



An
Bord
Pleanála

Inspector's Report

ABP-319378-24

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| Development | Section 254: Application for licence for the erection of artwork/sculpture. |
| Location | Beagh (Brabazon) Roundabout, Birchgrove, Ballinasloe, Co. Roscommon. |
| Planning Authority | Roscommon County Council |
| Planning Authority Reg. Ref. | LC/24/01 |
| Applicant(s) | Creagh Community Development Council |
| Type of Application | Section 254 Licence |
| Planning Authority Decision | Refuse Section 254 |
| Type of Appeal | First |
| Appellant(s) | Creagh Community Council |
| Observer(s) | None |
| Date of Site Inspection | 30 th October 2024 |
| Inspector | Darragh Ryan |

1.0 Site Location and Description

- 1.1. The proposed site is located at Beagh (Brabazon) Roundabout, Birchgrove, Ballinasloe, Co. Roscommon. The roundabout located on the R446 (Dublin Road) connects with a smaller road connecting into R357. The roundabout is located east of the town of Ballinasloe and is outside the town boundary.
- 1.2. The roundabout has three arms with two large trees and a grassed finish. There are no other features on the roundabout. The roundabout is large at approx. 40m in diameter.

2.0 Proposed Development

- 2.1.1. Erection of a sculpture of Birch Leaf hanging on the end of a Birch Twig. The stem (30mm Diameter) will extend out of the ground and reach a height of 4.8m where it turns down and then becomes a Birch Leaf (12mm thick) which hangs 2.3m up from the ground. The sculpture shall be 1.9m long and 1.6m wide
- 2.1.2. The sculpture shall have a steel base which shall be held in place by bolts cast into reinforced concrete 370mm thick below ground. The concrete slab will be 12m from the Roundabouts edge.
- 2.2. The structure shall be made of cast aluminium with a bronze finish and will require no maintenance.

3.0 Planning Authority Decision

The planning authority issued a single reason to refuse permission at this location:

1. Having regard to the location of the sculpture on a busy roundabout it is considered it has the potential to endanger public safety by reason of traffic hazard and would potentially impede traffic visibility and create a distraction to road users and therefore, interfere with the safety and free flow of traffic at this location. The proposed development would set an undesirable precedent for similar types of structures at busy road junctions therefore, be contrary to the proper planning and sustainable development of the area.

3.1.Planning Authority Reports

3.1.1. Planning Reports

It is proposed to site the structure in the centre of a busy roundabout at the edge of Ballinasloe town. The Athlone Municipal District Office have cited concerns regarding the stability of the structure in storm conditions and have requested further information in relation to its structural design. Notwithstanding the potential risk this structure could have on traffic at this location in the event of becoming detached during a storm/ high winds Roscommon County Council has serious concerns that it may impede visibility for traffic and cyclists using the roundabout and it may also pose as a distraction for other road users and cause a traffic hazard. The roundabout as it exists is cluttered with several essential directional signage and while the proposed structure has visual merit, the need for it at this location is unnecessary and for the reasons outlined above would result in a traffic hazard. Furthermore, it is also considered to permit a structure at this location would set an undesirable precedent for similar types of structures at busy road junctions and accordingly it is recommended that the licence is refused.

3.1.2. Other Technical Reports

- Athlone Municipal District (MD) Office

Athlone MD office have no objection in principle to the proposal. Request information prior to the granting of a licence as follows:

It is recommended that further information is requested with regard to the design of the structure particularly with regard to potential wind loading. Proof of certification of the structure by a qualified chartered Engineer is requested.

3.2.Prescribed Bodies

- None

3.3.Third Party Observations

- None

4.0 Planning History

There is no relevant recent site History.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022 to 2028

5.1.1. 11.12 Arts and Cultural Facilities

The Council considers that all areas as they develop should have an artistic element, be it through imaginative architecture, design of the public realm or through or example quality landscaped open spaces.

SCCD 11.21

Promote the development of cultural infrastructure (both fixed and mobile)

5.2. Natural Heritage Designations

River Suck Callows SPA – 1.4km from the Site

5.3. EIA Screening

The proposed development is not a class of development set out in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulation 2001, as amended, and therefore no preliminary examination is required.

6.0 The Appeal

6.1. The is a first party against the decision of Roscommon County Council to refuse a licence under Section 254 of the Planning and Development Act for the erection of an Artwork Sculpture on a roundabout.

- The applicant is a voluntary community body in Balinasloe that are generally involved in community activities that straddles the Galway Roscommon Border.

- Contest the refusal reason that there will be a negative impact on traffic safety. There are many precedents in Athlone, Loughrea and Donegal Town (photos attached) that indicate much bigger art work sculptures in the centre of roundabouts.
- The roundabout is not significantly heavily trafficked as a lot of through traffic is catered for by the Motorway.
- The Sculpture is designed to enhance the local area and will not be any more of distraction than existing signage. Visibility will not be impaired as the sculpture is narrow and one can easily see oncoming traffic.

6.2.Planning Authority Response

- None

6.3.Observations

- None

6.4.Further Responses

- None

7.0 Assessment

7.1.1. Having examined the licence application details and all other documentation on the appeal file, including the appeal submission, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this licence appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Road Safety
- Appropriate Assessment

7.2. Road Safety

7.2.1. The planning authority's decision to refuse permission cited several road safety concerns:

- **Structural Stability:** Risk of the sculpture becoming unstable during high winds.
- **Visibility Impediments:** Potential obstruction of sightlines for motorists and cyclists at the roundabout.
- **Driver Distraction:** Cumulative impact of the sculpture alongside existing directional signage, leading to visual clutter and distraction for road users.

