



An
Bord
Pleanála

Inspector's Report ABP-317510-23

Development	Section 254 licence for Fingerpost Sign.
Location	Kilnafrehan East, Dungarvan, Co. Waterford, X35 RT18.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	23133
Applicant(s)	Hilary Britton
Type of Application	Section 254 Licence
Planning Authority Decision	Refuse Licence
Type of Appeal	First Party
Appellant(s)	Hillary Britton
Observer(s)	None
Date of Site Inspection	10 th of July 2024
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Other Technical Reports	5
3.4. Prescribed Bodies	5
3.5. Third Party Observations	5
4.0 Planning History	6
5.0 Policy Context	6
5.1. National Policy and Guidelines	6
5.2. Waterford City and County Development Plan 2022-2028	7
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
6.3. Further Responses	11
7.0 Assessment	12
7.2. Legislative context/Section 254	13
7.3. Compliance with Planning Policy	13
7.4. Convenience and Safety for Road Users	15
8.0 AA Screening	16

9.0 Recommendation.....	16
10.0 Reasons and Considerations.....	16
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The applicant has proposed to affix their finger post sign to an existing pole advertising 'Kilgobinet Sports Centre'. This sign is located on the eastern side of the N25 National Primary Route (Dungarvan direction). It is to the northeast of the junction with the Deelish Road, Local Secondary Road, LS7019.
- 1.2. This is a fast busy section of the N25, with limited hard shoulder making it difficult to stop safely or to view the wording on the sign. The existing sign is not very visible, and it is noted that the bank is well vegetated. There are a number of small advertising signs in the area, this would lead to a further proliferation of such.

2.0 Proposed Development

- 2.1. A Section 254 Licence is sought by The Getaway per Hilary Britton for Fingerpost sign (not exceeding 1m) stating: 'The Getaway, Eco Camp' at Kilnafrehan East, Dungarvan, Co. Waterford.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission on the 6th of July 2023, for the following reason:

1. *Having regard to the nature of development proposed, its location on the roadside edge of the N25, National Primary Route, where the general speed limit applies, it is considered that the proposed signage would be contrary to the provisions of the Waterford City and County Development Plan 2022-2028 and National Guidance relating to Tourism Accommodation on National Roads. The proposed development if permitted would set an undesirable precedent for other rural tourism and or commercial businesses. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

Their Assessment included the following:

- They note the location for the proposed signage, affixed to an existing finger post sign on the eastern side of the N25 to the northeast of the junction with the Deelish Road LS7019.
- That the applicant has not provided details regarding the proposed signage other than same will be 1m in length and be brown in colour with white writing.
- They have regard to planning policy relative to signage in the Waterford City and County Development Plan 2022-2028. Development Management Standards, Volume 2 of the CDP – Policy DM 21 refers.
- Also, to Policy on the ‘Provision of Tourist and Leisure Signage on National Roads,’ published by the NRA, March 2011 and to the ‘Spatial Planning and National Roads, Guidelines for Planning Authorities.’ January 2012.
- They conclude that the proposal to provide a finger post sign on the N25 for a small-scale motor park/camping facility, and the precedent it would set, is contrary to both the guidance set out in the Development Plan and National Guidance on signage on national routes.
- They include a Habitats Directive Project Screening Assessment and provide that no AA issues arise.

3.3. Other Technical Reports

The Planners Report noted that no response had been received from Referrals.

3.4. Prescribed Bodies

No response to the Planning Authority noted on file.

3.5. Third Party Observations

None noted on file.

4.0 Planning History

None noted on file.

5.0 Policy Context

5.1. National Policy and Guidelines

Spatial Planning and National Roads, Guidelines for Planning Authorities January 2012. (Department of the Environment, Community and Local Government).

Section 3.8 relates to Signage and includes: *On national roads, the erection of signage needs to be tightly regulated for road safety and environmental reasons. Planning authorities must avoid proliferation of roadside signage, especially outside the 50-60 kmh speed limit areas in a manner that would reduce the effectiveness of essential signage such as directional and other authorised road traffic signs, create visual clutter and distractions for road users and/or reduce visibility at junctions, interchanges and bends.*

It notes that: *Advice and guidance in respect of signage on national roads concerning major tourist and leisure features and facilities has been outlined in the NRA's Policy on the Provision of Tourist & Leisure Signage on National Roads (March 2011).*

Policy on the Provision of Tourist and Leisure Signage on National Roads, March 2011 – National Roads Authority.

