



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314435-22

#### Development

Demolition of vehicle repair/valet garage and replacement with a storey and a half dwelling house, single storey domestic garage, wastewater treatment system and percolation area, use of long established entrance and access lane from public road currently serving the vehicle repair/valet garage to alternatively serve the proposed dwelling house, provision of passing layby on laneway, implementation of comprehensive landscaping works together with all ancillary site development works

#### Location

Gorteens, Castleblayney, Co. Monaghan

#### Planning Authority

Monaghan County Council

#### Planning Authority Reg. Ref.

22194

#### Applicant(s)

Jane McGuigan & Ryan Boyle..

#### Type of Application

Permission

#### Planning Authority Decision

Grant

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Transport Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> July 2023.
<b>Inspector</b>	Sarah Lynch

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## 1.0 Site Location and Description

1. The irregular shaped appeal site has a stated 0.795ha area. It is located in the Townland of 'Gorteens', c5.5km to the southeast of the historic centre of Castleblayney, in the rolling drumlin landscape of County Monaghan.
2. The site comprises of an existing access that served a vehicle repair garage and valeting commercial operation 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 lane's 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.
3. The ground levels fall steadily in an easterly direction from the rear of the main site area.
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.
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 and is bounded by mature hedgerows and trees. The surrounding area is characterised by its rural and agricultural nature.

## 2.0 Proposed Development

1. Planning permission is sought for the construction of a storey and a half dwelling house with a given gross floor space of 275m<sup>2</sup>, single storey domestic garage with a given gross floor space of 72m<sup>2</sup>, 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.

## 3.0 Planning Authority Decision

### 1. Decision

Monaghan County Council granted permission subject to conditions.

### 2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further information was requested by the planning authority which sought the following:

- Justification of proposed development on traffic grounds and demonstration of compliance with policy NRP1 of the Monaghan Development Plan. The applicant is requested to submit the full traffic report referred to within the application.
- Revised sight layout plan showing minimum visibility standards are achievable.

#### 3.2.2. Other Technical Reports

- **Road Design** - requested the foregoing FI and also requested a road safety audit, revised drawings demonstrating all required alterations, details of proposal to address conflict of entering and exiting traffic onto private lane from N53.
- In response to further information the Road Design office stated that they were not satisfied that the applicant had not shown that minimum visibility requirements within the horizontal and vertical planes could be achieved without removal of hedging and legal agreements pertaining to same. Incorrect measurements have been submitted and Road design can not endorse the plans provided.
- **Environmental Health:** No objections, subject to safeguards

### 3. Prescribed Bodies

TII – proposed development would create an adverse impact on the national road where maximum speed limit applies. National policy is to restrict additional accesses to or intensification of existing accesses onto national road.

### 4. Third Party Observations

None

## 4.0 Planning History

- **ABP 310975** – Permission refused for storey and a half dwelling house, single storey domestic garage, wastewater treatment system and percolation area – Reason for refusal relates to the non-compliance with National Planning Objective 19 of the National Planning Framework.
- **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.

### 1. 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.”*

## 5.0 Policy Context

### Development Plan

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 and Castleblayney on un-zoned land.
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*”.
3. Section 2.6 of the Plan deals with the matter of Rural Settlement.
4. Section 2.8 of the Plan sets out Rural Area Types.
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".*

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.
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."*
8. Section 15.17 of the Plan deals with the matter of housing in rural areas.
9. **Natural Heritage Designations**
10. Dundalk Bay SAC & SPA is located. 19km south east of the proposed development.



## 11. EIA Screening

12. Having regard to the nature and scale of the development proposed, i.e., a dwelling house 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

### 1. Grounds of Appeal

Transport Infrastructure Ireland have submitted a third-party appeal to the proposed development which 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.
- 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 -December 2021.
- 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.

## **2. Applicant Response**

- Applicants contend that they have proven that the proposed development will reduce traffic utilising entrance and have provided an engineer's report to substantiate same.
- Applicant contends that road fatalities have decreased and are not relevant to the section of the N53 where the subject site is located.
- Applicant contends that inadequate consultation in relation to roads issues was afforded at the time of application for permission.
- Entrance will be set back to sufficient distance to permit future improvements.
- Applicant needs to reside at home.

