. Objective CPO 17.23 of the Wicklow County Development Plan, 2022-2028 seeks, 'To require the retention, wherever possible, of hedgerows and other distinctive boundary treatment in the County. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary will be required of similar length and set back within the site in advance of the commencement of construction works on the site (unless otherwise agreed by the Planning Authority).' On the basis of the documentation on the file, the Applicant had failed to adequately demonstrate that the overall extent of hedgerow removal was unavoidable (i.e. approximately 240m of roadside boundary) and it was unclear whether it would be necessary to remove two existing mature trees located to the north of the entrance to facilitate the proposed sightlines.

- 4.2. As detailed in the Applicant's response to the Board's request, it is now proposed to relocate the dwelling's vehicular entrance to the location of the existing agricultural entrance. Further to this, the Applicant has revised the entrance design of the wing walls in their form and width to reduce the impact on the existing mature hedgerow. The Applicant has also submitted a report from Meinhardt Consulting Engineers which

indicates that 90m sightlines in each direction are adequate for this road due to its road geometry and traffic conditions. The Applicant's submission indicates that the 90m sightlines with a 2.4m set back from the road edge along with the relocation of the entrance will allow for minimal trimming of the existing mature hedgerow and will further allow for the two existing mature trees to the north of the entrance to be maintained. As the Applicant is now seeking to retain the existing hedgerow (including the 2 no. mature trees), I am satisfied the proposed development is now in accordance with Objective CPO 17.23 of the Wicklow County Development Plan, 2022-2028 and the inclusion of Refusal Reason No. 2 is no longer warranted in this instance.

4.3. However, it is of relevance to note to the Board that the location of the entrance was modified by the Applicant following a request from the Planning Authority at additional information stage. This required the Applicant to demonstrate that 120m sightlines in each direction from proposed entrance could be achieved. The initial proposal provided 90m sightlines in each direction from an entrance which was located c. 15m to the north of the existing agricultural entrance. To achieve the 120m sightlines, the entrance was then relocated at additional information stage to a position c. 13.5m to the south of the existing agricultural entrance. In terms of the report from the Applicant's consulting engineer, they have contended that a number of relaxations could be applied to the sightline requirements for the proposed access. This includes a reduction in the sightline setback to 2.4m (from 3m). In addition, it is stated that the sightline object point could be taken to the centre line of the road (and not the nearside edge) without any associated increase in risk. In coming to this recommendation, the following was noted in the engineer's report:

- The proposed access is replacing an existing agricultural access and as a result, the increase in traffic resulting from this development is insignificant from road safety perspective.
- The L2172 is a lightly trafficked rural road with good horizontal and vertical geometry in the vicinity of the subject site.
- There are horizontal bends in the road alignment to the northwest and southeast of the subject site which results in low speeds passing the proposed site access.
- There is an existing verge approximately 1.5m in width.

- The L2172 is not sufficiently wide or trafficked to be subject to any overtaking maneuvers.
- The engineers are not aware of any history of accidents in the vicinity of the subject site.

4.4. Given the nature of the proposed amendments, the Board will need to be satisfied that a reduction in the sightline requirement is appropriate in this particular instance and I refer to Section 2.1.9 (Entrances & sight lines) of Appendix 1 (Development & Design Standards) of the current CDP which is relevant in this regard. The policy notes that new entrances shall be designed having regard to the design speed, function and traffic volumes on the adjoining public road and the policy states that clear sightlines will be required to be available or provided at new entrances. The sight distance required shall be calculated using the applicable road design manual having regard to the following criteria:

- The designation of the road, its function in the road hierarchy and existing / projected volumes of traffic;
- The typical speed (not the speed limit) of the road;
- The vertical and horizontal alignment of the road;
- And any other such factors that may be pertinent to the specific location or as may be set out in road design manuals.

5.0 Recommendation

5.1. I refer to the previous Inspector's Report and recommendation on this application dated 07/02/2023 to refuse planning permission. Having regard to the Applicant's response and the modified plans which now provides for the retention of the existing hedgerow and 2 no. mature trees, I am satisfied that the proposed development is in accordance with Objective CPO 17.23 of the Wicklow County Development Plan, 2022-2028. The inclusion of Refusal Reason No. 2 as recommended in the original Inspector's Report in respect of ABP-313404-22 (dated 07/02/2023) is therefore no longer warranted in this instance.

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.

Enda Duignan
Planning Inspector

06/10/2023