Section 3.4 relates to Tourist Accommodation and notes that due to the number and variety of tourist accommodation facilities, it is not possible to provide tourist signage on national roads for all such facilities. It includes relevant to the road type: *White-on-brown tourist signage may be provided on the national road network for tourist accommodation facilities at the latter stages of a journey in accordance with county policy and the following criteria:*

3.4.2 Signage from Other National Primary Roads. *Signage for more extensive Fáilte Ireland approved accommodation facilities, including hotels, conference centres, leisure centres and holiday parks, will be permitted at single carriageway national primary road junctions.*

Section 3.8 refers to Tourist Driving Routes; *Driving routes must be approved by Fáilte Ireland, the National Roads Authority and the relevant local authority before they are considered for official white-on-brown tourist signage. Such routes, which generally tend to follow national secondary roads and regional roads, must be appropriately and continuously signed and must be supported and actively marketed by Fáilte Ireland, with the assistance of the relevant local authority.*

Section 3.9 refers to Sign Design Considerations.

5.2. Waterford City and County Development Plan 2022-2028

Volume 2 – Development Management Standards

Section 5.9 relates to advertising. This includes that no commercial advertising structure will be permitted in the open countryside.

Development Management DM 20 provides a number of criteria relative to commercial advertising in commercial areas where it is already a feature. This includes:

- Signs will not be permitted if they compete with road signs or otherwise endanger traffic safety;

DM 21 relates to Advertising in general and provides:

1. Signs will only be considered where an advertising “need” can be demonstrated. In this context the term “need” relates to the requirements of the travelling public and not the desire of the applicant to advertise as widely as possible. Each such need will be assessed on its merits. In relation to public institutions, Waterford City & County Council will determine the necessity for directional signs;
2. Fingerpost signage is the preferred type of advertisement structure. Other types of advertisement structures will be discouraged unless a “need” can be demonstrated;
3. Applications for advertisement structures will be refused where they give rise to a potential traffic hazard. In general, advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where

they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety;

4. Applications for advertisement structures along national routes and along approach roads to towns and villages will generally not be permitted except for tourist attractions of national or regional importance. All such signage will require the written consent of the National Roads Authority, where appropriate;
5. The number of advertisement structures for any one premises shall be kept to a minimum and will generally be restricted to a maximum of two in the local area. In exceptional cases this maximum may be exceeded at the discretion of Waterford City & County Council;
6. The number of advertisement structures that will be permitted on any one pole will be strictly limited by Waterford City & County Council. In the event of multiple applications for advertisement structures at any particular location, priority will be given to approved applicants on a first come first served basis;
7. Applications for advertisement structures shall comply with the requirements of the “Traffic Signs Manual” published by Department of the Environment, Community and Local Government and the “Policy on the Provision of Tourist and Leisure Signage on National Roads” published by the National Roads Authority in 2011 (or any such other relevant standards and legislation that may be enacted). All lettering, logos and symbols are subject to the approval of Waterford City & County Council. In general, the use of the standard brown background and white lettering will be preferred. Furthermore the Planning Authority will have regard to the provisions set out in Section 3.8 ‘Signage’ of the ‘Spatial Planning & National Road Guidelines (2012)’ in relation to signage proposals affecting national roads in particular the requirement to control the proliferation of non-road traffic signage on and adjacent to national roads; and,
8. The use of electronic variable messaging signs commonly known as “VMS signs”, shall be reserved strictly for use in roadwork activities, hazard information and or as part of an approved event traffic management plan.

Advanced written consent of Waterford City & County Council will be required prior to installation and use of such signage.