### 3. **Planning Authority Response**

- No comment to make

### 4. **Observations**

- None

## 7.0 **Assessment**

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.
2. It is important to note at the outset that there have been no substantive changes within the current appeal in relation to access onto the N53 to that of the previous appeal under ref: 310975 and as such the main issues of access still remain. I note however that the previous appeal was refused on the basis of being within a rural area under strong urban influence. I draw the Boards attention to Map 2.4 'Rural Areas Under Strong Urban Influence' , it is clear from this map that the proposed development site is not within the boundary of the area identified as being a rural area under strong urban influence and instead is located with a rural identified within the development plan as being a 'remaining rural area'. The assessment of the proposed development in terms of the settlement strategy and rural housing policy will therefore be assessed in accordance with the policy pertaining to 'Remaining Rural Areas'.
3. With regard to the reason for refusal, it is the view of the appellant (TII) that there is no exceptional circumstances demonstrated by the applicant in this case that would justify overriding the Government objective in relation to such development along National Primary Routes whereby maximum speed limits apply.

4. In relation to this concern the First Party contend 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.
5. I therefore propose to assess this appeal case under the following broad headings:
  - Access
  - Principle of the Proposed Development
6. In addition, the matter of 'Appropriate Assessment' requires examination.

### **Access**

7. The appellant by way of their submissions to the Board consider that the issues pertaining to the proposed development as outlined within the previous appeal 310975 by the appellant remain valid. The appellant refers to the previous inspector's report whereby a full assessment of the proposed access was undertaken and whereby it was stated that the proposed access would be contrary to the policies of both the development plan and the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities', 2012.
8. It is contended by the appellant that 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.
9. It is reiterated within the appeal 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 sections of national road where the maximum speed limit applies introduces a significant safety risk to road users on a national road.

10. It is further contended that the exceptional circumstances set out under Section 2.5 of the aforementioned Ministerial Guidelines do not apply to this application as a rural dwelling house cannot be considered a development that is of National and/or Regional Strategic Importance. I note that the appellant outlines that whilst National Roads comprise of 6% of total public road length, they carry approximately 45% of all traffic and 50% of public transport. There is therefore a critical need to protect the strategic function of these roads. In addition to the carrying function of these roads it is stated that reducing and restricting access to these roads is proven to reduce fatalities.
11. Concern is raised by the appellant that the Road Design section of Monaghan County Council was not satisfied that the proposed development addressed sight line issues at the proposed shared access lane and refused to endorse the proposed development on this basis. The appellant is concerned that there are outstanding planning issues at this site that remain unresolved.
12. 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.
13. It is further contended by the applicant that the issue of fatalities and accidents does not relate to this Section of N53 at the proposed development site and is therefore not relevant to the consideration of the proposed development. It is argued that sight lines are adequate, and this has been demonstrated by a traffic engineers report.
14. It is important for the Board to note that I carried out a site inspection after what would be considered 'peak Hours' and observed traffic travelling at high speeds past the boundary of the proposed site. Traffic volumes were steady, and one can imagine at peak times could be described as heavy.
15. The entrance lane is narrow and would not allow for two vehicles to pass whilst entering and leaving the site. Any vehicle entering the site from the south would be forced to stop in the hard shoulder to permit any exiting vehicles to leave. It is clear that this movement would impede sight visibility to the exiting vehicle.

