



An
Bord
Pleanála

Inspector's Report ABP320141-24

Development	Construction of vehicular entrance to dwelling plus all ancillary site works.
Location	Carrowblough More, Kilkee, Co. Clare, V15 WV76.
Planning Authority	Clare County Council.
Planning Authority Reg. Ref.	24135
Applicants	Tony & Goretti Deloughery
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	Transport Infrastructure Ireland
Observer	None
Date of Site Inspection	18 th February 2025.
Inspector	Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in a rural area approximately 3 kilometres northeast of the town of Kilkee in west of County Clare. The site fronts onto the N67 National Secondary Route which defines the sites northern boundary. On the site is a single storied dwelling. The site has a pedestrian access onto the national route. To the west of the site there is an agricultural entrance and the appeal site is currently accessed in relation to vehicles via this existing access. There is a dwelling and farm buildings on the adjoining lands to the east of the appeal site. There is also a dwelling on the northern (opposite) side of the N67 and there are dwellings and farm buildings further to the east.
- 1.2. The alignment of the national route in the vicinity of the site is relatively poor in relation to horizontal and vertical alignment with limited hard shoulders and verges on either side of the carriageway. The site is within the general speed limit area and there is double line in the centre of the carriageway with a broken white line on the southern side and a solid white line on the northern side in the vicinity of the site and to the west and solid white lines to the east of the site.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 25th April 2024 is for the construction of vehicular entrance to dwelling plus all ancillary site works.
- 2.2. The proposal arises from the existing vehicular access being no longer available and incorporating a vehicular entrance within the dwellinghouse site.
- 2.3. The entrance is located at the western end of the site's road frontage to the front of the existing dwelling. The proposal provides for a splayed access with the entrance set back approximately 3 metres from the carriageway. The proposal also provides for wing walls to match the existing roadside boundary.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to two conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 12th June 2024 refers to the provisions of the current County Development Plan (CDP); submissions received and an assessment of the proposal which is in a rural area in the context of the provisions of the CDP.

Reference is made to the existing entrance used and although the proposal would not meet required standards represents a qualitative improvement. Permission was recommended.

- 3.2.2. The West Clare Municipal District Engineer report dated the 17th May 2024 recommended further information in relation to indicating sightline distances with regard to section A1.6.2 of the CDP.
- 3.2.3. Road design Planning Report dated the 10th June 2024 refers to the requirement for a Road Safety Audit to be carried out as per the requirements of the CDP and that sightline visibility standards are not achieved

3.3. Other Submissions from Statutory Bodies

Transport Infrastructure Ireland (TII).

- 3.3.1. TII in a submission consider that the proposal is at variance with National Policy in relation to National Roads. It is recommended that a Road Safety Audit (RSA) be carried out and any recommendations arising should be incorporated by amendment to the planning application and of permission is granted incorporated as conditions.

4.0 Planning History

- 4.1. None relevant to the site.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Clare County Development Plan 2023-2029.
- 5.1.2. Chapter 11 refers to Physical Infrastructure, Environment and Energy and section 11.2.9 to the Road Network with an objective CDP11.11 a) To safeguard the motorway, national roads and strategic regional inter-urban road connections between cities, settlements, ports and airports, and their associated road junctions, in line with national policy.
- 5.1.3. In section 11.2.9.3 Access onto National Roads it is indicated that in order to retain the safety, efficiency and carrying capacity of national primary and secondary roads within the County, development proposals involving access onto national roads will be assessed by the Council having regard to Spatial Planning and National Roads – Guidelines for Planning Authorities (2012) and in relation to lands adjoining National Roads to which Speed Limits of Greater than 60kmh apply, the policy of the Planning Authority will be to avoid the creation of any additional access points from new developments or the generation of increased traffic from existing accesses onto national roads where speed limits greater than 60kmh apply in accordance with Spatial Planning and National Roads – Guidelines for Planning Authorities (2012), subject to the exceptional circumstances as set out below. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.
- 5.1.4. Exceptional Circumstances are identified in relation to a number of sections of the National Secondary Route network lightly-trafficked sections of National Secondary Routes which are identified as sections of the N67 including the N67 Doonbeg to Kilkee and this section of the N67 is identified in volume 2 Maps of the Plan.
- In these areas the Council will give consideration to developments requiring direct access onto national secondary roads for persons wishing to build a dwelling house for their own permanent residence on family land where the following is demonstrated to the satisfaction of the Planning Authority:

- There are no alternative sites available with access off a regional or local road;
- The development will not undermine the strategic transport function of the national road network, will not result in the premature obsolescence of the network, and where applicable will not compromise the carrying capacity at adjacent road junctions;
- The location of the proposed access is at a point on the National Road Network where there are no plans for future upgrades;
- All safety issues and considerations are adequately addressed in accordance with TII Publications; and
- The proposed development would not create an undesirable precedent for further development in the area.

5.1.5. In relation to Existing Accesses onto National Secondary Roads it is indicated that it is an objective of the Council to restrict the creation of additional access points for new developments onto national roads to which speed limits of greater than 50kmh apply. A less restrictive approach will be applied to existing accesses onto national secondary roads where a balance needs to be struck between the important transport function of such roads and the social and economic development of the areas through which they pass.