Section 5.12 provides that all fingerpost signs shall be erected in accordance with the following - DM 24 relates:

- The signs shall conform to Waterford City and County Council design requirements;
- The signs shall be made by a manufacturer approved by the Department of Environment;
- The signs shall be left in position only for so long as the facility indicated is available or until the expiry of the licence, whichever is the shorter;
- The signs shall be placed on existing Local Authority poles erected in the locations to be agreed with the District Engineer and District Planner. No part of the signs shall be closer than 0.5m to the carriageway edge.
- Any licence shall be limited to 10 years from the date of issue, at which time all signage and support poles shall be dismantled and removed from the site at the operators expense, and the site shall be restored to its natural state at that time, unless a formal application for the extension of the licence has been made to, and issued by, Waterford City & County Council; and,
- Where, in the opinion of Waterford City & County Council, by reason of the increase or alteration of traffic on the roads, or the widening of the roads or any improvement of, or relating to, the roads, the structures/ causes an obstruction or becomes dangerous, the Council may, by notice in writing, withdraw the licence and require the licensee to remove any of the structure(s) at their own expense.

Section 5.14 – National Roads.

Due to the strategic role of national roads and the need to ensure that the carrying capacity, efficiency and safety of the network is maintained, the management of development will require tighter control as indicated in the DOECLG's Spatial Planning and National Roads Guidelines for Planning Authorities 2012.

5.3. Natural Heritage Designations

The site is not located within or proximate to any Natura 2000 sites.

5.4. EIA Screening

The proposed development is not of a type that constitutes an EIA project and environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Applicant Hillary Britton has submitted a First Party Appeal and the Grounds of Appeal include the following:

- The Getaway is a Failte Ireland approved Campsite, adjacent to The Cruachan Walking Trail and located c. 6km from Dungarvan, Co. Waterford.
- The site is a 5 min drive off the N25 National Primary Road. The majority of the traffic coming to them is Motorhomes and they also provide Glamping accommodation but this is car traffic.
- They provide a review of the junctions in the area and consider that the directional signage would be best located proximate to the L7019 as it is the safest junction in this area adjoining the N25.
- They are open all year and get a lot of people arriving on the evening ferry, which gets them to them at 8pm, meaning they arrive in the dark, and note the purpose of a directional sign to guide them to their facility.
- They quote Section 1.4 of the NRA Policy on the provision of Tourist and Leisure signage on National Roads, relative to the purpose of signage to guide visitors to their intended tourist destination.
- They understand 'some flexibility will be exercised' on the matter of signage and given the circumstances, believe strongly that they have a very great practical need for a sign on the N25.

- The Getaway Eco Camp is open all year round, the location of the post to which the proposed signage is to be attached is well away from any other road signage and the only other sign on the post refers to the local GAA grounds, so the proposed signage will not be a cause of visual clutter or confusion for road users.
- They refer to the Planners Assessment stating that the applicant has not provided sufficient details of the proposed signage. They point out that a drawing of the sign was submitted with the application along with other clear drawings and a photograph to clearly indicate the proposed location of the signage.
- Their decision to apply for the proposed sign followed a discussion with the Bord Fáilte representative who was adamant that clear signage was required.
- While they understand that road safety has to be taken into account in making a decision on these matters, they consider that their proposal is well in line with the criteria laid out in the NRA guidelines and urge the Board to overturn the Planning Authorities decision and to grant permission to provide this necessary sign at this location.
- They include a number of attachments relative to their facility at 'The Getaway' and the need for directional signage. This includes a photograph of the 'Existing post on which the proposed sign is to be fixed'. A Site Layout Plan showing the location of the proposed fingerpost sign has also been submitted.

6.2. Planning Authority Response

There is no response from the Planning Authority to the Grounds of Appeal on file.

6.3. Further Responses

Transport Infrastructure Ireland have responded to the Board's section 131 request of the Planning and Development Act 2000, as amended. Their response includes the following:

- They note that the proposed finger post sign is proposed to be positioned on the N25, national primary road, in the vicinity of the junction of the N25/L7019, at a grade junction where a 100kph speed limit pertains on a national road.
- TII notes the decision of the Council and having regard to the circumstances of the application adjoining a national road at a location where a 100kph speed limit applies. TII concurs with this decision and recommends refusal.

