



An
Bord
Pleanála

Inspector's Report

ABP-320034-24

Development	Construct stone plinth and base with the erection of a sculpture along with associated access, walls, landscaping and to carry out all ancillary site works
Location	Larkhill, Beltra, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	24/60110
Applicant(s)	Micheal Kearins Sculpture Committee.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	1 st October 2024
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.017ha, is located along the southern side of the N59 in Larkhill, Beltra, Co Sligo. The site is located c.16km to the south of Sligo Town.
- 1.2. The site is rectangular in form and comprises of an area of grassland which has been maintained. The area has been planted with some mature trees and landscaped with the use of small stone features.
- 1.3. The site is bounded to the west by an area of hard course which serves as a parking area to the adjoining public house 'The Woodfield Inn'. The eastern boundary of the site is shared with a filling station and associated out buildings. It is noted that the planning application has been accompanied by a letter of consent from the landowner.

2.0 Proposed Development

- 2.1. This is an application for permission for the construction of a stone plinth and base with the erection of a sculpture. The proposed structure has been set back c.5.635m from the road edge.
- 2.2. The paved base of the structure is circular in form having a maximum length on the east west axis of c.5m and a max depth of c.3m. The plinth on which the statue sits has a width and depth of c.1.2m. It is proposed to provide for a wall feature to the rear of the statue which has a height c.2.5m. The statue itself sits lower than that of the wall, however no dimensions are given. The statue replicates a human person.
- 2.3. Access to the statue is proposed to be provided via a walkway from an area of hard course located to the west, which is not within the red line associated with the subject application.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted on the 5th June 2024 subject to 1 no. condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report, dated the 30th May 2024, notes the site's planning history, the local policy context, reports received, and 3rd party submissions received in respect of the planning application. The principle of the proposed development was considered acceptable at this location.

3.2.2. Other Technical Reports

No other reports were received.

3.3. Prescribed Bodies

A submission was received from Transportation Infrastructure Ireland, who are the appellant in this instance. The submission stated that if permission was granted it would set a undesirable precedent for development which would adversely affect the operation and safety of the national road network for the following reasons:

- be at variance with national policy in relation to control of frontage development on national roads.
- would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.
- endanger public safety by reason of traffic hazard due to its nature, scale and distraction of drivers.
- could lead to a proliferation of such developments which would adversely affect the operational efficiency and safety of the national road network.

3.4. Third Party Observations

None received.

4.0 Planning History

There is no planning history pertaining to the subject site or within the vicinity which would have bearing upon this assessment.

5.0 Policy Context

The Planning Authority Consider the application under the Sligo County Development 2018-2024 (as extended). I note that the new County Plan was adopted on the 30th September 2024 and came into effect on the 11th November 2024 .

Sligo County Development Plan 2024-2030

The subject site is located within a Normal Rural Landscape on the Landscape Characterisation Map.

Relevant Policies:

Policy P-NR-1: 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 the generation of increased traffic from existing accesses onto the N-4, N-15, N-16, N-17 and N-59 outside the 50 km/h speed limit, in accordance with the DoECLG's publication Spatial Planning and National Roads -Guidelines for Planning Authorities (2012).

Policy P-NR-3: Permit direct access to zoned lands along national roads inside the 50 km/h speed limit subject to normal planning considerations, including road safety, traffic assessment and design criteria.

- Within transitional zones (between 50 km/h and 60 km/h speed limiting signs), access may be permitted, but only in limited circumstances, where it is in the interest of facilitating orderly urban development, and subject to road safety, traffic and transport assessment, and design criteria.
- Road Safety Audits (RSA), Traffic Impact Assessments (TIA) and Traffic and Transport Assessments (TTA) shall be carried out in accordance with Transport Infrastructure Ireland's requirements.

5.1. National Planning Framework

Strategic outcome 2 relates to capacity and the safety of the national road network by "*Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements*".

5.2. Spatial Planning and National Roads Guidelines for Planning Authorities January 2012

Section 2.5:

Lands adjoining national roads to which the speed limit is greater than 60km, 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 60 km/h apply.

Section 2.6

Exceptional Circumstances Notwithstanding the provisions of Section 2.5 above, 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 and taken on board the advice of the NRA having regard to:

1. Developments of National and Regional Strategic Importance.
2. Lightly-trafficked Sections of National Secondary Routes.