16. Additionally in the event of a vehicle turning into the site from the north and crossing the centre line of the road, there is a potential for this vehicle to come to a stop on the carriageway to wait for a clearing in oncoming traffic and/or to permit safe egress of traffic from the private lane, such vehicles would remain stopped on the main carriageway therefore posing a traffic hazard at this location.
17. Therefore, having observed traffic flows on this road at the entrance to the proposed site and having regard to the existing policy in relation to entrances onto National primary Routes within both the Monaghan County Development Plan and the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities', 2012, and having regard to the concerns of the Monaghan Road Design Section and that of TII, I am not satisfied that the applicant has demonstrated an exceptional circumstance to permit the proposed development at this location.
18. Whilst I acknowledge the applicants concerns and their wish to locate adjacent to the family home which is reasonable, the policy in relation to the permitting of new entrances or the alteration of existing entrances onto a National Primary Route is clear. In addition, there has been no change in policy or circumstance since the previous appeal and as such I recommend that the Board refuse the application based on a contravention of the County Development Plan in this regard.
19. The applicant should note that the protection of National Primary routes in terms of carrying capacity and safety has a direct correlation to reductions in fatalities and whilst it has been argued by the applicant that such fatalities and accidents do not relate to the section of road at the proposed development, to permit the proposed development contrary to the provision of the development plan and national guidance would set an undesirable precedent for similar development at other locations. This would not be acceptable.
20. Overall, whilst I acknowledge the applicants' grievance with the appellant's grounds of appeal, given the circumstances and the policy position in relation to accesses onto national primary routes I am left with no option but to recommend the application is refused in this regard.

### **Settlement Strategy**

21. The site is located in an area identified within the Monaghan County Development Plan as a 'remaining rural area'. In such areas the plan recognises that 'sustaining

smaller community areas is important and as such it is considered appropriate to facilitate rural housing in accordance with the principles of proper planning and sustainable development. In these areas the challenge is to retain population and support the rural economy while seeking to consolidate the existing village network.

22. I note that the NPF also recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside. The document states that a more flexible approach, primarily based on siting and design, will be applied to rural housing in areas that are 'not subject to urban development pressure', Nonetheless, one-off housing will, however, be required to be considered within the context of the viability of smaller towns and rural settlements. Castleblayney is the nearest rural town to the proposed site and I note that dereliction is evident in both commercial and residential properties in the town. The Board should note that the permission of rural housing in areas surrounding such rural towns does little to bolster or revitalise such locations and merely reinforces the development of car dependent unsustainable housing.
23. I note the First Parties contentions in this regard and whilst I accept that the applicants are proposing a dwelling adjacent to the family home and there are clear social links between the applicant and the area, I am concerned, as mentioned above, that the proposed development would represent an unsustainable form of development which would do little to achieve the objectives of the Monaghan County Development Plan in relation to the consolidation of rural villages in such areas.
24. I note from the information submitted that the main applicant works some distance from the site in Monaghan, given the lack of services available in the vicinity of the site it is clear that the proposed development will merely give rise to a car dependent form of development which will add little to the revitalisation of Castleblayney.
25. Thus, notwithstanding the social links demonstrated by the applicant, I consider the proposed development to be contrary to the provisions of the Monaghan County Development Plan in that it will only serve to hamper the revitalisation of Castleblayney and surrounding rural villages the proposed development would also be contrary to the provisions of the NPF in this regard also. I therefore recommend that permission is refused on this basis.
26. **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

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

## 9.0 Reasons and Considerations

1. The proposed development would give rise to traffic movements of a residential nature which are considered to represent an intensification of an existing substandard shared laneway and entrance onto the heavily trafficked N53. It is the policy of Monaghan County Council under policy NPR1 to restrict such changes to accesses onto such National Primary Routes in order 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’* The proposed development would therefore be contrary to the provisions of the Monaghan County Development Plan 2019-2025 and would also by reason of the use of the existing substandard access in which two vehicles cannot pass, endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development site within a ‘remaining rural area, the proposed development is subject to the provisions of objective RSO 4 of the Monaghan County Development Plan 2019-2025, which seeks to maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing town and village structure. The development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and would not support the consolidation the existing town and village structure in the area.

The proposal would therefore be contrary to objective RSO4 of the Monaghan County Development Plan and would be contrary to the proper planning and sustainable development of the area.

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Sarah Lynch  
Senior Planning Inspector

14<sup>th</sup> July 2023

**Declaration**

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.