



An
Bord
Pleanála

Inspector's Report ABP-313563-22

Development	House, domestic garage, wastewater treatment system, and site entrance
Location	Aghills, Skibbereen, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/132
Applicant(s)	Richie Collins
Type of Application	Permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	Third party against grant
Appellant(s)	Transport Infrastructure Ireland
Date of Site Inspection	23 rd January, 2023
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in Aghills Townland, which is a rural area to the west of Skibbereen Town, County Cork. It is located on a private cul-de-sac lane which is accessed off the N71 and the lane serves a farmyard, farmhouse and a single house. The site is located c.4km outside the town and is approx. halfway between Skibbereen and Leap, which is a designated Scenic Route. The junction of the private lane with the main road (N71) is at an oblique angle and is on the southern side of the carriageway. The access road rises sharply from the main road and there is a sharp bend in the lane to the west of the existing cluster of development. There are two further houses to the northwest of the site which are accessed directly from the N71. The lands are elevated above the N71 and overlook Shepperton Lakes to the north and there is a ringfort to the south.
- 1.2. The site area is given as approx. 0.24ha. It forms part of a larger agricultural holding of c.45ha. There is an existing house immediately to the east of the site (which is identified as the family home), and just beyond that is the entrance to the farmyard and farmhouse owned by the applicant's uncle. The site is rectangular in shape and has frontage to the private lane. There is an existing hedgerow together with an impressive row of tall, mature trees along the northern boundary with the private lane, between the adjacent entrance to the family home and the inside curve of the bend in the lane. There is a further tall, mature hedgerow along the eastern boundary which separates the site from the family home.

2.0 Proposed Development

- 2.1. It is proposed to erect a two-storey dwelling with a stated floor area of 224sq.m. The proposed development includes the construction of a detached domestic garage and the installation of a septic tank and percolation area. It is proposed to provide water supply from a new bored well. Drainage from the site is to be captured by means of soakaways and a drainage grating at the entrance.
- 2.2. The proposed 2-storey dwelling has a stated floor area of 247sq.m. (ridge height 7.9m) and the detached garage has a floor area of 24sq.m. The proposed dwelling would be set back some 34 metres from the northern boundary and located towards the south-western corner of the site. Access from the lane would be from the north-

eastern corner via a long T-shaped driveway (c. 30m long and 3.5m wide) to be finished in gravel and terminating at the domestic garage. The septic tank and percolation area would be located in the north-western section of the site. It is proposed to retain the hedgerow on the eastern boundary. The northern boundary hedgerow is to be replaced by a timber post-and rail fence with a new native hedgerow to the west of the proposed entrance. It is stated in the submitted documentation that it is intended to retain the row of mature trees along the northern boundary, but this is not entirely clear from the submitted drawings.

- 2.3. The applicant has recently taken over running the farm from his father. He and his family live in the adjoining house to the east, with his parents. It is stated that he works full time of the family farm and has grown up in the area.

3.0 Planning Authority Decision

3.1. Decision

On 25th April 2022, Cork County Council decided to grant permission for the proposed development subject to 15 conditions. The conditions were generally of a standard type. The following were of note:

- Cond 2. Occupancy clause – 7 years
- Cond. 3-4 Materials and finishes – smooth rendered walls painted, dark slate.
- Cond. 5 Landscaping – trees and hedgerows to be retained and northern and western boundaries to be planted as shown in submitted layout plan.
- Cond.6 Bond of €3,000 to ensure satisfactory completion of landscaping- tree and shrub planting (cond. 5)
- Cond.8 Existing trees and hedgerows to be maintained, trees along main road to be maintained to provide adequate sight distance along public road.
- Cond. 13 Wastewater treatment – proprietary treatment system
- Cond. 14 Archaeology – no development within 50m of ringfort
- Cond 15. Development contribution – GDCS - €3,503.36.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report (13/04/22) noted that the site is located within a 'Tourism and Rural Diversification' (CDP 2014) and made reference to the policy context for the proposal and the Area Engineer's report. It was considered that the applicant had demonstrated that he complies with the rural generated housing need criteria provided for in the County Development Plan (RCI 4-3) as he is a farmer who is farming the landholding and lives with his parents in the adjoining house.