They advised the Board to have regard to the following:

- The erection of the proposed sign at a location on a junction of the N25, national primary road, by the precedent which the grant of permission would set, could lead to a proliferation of such developments which would adversely affect the operational efficiency and safety of the national road network.
- The Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG.2012) states that on national roads, the erection of signage needs to be tightly regulated for road safety and environmental reasons. Planning authorities must avoid proliferation of roadside signage, especially outside the 50-60 kmh speed limit areas in a manner that would reduce the effectiveness of essential signage such as directional and other authorised road traffic signs, create visual clutter and distractions for road users and /or reduce visibility at junctions, interchanges and bends. (Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines refers).
- In the Authority's opinion, the proposed sign licence application has not demonstrated compliance with TII's Policy on the Provision of Tourist and Leisure Signage on National Roads (March 2011).

7.0 **Assessment**

7.1. I have had regard to the documentation submitted, to planning policy and guidelines and to my site visit and would consider that the main issues arising are as follows:

- Legislative context/Section 254
- Compliance with Planning Policy

- Convenience and safety of road users.
- AA Screening

7.2. Legislative context/Section 254

- 7.2.1. Section 254 of the Planning and Development Act, 2000 (as amended) refers to Licensing of appliances and cables, etc., on public roads.

Section 254(1)(d) refers to an advertisement structure.

Section 254(1)(g), states that a person shall not erect, construct, place or maintain any other appliance, apparatus or structure which may be prescribed as requiring a licence under this section, on, under, over or along a public road save in accordance with a licence granted by a planning authority under this section.

Section 254(6)(a) states that any person may appeal to the Board in relation to the granting, refusing, withdrawing or continuing of a licence. Section 254 (5) states that, in considering an application for a licence, the planning authority, or the Board on appeal, shall have regard to:

- (a) The proper planning and sustainable development of the area,
- (b) Any relevant provisions in the development plan, or a local area plan,
- (c) The number and location of existing appliances, apparatuses or structures on, under, over or along the public road, and
- (d) The convenience and safety of road users, including pedestrians.

- 7.2.2. I consider the site for the proposed sign is along the public road, as defined in section 2(1) of the Roads Act, 1993 (as amended). The site is located on the side of the N25, National Primary Road. I therefore consider that section 254 is the appropriate mechanism for the proposed development.

7.3. Compliance with Planning Policy

- 7.3.1. Regard has been had to the relevant Planning Policy and Guidelines in the appropriate section above. As has been noted Section 5.9 and Development Management Policy DM 21 of Volume 2 of the Waterford City and County

Development Plan 2022-2028 is of relevance to Advertising and Signage. The criteria relevant for consideration in this policy have been listed.

- 7.3.2. Criteria 1 includes: *Signs will only be considered where an advertising 'need' can be demonstrated*'. In this case the First Party consider that the need for the sign on the side of the N25 has been demonstrated in their documentation submitted. They note the issue that tourists are having in finding their accommodation and consider that the location of the proposed sign on the existing fingerpost sign, proximate to the junction with the L7019 is preferable. That it would be in accordance with the NRA Guidelines 'Policy on the Provision of Tourist and Leisure Signage on National Roads'. They refer to Section 1.4 which includes: *The primary purpose of tourist signage is to guide visitors to their intended tourist destination along the most appropriate route at the latter stages of their journey, particularly where destinations may be difficult to find*. This also includes: *Tourist signage on the network of national roads is provided to aid way-finding rather than for any advertising or promotional purposes*. In addition, Section 3.3.2 of these Guidelines refers to signage relative to tourist attractions on *Other National Primary Roads*. These refer to avoiding information overload and to 'white on brown panels' for signs as is proposed in the fingerpost sign in the current application.
- 7.3.3. The First Party understand that some 'flexibility will be exercised' on the matter of signage and given their circumstances, believe strongly that they have the greatest practical need for a sign on the N25. They provide some details of the proposed sign and a Site Layout Plan showing its location on the eastern side of the N25. I would consider that the applicant has given their justification for the proposed sign and understand that there maybe some difficulties in finding their facility. However, I noted that having viewed the site, the existing fingerpost sign advertising 'Kilgobinet Sports Centre', located on a vegetated bank on the eastern side of the N25 (Dungarvan direction) that it is not very easy to spot. This is in view of the site being within the 100kph, zone on the side of the N25 which is a fast and busy route. I would also be concerned about the proliferation of signage in this area.
- 7.3.4. I note criterium no. 7 of Policy DM21 of the CDP 2022-2028 includes: *Furthermore the Planning Authority will have regard to the provisions set out in Section 3.8 'Signage' of the 'Spatial Planning & National Road Guidelines (2012)' in relation to*

signage proposals affecting national roads in particular the requirement to control the proliferation of non-road traffic signage on and adjacent to national roads;

