



An
Bord
Pleanála

Inspector's Addendum Report

ABP-314488-22

Development	Construct a house including attached garage, with treatment system, new entrance and all associated site works.
Location	Cragard and Curraderra, Barefield, Co. Clare.
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	22516
Applicant(s)	Julie Anne Meaney
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Kieran Kelly
Date of Site Inspection	26 th January 2023
Inspector	Liam Bowe

1.0 Addendum Report Background

- 1.1. This addendum report should be read in conjunction with the Inspector's Report dated 18th of May 2023. I refer the Board to the Board Direction BD-014464-23. On the 9th of November 2023, the Board requested additional information under Section 132 of the Planning and Development Act, 2000, as amended. The additional information required the applicant to submit additional information on:
 - Details in relation to speed limit and sightlines of the vehicle entrance of the proposed development on the R458 and its consistency with the Clare County Development Plan 2023-2029.
- 1.2. The applicant submitted a response to the Section 132 request on the 20th of November 2023 which included:
 - A cover letter from the applicant's agent, and
 - Site layout maps.
- 1.3. On the 23rd of November 2023, the Board circulated the applicant's response to the third-party appellant and the planning authority requesting further submissions or observations in relation to this under Section 131 of the Planning and Development Act, 2000, as amended.
- 1.4. I have considered the plans hereunder, in addition to the original Inspector's report, and the further submissions/ observations of the third party and the planning authority.

2.0 Applicant's Response to the Board's Decision to Request Further Information

- 2.1. The applicant made the following points in her submission to the Board:
 - States that under the 2017-2023 Development Plan the visibility distances requested on to regional roads by Clare County Council was 160 metres, and still remains so.
 - Cites the example of the applicant's sister's house on the site immediately adjacent to the appeal site where a further information request issued by the Council sought the provision of 160 metres sightlines.

- States that the applicant was advised to locate the proposed entrance for the house at the existing agricultural entrance during pre-planning consultations with the planning authority.
- Includes a revised site layout map and detailed drawings showing 215 metres visibility to the south west and 190 metres visibility to the north east from the proposed entrance.
- Also includes a location for a revised entrance to the south west of the appeal site showing 215 metres visibility in both directions and requests, if this alternative location is preferred by the Board, that a condition be attached to a grant of permission requiring this alternative location for the entrance.

3.0 Planning Authority Submission

3.1. The planning authority made the following points in their submission to the Board:

- They noted the revised site layout plan demonstrating the achievable sight distances.
- State that the traffic safety issue is addressed in the planner's report, and that the Road Design Report did not raise any objections to the proposed development.
- State that the demonstratable sight distances on the revised site layout plan are considered adequate in this instance.

4.0 Response to submission by the third-party appellants

4.1. An agent, on behalf of the third-party, submitted a response to the additional information as summarised below:

- States the speed limit for the R478 regional road is 100kph and not 80kph as stated in the planner's report.
- Quotes TII's standards contained within 'Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions)' (May 2023) where 215m sight stopping distances are required.

- Note that 215m sightline is not available from the original entrance/ exit proposed, which is confirmed by the applicant's agent.
- Concerned that the 215m sightline is not available from the newly proposed alternative entrance/ exit as the boundary of the adjoining property appears to interfere with this.
- Requests the Board to be satisfied that the required 215m sightline is available from the newly proposed alternative entrance/ exit and that no relaxation of the standard is permitted.
- Reiterates his contention that the applicant has not demonstrated a need for a house at this location.

5.0 **Assessment**

Sightlines

- 5.1. Within my initial assessment in the Inspector's Report dated 18th May 2023, I noted and confirmed to the Board that the appeal site is located on a part of the R458 regional road where the speed zone is 100kph. In her response to the request for further information, the applicant appears to accept this by providing revised site layout plans demonstrating achievable sightlines at the proposed entrance to the appeal site and also at an alternative entrance. Clare County Council have not acknowledged this discrepancy in their original reports, either in the planning officer's or the roads engineer's report, and now state that the traffic safety issue is addressed in the planner's report, and that the Road Design Report did not raise any objections to the proposed development.
- 5.2. The applicant's submission indicates achievable sightlines of 190m in a northeasterly direction, as opposed to 160m originally demonstrated on the planning application and appeal drawings. The applicant has also demonstrated the provision of 215m sightlines in the south-westerly direction from the proposed access. Further to this, the applicant has provided the Board with an option of permitting an alternative access at the south-westerly corner of the appeal site. The applicant has demonstrated the provision of the required 215m sightlines in both directions from this alternative access.

- 5.3. I note the comments of the third-party quoting TII's standards where 215m sight stopping distances are required and noting that the 215m sightline to the northeast is not available from the original entrance/ exit proposed, which the applicant's agent confirmed. The third-party remains concerned that the 215m sightline is also not available from the newly proposed alternative entrance/ exit as the boundary of the adjoining property appears to interfere with this.
- 5.4. It is stated in the Development Management Standards of the Clare County Development Plan 2023-2029 that sight distances of 215m are required for a major road with a design speed of 100kph.¹ Having reviewed this part of the Development Plan, there does not appear to be any suggestion whereby discretion can be exercised in this regard. These standards are based on those contained in Table 5.5 of TII's road design document.²
- 5.4.1. As I stated in the initial Inspector's Report:
- "Having reviewed the site layout plan and alignment of the road during my site inspection, I am not satisfied that the required sightlines can be achieved to the northeast of the proposed entrance without the removal of the entire south-eastern hedgerow of the field to the north of the appeal site for a distance of approximately 170m. I note that this field does not form part of the lands outlined in blue submitted with the planning application and I, therefore, conclude that achieving the required sight distance is outside of the first party's control."
- 5.5. No letter of consent has been provided in relation to the maintenance of this area free from obstructions and a condition requiring this area to be maintained free from obstructions therefore cannot be attached, should the Board be minded to grant permission for the proposed development.
- 5.6. I have had regard to the additional information submitted and I am of the opinion there has been no new information submitted which would alter the assessment in the original Inspector's Report (Section 7.2).

¹ This sight distance requirement of 215m is set out in A1.6.2 of Appendix 1 in the Clare County Development Plan 2023-2029.

² P.46, Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions) (TII, May 2023)

5.7. My recommendation to refuse permission for the proposed development for reasons of inadequate visibility splays remains the same.

6.0 Recommendation

I refer to the previous Inspector's Report and recommendation on this application dated 18th of May 2023. My recommendation to refuse permission remains unchanged, and I therefore recommend that permission is refused in accordance with the reasons and consideration set out in the Inspector's Report dated 18th of May 2023.

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.

Liam Bowe

Senior Planning Inspector

30th January 2024