It was noted that the site is located on elevated ground overlooking a scenic route between Skibbereen and Leap and is visible from same. However, it was noted that it is not located within a High Value Landscape and that the views are generally in the opposite direction, towards the lakes to the north. The presence of an archaeological monument (ring fort) approx. 70m to the north was also noted. It was considered that the row of trees in front of the house should be retained to assist with screening the proposed development.

The concerns raised by TII in relation to the access onto the N71 and the impact on the carrying capacity of the national road, and the response from the Area Engineer were noted. It was generally considered that intensification onto the N71 would be minimal due to the presence of the existing access, which already serves two dwellings and a dairy farm. The Area Engineer did not object to permission being granted subject to conditions including maintenance of the hedgerows along the roadside boundary. Permission was recommended subject to conditions.

3.2.2. Other Technical Reports

The Area Engineer noted that the site is accessed via a private laneway which has an existing entrance onto the N71. It was noted that sight visibility at the entrance is currently optimised by trimming of hedges and verges on both sides of the entrance and commented that this practice would need to continue with regular maintenance.

The Area Engineer was generally satisfied with the proposed water supply, surface water drainage arrangements and the proposed means of dealing with wastewater disposal.

3.3. Prescribed bodies

3.3.1. One submission was received from TII dated 5th April 2022. The submission was in the form of an objection to the proposed development. It may be summarised as follows:

- The application is at variance with official policy in relation to control of development on/affecting national roads, as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- The proposal if approved would create an adverse impact on the national road where the maximum permitted speed limit applies and would be at variance with the foregoing national policy in relation to control of frontage development on national roads.

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

On subject site – None.

On nearby sites

PA Ref. 18/311 – Planning permission granted for a slatted house on the family farm (same applicant).

21/713 – Planning permission granted (Liam and Celine O'Donovan) for a house on a site approx. 200m to the west.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. **National Strategic Outcome 2** Enhanced Regional Accessibility – seeks to enhance accessibility between key urban centres of populations and their regions.

5.1.2. **National Policy Objective 15** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas

that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

- 5.1.3. **National Policy Objective 19** makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. **National Development Plan 2021**

- 5.2.1. Chapter 7 (NSO 2) – seeks to ensure a high degree of accessibility for all regions and urban areas, to other regional centres and to our cities as well as developing and supporting regional connectivity.
- 5.2.2. The National Roads network is identified as a key backbone network for both sustainable mobility (for example buses) and private transport provision. The investment in this type of infrastructure under the NDP is seen as important for improving transport links, providing better journey times and reliability as well as safe routes for road users.

5.3. **Spatial Policy on National Roads Guidelines (DoECLG 2012)**

- 5.3.1. This policy recognises and asserts the strategic importance of the national road network to the country's economic, social and physical development. On this basis it seeks to ensure that the considerable investment in the national road network to date and in the future is protected in terms of the maintenance of the efficiency, capacity and safety of the network.
- 5.3.2. Section 2.5 states in respect of lands adjoining the national roads to which speed limits of greater than 60kph 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 to national roads to which speed limits greater than 60kph apply. This provision applies to all categories of development, including

individual houses in rural area, regardless of the housing circumstance of the applicant.”

- 5.3.3. At 2.6 it is stated that notwithstanding the provisions of Section 2.5, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted with or taken on board the advice of the NRA and having followed the approach set out in 2.6 of the policy document.

5.4. **Sustainable Rural Housing Guidelines for Planning Authorities**

- 5.4.1. These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and perhaps seeking to build their first home near the family place of residence.