It was also suggested that an alternative location for the sculpture might be more appropriate.

7.2.2. The proposal involves the installation of a birch leaf sculpture supported by a twig-like stem, with the following key characteristics:

- **Dimensions:** The sculpture's stem (30mm diameter) extends to a height of 4.8m, where it curves downward to hold a birch leaf (12mm thick). The leaf hangs 2.3m above the ground and measures 1.9m in length and 1.6m in width.
- **Materials:** The structure will be constructed from lightweight cast aluminium with a bronze finish, supported by a steel base bolted to a 370mm thick reinforced concrete slab below ground.
- **Positioning:** The sculpture will be placed 12m from the roundabout's edge.
- **Maintenance:** The proposed materials and design are intended to be maintenance-free.

The roundabout currently features three directional signs and two semi-mature trees.

7.2.3. In terms of stability the applicant proposes a steel base which shall be bolted into reinforced concrete buried underground. I consider that as the structure is proposed to be made from aluminium cast which is a lightweight material that there should be

no issue regarding safety from the wind or stormy conditions. I note the Municipal District Office recommended further information to ensure the structural integrity of the structure to ensure that it has capacity to absorb wind loading. I consider that whereby the Board were of a mind to grant the licence that it is appropriate to condition that all works be overseen by a qualified engineer to ensure the structure is satisfactorily assembled to address these concerns.

- 7.2.4. I do not agree that the proposed sculpture would impede visibility or create undue distraction. The slender stem (30mm diameter) and elevated position of the leaf (4m above ground at its widest point) minimize obstruction of sightlines for motorists and cyclists. The roundabout's diameter ensures clear visibility of oncoming traffic. With regard to the issue of the proposal causing a distraction, from the cumulative impact of existing signage and proposed structure, I do not agree with this assertion. The applicant correctly points to many examples of structures that are currently in situ in many roundabouts throughout different towns and villages. Examples have been provided by way of photographs and I note many of these structures are much larger in scale than the current development proposal. These precedents demonstrate that structures of this nature can be successfully integrated into roundabout environments without causing safety or visibility issues.
- 7.2.5. Having reviewed the development plan there is no specific policy that prohibits structures on roundabouts and I consider that the proposal would be of a scale so as not to cause a distraction to road users at this location. The existing semi-mature trees on the roundabout, which are larger than the proposed sculpture, have not been identified as causing visibility issues. Similarly, the presence of three directional signs has not led to reported safety concerns, and the modest scale of the proposed sculpture should not exacerbate the situation.
- 7.2.6. Having considered the size, scale, and design of the proposed sculpture, as well as its positioning on the roundabout, I am satisfied that the development does not pose a significant risk to road safety.

The concerns raised regarding structural stability, visibility, and distraction can be addressed through appropriate conditions, including: Ensuring the structure is assembled under the supervision of a qualified engineer to confirm stability and wind resistance.

Given the above, I consider it appropriate to grant a license for the proposed sculpture at this location.

8.0 AA Screening

- 8.1.1. Having regard to the nature and scale of the proposed development, which is for telecoms infrastructure consisting of a 18m high street pole and operator cabinets in an established and serviced urban area, the distance from the nearest European site, no appropriate assessment issues arise. Therefore, 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 Board directs the planning authority **to grant** a section 254 licence, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

Having regard to the provisions of Section 254 of the Planning and Development Act 2000, as amended and the Roscommon County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not impact on traffic or pedestrian safety at this location or be of scale as to cause a distraction to road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No development shall commence on site until the developer submits the following for the written agreement of the Planning Authority
 - i. The developer shall engage the services of a suitable qualified person acceptable to the Planning Authority with professional indemnity insurance, who shall oversee all construction works on site as per the permission granted. Details shall be submitted for the written agreement of the Planning Authority.
 - ii. The developer shall notify the Planning Authority in writing at least one week prior to the commencement of any works to the site.
 - iii. Full traffic management details shall be submitted and agreed with Roscommon County Council prior to commencement of works on site.

Reason: In the interest of proper planning and orderly development.

3. (a) The licence shall be valid for a period of five years only from the date of this Order. The sculpture and related ancillary structures shall then be removed unless, prior to the end of the period, a further Section 254 licence has been granted for their retention for a further period.

(b) The site shall be reinstated on removal of the sculpture and ancillary structures. Details relating to the removal and reinstatement shall be submitted to, and agreed in writing with, the planning authority at least one month before the date of expiry of this licence.

Reason: To enable the impact and acceptability of the development to be reassessed, having regard to changes in technology and design during the specified period.

4. No advertisement or advertisement structure shall be erected or displayed on the proposed structure or within the curtilage of the site.

Reason: In the interests of the visual amenities 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.

Darragh Ryan
Planning Inspector

18th of November
2024

Form 1

EIA Pre-Screening

| | | | |
|--|--|------------|---|
| An Bord Pleanála Case Reference | 319378-24 | | |
| Proposed Development Summary | Erection of a sculpture on a roundabout | | |
| Development Address | Beagh (Brabazon) Roundabout, Birchgrove, Ballinasloe, Co. Roscommon. | | |
| 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 | X |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | | | |
| No | X | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | |
| No | X | | |

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| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | | N/A | |

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|---|---|--|
| 5. Has Schedule 7A information been submitted? | | |
| No | X | Screening determination remains as above (Q1 to Q4) |
| Yes | | Screening Determination required |

Inspector: _____ **Date:** _____