Where planning authorities wish to identify an area/national road where the foregoing less restrictive approaches could apply in a development plan or local area plan they must:

- a) Consult with the NRA at the earliest practicable stage in reviewing the development plan on the identification of areas and developments that the planning authority considers represent exceptional circumstances, taking the criteria above and below into account; and
- b) Ensure that any submissions from the NRA have been fully and properly considered within the process of preparing the plan

5.3. Northern and Western Regional Assembly Spatial and Economic Strategy

Objective RPO 6.5

The capacity and safety of the region's land transport networks will be managed and enhanced to ensure their optimal use, thus giving effect to National Strategic Outcome

No.2 and maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

5.4. Natural Heritage Designations

The subject site is located c.968m to the south-west of the Ballysadare Bay SAC and c. 379m to the south-east of the Ballysadare Bay SPA.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development, 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. (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been received from Transportation Infrastructure Ireland (TII). The appellant submits that permission should not have been granted for the following reasons:

1. Policy and Assessment

- The Planning Authority failed to demonstrate compliance with relevant National/Regional/Local Policy.
- No report was received from transportation section and case officer deemed it acceptable without any technical engineering input.
- Proposal is in conflict with Objective RPO 6.5 of the Northern and Western Regional Assembly Spatial and Economic Strategy and Outcome 2 of the National Planning Framework 2021-2030.

2. Land Ownership

- The parking arrangement and pedestrian access is being provided from land outside of the red line boundary associated with subject application.
- Planning documentation lacks details with regard to parking and access arrangement.
- Concern over long term public safety and management of the site.

3. Road Safety

- The current situation at this section of N59 is considered to be piecemeal – historic legacy is noted.
- Proposal would give rise to traffic hazard in terms of the following:
 - i. Uncontrolled roadside interactions with pedestrians.
 - ii. Visual distractions.
 - iii. Uncontrolled parking.
 - iv. Generate increase in traffic.

4. Creation of a planning precedent which will endanger public safety.

6.2. Applicant Response

A response from the applicant was received on the 27th July 2024. The response can be summarised as follows:

- Proposal will not result in any significant additional traffic movements – it is noted that no new access or additional traffic onto the N59 is being created.
- Proposal is utilising an existing access serving commercial premises which conform to DMRB standards.
- The N59 at this location has a DMRB standard of c.3000.
- No amendment proposed to the national road.
- Every effort has been made to provide safe off-road car parking that is in constant use.
- No record of any collisions at this location – indications that it is not hazardous.

- Located between 2 no. existing commercial premises where road condition and sightlines are excellent.
- Road safety controls with the parking and pedestrian access are not in third party ownership as stated by 3rd party appellant but in the same ownership as the site – full landowners’ consent has been provided.
- A number of alternative locations were considered but the subject one was most appropriate.
- National policy is only a guidance not a statutory instrument.
- Applicants willing to make any alterations necessary if Board deem so to be required.

6.3. Planning Authority Response

A response from the Planning Authority was received on the 12th July 2024. The report refers the Board to the Planners report and states that the appellant has not submitted any additional information that would alter the planning authority’s decision.

7.0 Assessment

Having reviewed the 3rd party appeal received and all other documentation on file available to me, I consider that the main issues arising in this case are:

- Principle of Development
- Road Safety

7.1. Principle of Development

- 7.1.1. The appellant expresses serious concerns regarding the proposed development's potential to increase activity at the entrance to the N59, which is deemed to be conflicting with national policy outlined in the Spatial Planning and National Road Guidelines for Planning Authorities (DoECLG 2012). It is contended that the proposal contradicts the Sligo County Development Plan 2024-2030.
- 7.1.2. The appellant further considers that no exceptional reasons or evidence have been outlined by the Planning Authority to justify a significant departure from official policy

and road safety considerations which a grant of permission would represent in this instance.

- 7.1.3. The applicant in their response to the 3rd Party Appeal received states that they are not proposing to provide for a new access and that the development will not result in any additional traffic movements. However, the applicant has not provided any technical evidence such as a trip generation study to support such statement.
- 7.1.4. The Planning Authority in their assessment makes reference to comments received as part of a submission received from TII to the planning application and consider that the construction of a statue will not generate any increased traffic movements as the applicant is utilising an existing parking area which serves a commercial property. It is noted that there is no reference within the Planning Officers report to national policy or any relevant objectives of the Development Plan such as policy P-NR-1 of the Sligo County Development Plan 2024-2030.
- 7.1.5. Policy P-NR-1 of the current development plan, 2024-2030 stipulates restrictions on new accesses or developments leading to increased traffic on National Roads beyond the 60km/hr speed limits, as outlined in Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines. Exceptions to this policy may be considered for developments deemed of national or regional strategic importance, following the guidelines outlined in Section 2.6 of Spatial Planning and National Roads 2012 (DoECLG). The identification of such exceptions should be integrated into the Development Plan through a survey conducted by the Council in consultation with the NRA (TII), with a focus on circumstances warranting consideration of "exceptional circumstances" per Section 2.6 of the DoECLG Guidelines.
- 7.1.6. Section 2.6 of the guidelines further permits planning authorities to designate stretches of national roads for a less restrictive approach, subject to review or variation of the relevant development plan and in consultation with the NRA (TII), ensuring due consideration of their advice.
- 7.1.7. There is no evidence of consultation between the TII and Sligo County Council on file regarding the application of exceptional circumstances to this case, which is essential for a plan-led approach as mandated by Policy P-NR-1 of the Sligo County Development Plan 2024-2030 and in alignment with the Spatial Planning and National Roads Guidelines 2012. On the basis of the available information on file it has not

been clearly demonstrated that the proposed development adheres to the exceptional circumstances delineated in Section 2.6 of the Spatial Planning and National Roads (2012), as well as the requirements stipulated in Policy P-NR-1 the Development Plan.