5.5. **Cork County Development Plan 2022-2028**

- 5.5.1. **Introduction:** - The planning application was considered and determined by the planning authority under the previous development plan for the area, namely the Cork County Development Plan 2014. However, a new Development Plan was adopted on the 25th of April 2022 and came into effect on the 6th of June 2022. The new County Development Plan incorporates the plans for each of the Municipal Districts. The site is located within the West Cork Municipal District which is contained within Volume 5 of the CDP.
- 5.5.2. The site is located in a rural area just off the N71 between Leap and Skibbereen, in an area designated as **Tourism and Rural Diversification Area (Chap. 5)**. These areas are characterised by considerable pressure for rural housing, particularly holiday and second homes and also have higher levels of environmental and landscape sensitivity, together with weaker economic structures and significant opportunities for tourism and rural diversification (5.4.5). Objective **RP5-26**

recognises the limited capacity of such sensitive coastal areas for significant levels of development.

CDP Objective RP 5-5: Tourism and Rural Diversification

This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need:

- (a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- (b) Persons taking over the ownership and running of a farm on a full-time basis, (or part – time basis where it can be demonstrated that it is the predominant occupation), who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- (c) Other persons working full time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway, marine related occupations or rural based sustainable tourism, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- (d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- (e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.

(g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

5.5.3. The site is located on lands which have not been specifically zoned. **Objective ZU18-4** (Chapter 18) states that in such cases, the zoning shall be deemed to be that of the existing use of the lands, or if unauthorised, that of the most recent authorised use. It is located outside of the area designated as High Value Landscape but the N71 is designated as a Scenic Route (S82) between Leap and Skibbereen.

5.5.4. Other relevant chapters and policies of the main CDP (Volume 1) are as follows:

Chapter 12 – Transport and Mobility

TM 12-13 National, Regional and Local Road Network

- (b) Support the maintenance of the efficiency and safety of the existing national primary and secondary road network by targeted transport demand management and infrastructure improvements.
- (j) Restrict individual access onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety and to prevent the premature obsolescence of the network.
- (k) Limit access to regional roads where appropriate so as to protect the carrying capacity of the network and have regard to safety considerations, particularly where access to a lower category road is available.

- (m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.
- (n) Prevent the undermining of the strategic transport function of national roads and protect the capacity of interchanges from locally generated traffic.

Chapter 14 - Landscape sets out the objectives for landscape protection. **Appendix F** contains the **Landscape Character Assessment for County Cork**. The site is located within the **Broad Marginal Middleground and Lowland Basin**. This Landscape Type has a 'Low Landscape Value' and a 'Medium Sensitivity' and is of 'Local Landscape Importance'. The most relevant Landscape policies are :-

GI 14-9 Landscape (a) Protect the visual and scenic amenities of County Cork's built and natural heritage; (c) Ensure that new development meets high standards of siting and design; (d) Protect skylines and ridgelines from development; and (e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

GI 14-13 Scenic Routes – Protect the character of those views and prospects obtainable for Scenic routes.

GI 14-14 Development on Scenic Routes

- (a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.
- (b) Encourage appropriate landscaping and screen planting of developments along scenic routes.

5.6. **Cork County Rural Design Guide** – provides Guidance on the siting, layout and design of development in rural and coastal areas.

Siting - The aim of site selection is to ensure that development appears visually integrated and sympathetic with its surrounding landscape rather than imposed upon it. It is important to avoid exposure and prominence and to seek shelter and integration with the landscape. The advice is to avoid building on prominent, unsheltered hillside locations and avoid building on ridges.

Layout – Use layout to minimise visual impact by avoiding prominence. Orientate the building with the contours to give an integrated appearance.

Design – proportion, form, scale and massing - simple vernacular style is generally single-storey with a rectilinear plan, usually no more than one room deep, with gable-end or hipped end details.