- 7.3.5. Section 3.8 of the 'Spatial Planning & National Road Guidelines (2012)', is concerned to avoid a proliferation of signage: *especially outside the 50-60 kmh speed limit areas in a manner that would reduce the effectiveness of essential signage such as directional and other authorised road traffic signs, create visual clutter and distractions for road users and/or reduce visibility at junctions, interchanges and bends.*
- 7.3.6. I would be concerned that this proposal would lead to a proliferation of signage i.e two no. signs on one fingerpost sign, advertising two different locations i.e that existing and that proposed. This in addition to other signage in the area. Therefore, it would add to signage on the side of the N25 in an area where maximum speed limits apply. Also, that it would set an undesirable precedent for further such signage.

7.4. Convenience and Safety for Road Users

- 7.4.1. It is noted that the First Party Appeal provides that they have a lot of people coming straight off the ferry at Rosslare and the best road coming off the N25, is the L7019 as it has the safest junction as all of the necessary road markings are in place for motorists to turn off the main road at this location. They note that just before this junction (coming from Waterford) the road merges from a double take over lane, to single lane traffic with a marked area for turning off onto the L7019. They submit that the very nature of the road at this location, approaching a 60km speed limit which is regularly monitored by the Gardai, means that traffic begins to slow down along this stretch of road. They also refer to people arriving at night and having difficulties finding their facility located on a minor road off the N25.
- 7.4.2. The comments and concerns/recommendations of Transport Infrastructure Ireland (TII) are noted. These note that it is proposed that the finger post sign is to be positioned on the N25, national primary road, in the vicinity of the junction of the N25/L7019, at a grade junction where a 100kph speed limit pertains on the national road. They refer to the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012), which states that on national roads, the erection of signage needs to be tightly regulated for road

safety and environmental reasons. They note their concerns and provide that they concur with the Council's decision to refuse permission for the proposed development.

- 7.4.3. During my site visit I noted that this is a busy fast section of the N25. It is difficult to spot the existing fingerpost sign at the side of the road with the vegetated bank background, without concentrating on looking out for it, which slows driving, and could have implications for traffic safety. I would concur with the Council's decision and the recommendation from the TII and would advise the Board to recommend refusal of permission for this S254 Licence. I would also not consider that the proposal would comply with Policy DM21 of Volume 2 of the CDP 2022-2028.

8.0 AA Screening

- 8.1. Having regard to the nature and modest scale of the proposed development its distance from European sites, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that the licence should be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the provisions of Section 254 of the Planning and Development Act 2000 (as amended), to the nature and location of the proposed development to erect a fingerpost sign on the side of the N25, in the vicinity of the junction of the N25/L7019, at a grade junction where a 100kph speed limit pertains on the national primary road, it is considered that the proposal has the potential to impact on traffic safety, would lead to a proliferation of signage and set an undesirable precedent for further such directional signage. As such the proposal would be contrary to Development Management Policy DM 21 of Volume 2 of the Waterford City and County

Development Plan 2022-2028, Section 3.8 'Signage' of the 'Spatial Planning & National Road Guidelines (2012) which are Section 28 Ministerial Guidelines and "Policy on the Provision of Tourist and Leisure Signage on National Roads" published by the National Roads Authority in 2011. It would therefore, be contrary to the proper planning and sustainable development of the area.

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

Angela Brereton
Planning Inspector

26th of July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317510-23			
Proposed Development Summary	Section 254 Licence for Fingerpost Sign (not exceeding 1m)			
Development Address	Kilnafrehan East, Dungarvan, Co. Waterford			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No ✓	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____