- 7.1.8. While I note the comments made by the applicant and agree that no new access is being provided, I do not accept that the proposed development will not generate additional traffic movements. Permission is being sought for a statue and associated works which I consider will attract members of the public to visit. Furthermore, the Planning authority in their assessment makes reference to the reliance of the existing car parking area located adjacent to the site from where pedestrian access has been proposed. While the applicant has stated that they have a letter of consent from the land owner to utilise this area, it is not located within the red line boundary of the planning application and as such does not form part of the assessment.
- 7.1.9. Having regard to the requirements of Policy P-NR-1 of the Sligo County Development Plan 2024-2030 and the requirements of Section 2.6 of Spatial Planning and National Roads 2012 (DoECLG). Consequently, I am not satisfied that the safe operation of the aforementioned proposed development can be assured and therefore permission should be refused.

7.2. Road Safety

- 7.2.1. The appellant raises concern over the significant risk the proposed development may have to road users in terms of giving rise to a traffic hazard. It is contended the proposal will not only negatively impact upon road users in terms of being visually distracting but also on pedestrians engaging with the structure.
- 7.2.2. The appellant states that the subject site is located between two commercial operators – a service station and shop to the southeast which is served with an open frontage and no controlled parking with legacy access arrangements and to the northwest by a parking area which services the further adjoining public house. It is contended that the surrounding situation is considered to be piecemeal with respect to the interactions with the national road.
- 7.2.3. The access arrangement to the commercial offering is haphazard and due to the location of a coffee truck and recycling facility which are also located on the service station site, parking on site is haphazard and un-controlled Furthermore there is no defensive barrier between the commercial property and that of the national road. A

similar scenario would in my opinion arise on the appeal site – the proposed structure is not segregated from the national road and as such I would share the concern of the appellant with regard to pedestrian movements and interactions with traffic utilising the N59.

- 7.2.4. In conclusion, having regard to the location of the subject site which addresses a National Road, N59 where the posted speed limit is 100km/hr, I consider that the proposed development of a statue which is not provided with any defined boundaries other than that of a broken yellow line, would endanger public safety due to uncontrolled pedestrian interactions with traffic utilising the N59 and as such would give rise to a traffic hazard and therefore permission should be refused.

8.0 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located c.968m to the south-west of the Ballysadare Bay SAC and c.379m to the south-east of the Ballysadare Bay SPA.

The proposed development comprises of the construction of a statue and all associated site works. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and

therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. Please refer to appendix 2 of my report for a full screening assessment.

9.0 Recommendation

- 9.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be refused for the reasons set out hereunder.

10.0 Reasons and Considerations

Access to the subject site is proposed via an existing entrance off the National Secondary Road N59 where the posted speed limit is 100kmph. It is considered that the proposed development would:

- Endanger public safety due to uncontrolled pedestrian interactions with traffic utilising the N59 and as such would give rise to a traffic hazard,
- Involve the intensification of use of an existing entrance directly onto the National Secondary, N59 Route by reason of the additional traffic likely to be generated by the new development proposed,
- would conflict with the Council's Policy, as expressed in policy P-NR-1 of the Sligo County Development Plan 2024 - 2030 and conflict with the Department of the Environment Guidelines with respect to Spatial Planning and National Roads (January, 2012) which seek to curtail development along National Roads, to safeguard the strategic role of the National Road Network and to avoid intensification of existing accesses to national roads, therefore, the traffic movements likely to be generated by the proposed intensified use of an existing entrance onto the N59 would interfere with the safety and free flow of traffic on the national road, and would contravene the County Development Plan, be contrary to Section 28 Guidelines, would set an undesirable precedent for similar such development and would 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.

Kathy Tuck
Planning Inspector
26th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320034-24		
Proposed Development Summary	Construct stone plinth and base with the erection of a sculpture along with associated access, walls, landscaping and to carry out all ancillary site works		
Development Address	Larkhill, Beltra, Co. Sligo		
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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	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		X	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.968m to the south-west of the Ballysadare Bay SAC and 379m to the south-east of the Ballysadare Bay SPA. The proposed development comprises of the construct stone plinth and base with the erection of a sculpture along with associated access, walls, landscaping and to carry out all ancillary site works.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: _____ **Date:** _____