- Proportion – traditional houses maintain a balance between the height, the walls and openings. There should be a high solid-to-void ratio with vertical emphasis of openings.
- Scale – extremely important to ensure that the building's size is relative to its surroundings.
- Form – should be simple, narrow width, steep roof, vertically proportioned windows, low eaves, central chimney at gable and natural local finishes.
 - Colour – choice of colour and materials should blend in with local traditions and surrounding buildings. Contrast between roof and walls provides relief and lighter coloured walls with darker roofs are traditional.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- **National policy** – the proposed development is contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) which state that development should not be permitted where a new access or intensification of an existing access onto a national road at a point

where the speed limit exceeds 60kph. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant (2.5). The proposal will give rise to additional vehicular/turning movements resulting in an intensification of the existing access onto the N71 by reason of the day-to-day occupation of the house, patterns of activity associated with the use, trips generated by other services, visitors, utilities etc. This would give rise to a traffic hazard and would fail to preserve the carrying capacity of the road.

- **No exceptional justification** - Section 2.6 of the SPNRG policy provides for a plan-led approach with a less restrictive application of the control of development, but the 2014 CDP does not include such a provision. It is considered that the P.A. has granted permission in the absence of any exceptional reasons justifying departure from the official policy restricting access to the national road network. Furthermore, the applicant appears to have an alternative means of access to the local road network.
- **Local Development Plan Policy** – The proposal does not accord with policy objective TM 3-1 (Cork County Development Plan 2014). This policy objective seeks to restrict individual accesses onto national roads in order to protect the substantial investment in the national road network; Avoid the creation do additional access points/generation of increased traffic from existing accesses onto national roads where speed limits of greater than 50kph apply; and prevent the undermining of the strategic transport function of national roads. The proposal would result in the intensification of a direct access to a highly trafficked national road in the absence of any exceptional reasons justifying a departure from official policy.
- **Road safety considerations** – official policy identifies that the creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. 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 official policy. Concern is expressed regarding the intensification of use of a direct private laneway access to a national road in

light of the stated policy and having regard in particular to the high-speed section of road involved and to the nature of the road at this location, which is characterised by a double continuous white line.

- **Protecting public investment** – there is a critical need to maintain the strategic function and to protect, maintain and ensure the safety of the national road network, which is a finite and critical resource. The Board will be aware of the priority to ensure adequate maintenance of the national road network in order to protect the value of previous investment. This is reflected in the NPF National Strategic Outcome 2 which seeks to ‘Maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements. Furthermore, the National Development Plan (Chapter 7) sets out the key sectoral priority of maintaining Ireland’s existing national road network to a robust and safe standard for users.
- **Planning precedence** – The proposed development would set an undesirable precedent for other similar development impacting on the strategic national road network.
- **Procedural issues** – No reference is made in the reports by either the Area Planner or the Area Engineer to the National Roads Policy (SPNR guidelines) or to Objective TM 3-1 of the P.A.’s own development plan. The assessment is therefore procedurally deficient.

6.2. Planning Authority Response

- 6.2.1. The planning authority responded on the 25th May 2022. It was reiterated that the P.A. stands by its decision to grant permission. Reference was made to the rural housing need of the applicant, which complied with the settlement policy for RCI 4-3: Tourism and Rural Diversification Area.
- 6.2.2. In terms of precedent, reference was made to ABP Ref 304947 (PA Ref. 19/59). It was noted that permission was granted by the Board on the basis that the proposed development would not significantly impact on the carrying capacity of the N71, having regard to an existing access, the existing number of vehicular trips generated by the existing use, the pattern of development in the area and the nature and small scale of the proposed development.

6.3. First party Response

- 6.3.1. The first party responded to the grounds of appeal on the 27th of May 2022. The response is on the file for the Board to view. The response was mainly in the form of a rebuttal of the grounds of appeal and reiterated the points made in the submissions to the planning authority as part of the further information and clarification provided, which have been summarised above.
- 6.3.2. It was accompanied by two site location maps, one relating to previous planning application (PA Ref. 18/311) and the second relating to the current application (PA 22/132), and an aerial photograph showing the local road network. It was refuted that the family landholding has access to the local road network. It was claimed that the local access did not exist within the landholding at the time of the 18/311 application and that in the meantime, the ownership of these lands has changed.
- 6.3.3. It was reiterated that the applicant has a rural housing need and that he lives and works on the family farm.

7.0 Planning Assessment

7.1. Introduction

- 7.1.1. I consider that the principal planning issues arising from the appeal are compliance with national and local planning policy, particularly in respect of access to national roads, and traffic/road safety.

7.2. Compliance with policy framework

Rural Settlement Policy

- 7.2.1. As the applicant is a son of the landholder and lives and works on the family farm it is considered that he has a rural generated housing need to live in the area and complies with the requirements of Policy RP 5-5 of the current Cork County Development Plan (2022), which was adopted since the application was determined by the P.A. The policy for Tourism and Rural Diversification has not changed in any material way. Thus the proposed development is considered to be generally in accordance with the rural settlement policies for the area.

National Policy relating to National Roads

- 7.2.2. NSO 2 of the NPF recognises the importance of ensuring good quality connectivity and accessibility between all regions and between urban areas within these regions. The NDP seeks to achieve enhanced regional accessibility by increasing investment in the infrastructure which facilitates such connectivity. This is seen as essential investment for improved transport links for both private and sustainable transport modes (such as busses) which help to improve journey times, reliability and safety of road users.
- 7.2.3. The Spatial Planning and National Roads Guidelines (2012), to which the Board must have regard, describe the function of National Roads (1.3) and state that the primary purpose of the National Roads network is to provide strategic links between the main centres of employment and population and to provide access between all regions. It is further stated that the Government has invested heavily in the provision and enhancement of the country's transport infrastructure systems and as such, it is of considerable importance that the efficiency, capacity and safety of the network is maintained. 'Strategic traffic' (1.4) is defined as major inter-urban traffic or inter-regional traffic which contributes to socio-economic development and the transportation of goods and products between main ports/airports. It is stated that the strategic traffic function of national roads must be maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads. This approach is considered to be consistent with the policy approach in the more recently adopted NPF and in the NDP.
- 7.2.4. The section of road in question is one where the maximum speed limit applies, i.e. 100kph and the policy relating to national roads to which speed limits of greater than 60kph apply, is therefore the relevant one. It is also part of the heavily trafficked tourist route, between Clonakilty and Skibbereen and onwards to the West Cork peninsulas. As such it is considered to be a route which facilitates strategic traffic as referenced in the guidelines, and the maintenance of capacity, efficiency and safety is therefore of considerable importance.
- 7.2.5. One of the Key Principles of the Guidelines (1.5) includes reference to the creation of new access points or the intensification of the use of existing access points which can lead to the generation of additional traffic turning movements which introduce

additional safety risks to road users. The Guidelines (2.5) state that this should be avoided, and that the policy applies to all categories of development, including rural houses, regardless of the housing need circumstances of the applicant. It is further stated that a less restrictive approach should only be applied as part of the development plan process and in conjunction with the NRA (now TII).

7.2.6. The 2022 Cork County Development Plan, which was adopted since the P.A. decision was made, sets out the Strategic Road Infrastructure Investment at 12.16. It recognises the crucial importance of the strategic road network to the economy and society of the County, in terms of facilitating the movement of goods, services and people. The 2022 Plan follows the guidance of the SP&NRGs in terms of TM 12-13, (j), (m) and (n). These policy objectives are equivalent to TM 3-1 (c), (d) and (e), respectively, of the 2014 CDP under the provisions of which the P.A. decision was made. I am not aware of any less restrictive approach provided for within the CDP.

7.2.7. The **TM12-13** policy objectives specifically state the following:-

- (j) Restrict individual access onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety and to prevent the premature obsolescence of the network.
- (m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.
- (n) Prevent the undermining of the strategic transport function of national roads and protect the capacity of interchanges from locally generated traffic.

7.2.8. Access is gained to the site of the proposed development by means of an existing access junction with the N71. This access already serves two houses and a farmyard. The junction is poorly designed and substandard in terms of layout. The TII considers that an alternative access is available to the applicant, by reference to a previous planning application by the same applicant for a slatted shed and slurry tanks on the family farm (PA Ref 18/311). I note that the first party has responded to this (27/05/22) by stating as follows:

“Transport Infrastructure Ireland are incorrect in stating that the site/family farm avail of access via the local road network. Reference is made to P.A. Ref. 18/311, which extends towards Shepperton Park. Close inspection of Site

Location Map CK142 (Ref. 1) that local access did not exist within this landholding and that the site/farms only access is via the N72. This fact is immaterial however as these lands are no longer in the ownership of the applicant/family landholding, as indicated in site location Map -2022-20 (Ref. 2), submitted with application 22/132.”

7.2.9. Although the landholding map submitted with Ref. 18/311 may not have indicated the presence of an existing entrance/access onto a local road, it is clear from the submitted map (OS Ck 142) that the landholding did have frontage to a local road to the east of the family lands. It is considered that this could have provided for an alternative means of access to the site, or at least to the landholding, which may have avoided the use of the existing access off the N71. No information has been provided, however, relating to why or when the land ownership changed, nor has any evidence been provided to substantiate this.

7.2.10. It is further noted that the applicant had engaged in pre-application discussions with the P.A. and had received the following advice on the 2nd September 2021.

“The access onto the N71 appears to have restricted sight lines, particularly from the eastern approach and there may be additional road safety issues associated with residential development. Any proposal is likely to be subject to inspection by the NRA. It is therefore advisable to seek advice on this issue prior to lodging any formal planning applications on the site.”

There is no indication that the applicant or his agent had sought any advice from the TII (formerly NRA) on this matter.

7.2.11. It is considered that the national and local policy framework in relation to the national road network is very clear in its intent to avoid development which would undermine the strategic function and/or compromise the safety and free flow of traffic on the national roads. The proposed development would result in the intensification of the existing access onto the national road, which would generate additional traffic turning movements at a point where the maximum speed limit applies, and where sightlines at the junction with the private lane are restricted. The proposed development, therefore, clearly contravenes Objective TM 12-13 of the current CDP, which is consistent with the national policy and guidance relating to the protection of the national road network.

7.3. Traffic hazard

- 7.3.1. The site is accessed by means of a short private lane with a steep gradient, which currently serves the family home, the applicant's uncle's house and the family farm. The site is located on a relatively narrow stretch of the N71, approximately halfway between Leap and Skibbereen, which is both a busy section of road and one that experiences traffic travelling at speed, with a speed limit of 100kph. There are no hard shoulders along this stretch, which is located between two bends, one to the east and one to the west, and there is a continuous white line between the two bends, which continues for some distance in either direction.
- 7.3.2. The existing entrance is located on the southern side of this stretch of road. The layout is substandard as it is positioned at an oblique angle to the main road. It is considered that this has the dual effect of severely restricting sightlines at the exit, particularly in an easterly direction and of hiding the entrance from approaching traffic from the east. I estimate that the sightlines available in each direction are approximately 70-80 metres, which would be considerably below the stopping distance for a design speed of 100km per hour. The vegetation and high ditches on the southern side of the carriageway exacerbate the problem.
- 7.3.3. It is noted that the Area Engineer (12/04/22) was not opposed to the development as proposed. He had noted, however, that the existing entrance "has been optimised by the trimming of hedges and verges on both sides of the entrance, a practice that will require regular maintenance". The Area Planner seemed to be satisfied with the proposal, notwithstanding the TII objections, on the basis that any intensification of the entrance is likely to be minimal. It is noted, however, that this comment appears to be based on professional opinion and no evidence appears to have been sought or submitted to substantiate this viewpoint.
- 7.3.4. The policy objective TM12-13(m) of the current Cork County Development Plan 2022, (which is similarly worded to Objective TM 3-2(d) of the 2014 CDP), is generally consistent with National Roads policy to restrict new entrances to the national road network in the interests of both traffic safety and in terms of the protection of the investment and carrying capacity in the road network. I do not agree with the planning authority's view that any intensification of the use of this entrance would be minimal. The proposed development will provide an additional single house

on an individual plot, which will effectively create a new planning unit with an additional household and all the servicing and trip generation associated with a separate use. The additional turning movements associated with this intensification would give rise to a traffic hazard, which would be exacerbated by the poor layout of the junction and the alignment of the national road at this location.

- 7.3.5. In conclusion, it is considered that the proposed development would give rise to a traffic hazard by the intensification of the existing entrance on this stretch of road, by reason of the additional turning movements at this location and the substandard nature of the junction where sightlines are restricted. Furthermore, it would undermine the capacity and efficiency of this important national road, which is contrary to both national and local policy. It is considered that the proposed development should be refused on these grounds.

7.4. Other matters

- 7.4.1. The site is located on elevated ground above the N71, which is a Scenic Route, overlooking Shepperton Lakes and there is a ringfort (National monument) to the south. The existing northern boundary (with the private lane) comprises a c.2m high sod and stone ditch with an impressive row of tall, mature trees. There is dense vegetative screening to the east, but the western boundary is relatively open and the lands continue to rise to the south.
- 7.4.2. The proposed development comprises a 2-storey house with a ridge height of 7.9m and it is set back c.34m from the private lane. Although there would be some cutting and filling, the proposed dwelling would sit c.1.6m above the level of the private lane, which in turn is several meters above the level of the N71. Thus, the site is in a reasonably prominent and exposed location and may be visible from the west. It is proposed to retain the dense vegetative screening to the east (with the family home) and it is proposed to plant trees/hedgerows to the west. However, it is not entirely clear whether it is proposed to retain the row of mature, tall trees on the northern boundary. It is considered, therefore, should the Board be minded to grant permission, that conditions should be attached to any such permission requiring the retention of the ditch and row of mature trees except for the section where the entrance is to be located, and that the proposed landscaping along the western and northern boundaries be carried out in accordance with the submitted plans.

8.0 Appropriate Assessment

8.1.1. The site does not lie within or immediately proximate to any designated European site. There are four European sites within 15km of the site as follows

- Moyross Wood SAC (001070) – located c. 2.5km to the east.
- Castletownshend SAC (001547) – approx. 3km to the southeast.
- Sheeps Head to Toe Head SPA (004156) located approx. 10km to the south.
- Lough Hyne Nature Reserve and environs SAC (000097) – located approx. 12km to the southwest.

8.1.2. The closest European sites are Moyross wood SCA and Castletownshend SAC, which are located approx. 3km away. The Qualifying Interest for each of these sites is the Killarney Fern. There is no evidence of any hydrological link to these SACs and they can be screened out.

8.1.3. The distances between the site of the development and the remaining European sites are considered to be too great and there is no information indicating any hydrological link with any of these sites. Each of the European sites in the vicinity can therefore be screened out.

9.0 Environmental Impact Assessment

9.1.1. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

10.0 Recommendation

10.1. I recommend that permission is **refused** in accordance with the following reasons and considerations.

11.0 Reasons and Considerations

1. It is considered that the proposed development, which would result in the intensification of use of an access onto the N71, which is a Strategic National Secondary Road, at a point where a speed limit of 100 km/h applies, where

sightlines are restricted in both directions, would endanger public safety by reason of a traffic hazard and the additional and conflicting traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, fail to preserve the level of service and carrying capacity of the National Secondary Road and to protect the public investment in the road, which would be inconsistent with the Spatial Planning and National Roads Guidelines 2012, would contravene Objective TM 12-13 of the current Cork County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because the site is located alongside a busy National Secondary Road at a point where the width and alignment of the public road is substandard and the layout of the junction at the entrance to the private lane has restricted sightlines, and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainability 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.

Mary Kennelly
Senior Planning Inspector

14th June 2023