The plan indicates that the Council will give consideration to individual rural house developments utilising existing accesses onto national secondary roads in circumstances which include; that there are no alternative sites available with access off a regional or local road; the development will not undermine the strategic transport function of the national road network, will not compromise the carrying capacity at adjacent road junctions; all safety issues and considerations are adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges; the development fully complies with the objectives set out in Chapter 4; that there is a genuine need for the dwelling proposed; and the proposed development would not create an undesirable precedent for further development in the area.

This is further stated in objective CPD 11.13 Direct Access onto National Roads and that it is an objective of Clare County Council to safeguard the safety, efficiency and

carrying capacity of national primary and secondary roads, including associated national road junctions, within the County in line with national policy; restrict individual accesses, and the intensification of existing access, onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety, and to prevent the premature obsolescence of the network and to assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 11.2.9.3.

5.2. National Guidance

5.2.1. Spatial Planning and National Roads Guidelines for Planning Authorities DoECLG 2012.

These guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60kmh speed limit zones for cities, towns and villages.

The guidelines indicate the importance of the national route network and that the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national routes. Proper planning is central to ensuring road safety and the creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, planning authorities and road authorities must guard against a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60 kph apply as part of the overall effort to reduce road fatalities and injuries.

Reference is made to a plan led approach and section 2.5 refers to required Development Plan Policy on Access to National Roads and with regard to access to national roads, all development plans and any relevant local area plans must implement the policy approaches outlined. Specifically on lands adjoining National Roads to which speed limits greater than 60 kph apply 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 kph apply. This provision applies to all

categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Section 2.6 provides for Exceptional Circumstances and notwithstanding the provisions of Section 2.5, 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 and having followed the approach outlined below in relation to Developments of National and Regional Strategic Importance and Lightly-trafficked Sections of National Secondary Routes.

5.3. Natural Heritage Designations

The subject site is located in excess of one kilometre from the Kilkee Reefs SAC site code 002264 and Tullagher Lough and Bog SAC site code 002343. It is also over one kilometre from the nearest pNHAs: -Farrihy Lough pNHA site code 000200 and Tullagher Lough And Bog pNHA: site code 000070.

5.4. EIA Screening

- 5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third party appeal in summary refers to;
- The proposal is at variance with national policy.
 - National policy sets out the priority of maintaining the national road network.
 - Reference is made to re is reference to Spatial Planning and National Roads Guidelines for Planning Authorities DoECLG 2012 and to avoid creation of any additional access points.

- The Road Safety Authority indicates the need to successfully improve road safety.
- Additional new accesses give rise to generating additional traffic movements that introduce additional safety risks to road users.
- The current proposal not only creates a new access but adds to the multiplicity of existing legacy pedestrian and vehicular accesses in close proximity without a coherent traffic management and safe system approach for this stretch of road.
- The proposal is therefore at variance with national policy.
- In relation to local policy reference is made to DP 11.13 of the CDP and the Planning Authority has granted planning permission in the absence of demonstration that safety issues have been considered and are adequately addressed and the development granted is at variance with the objects and provisions of the CDP.
- Specifically in relation to road safety reference is made to the legacy of the number of accesses in close proximity to the proposed access which do not meet current road and or safety standards at this location and impact public safety and the proposal will add further to this and will not address or ameliorate public safety at this location.
- No documentation has been submitted indicating any analysis of road safety in accordance with road safety standards or TII publications.
- Reference is made to the documentation of the assessment of the application, the reports of the Area Engineer and Road Design Office and the decision to grant planning permission without requesting further information which may have created the opportunity to improve road safety in the area.
- An engineering assessment has not been undertaken which would have been expected to be considered prior to granting permission which may have identified a more appropriate solution.
- The development as proposed would endanger public safety.

- The development would set an undesirable precedent for other similar development.

6.2. **Planning Authority Response**

The planning authority in a response indicate that

- The planning authority had regard to the TII submission and the report from the area engineer and refers to CDP 11.13.
- The response refers to the existing situation, to the existing entrance which serves the dwelling and which will be longer available.
- The proposed location will improve sightline visibility and although it does not meet required standards it will significantly improve visibility, would separate agricultural traffic from residential traffic and reduce the intensity of an existing substandard access.
- Noting the recommendation for further information the planning authority on balance considered that the proposal represented a significant qualitative improvement in terms of traffic safety for an existing land use.
- The Planning Authority requests the Board to confirm its decision.

6.3. **First Party Response.**

6.3.1. The applicant in a response indicates,

- The existing access is extremely dangerous.
- The proposal will with the splayed layout will provide additional safety and improve a potentially dangerous situation immensely.
- The alternative does not bear thinking about as the applicant will have nowhere to park or enter/exit the site if they have to park along the road frontage.
- A site inspection will give an understanding of the reasoning for the proposed entrance.

7.0 Assessment

7.1. The main issues in this appeal are as stated in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

7.2. Grounds of appeal, the principle of the development and policy guidance.

The proposal as submitted is for the construction of vehicular entrance to an existing dwelling and all ancillary site works.

7.2.1. In relation to the principle of development the proposal is for the creation of a new vehicular access onto the N67 National Secondary Route at a point where the maximum speed limit applies. There is stated in county and national policy a presumption against the creation of new access points in general speed limit area to safeguard the carrying capacity of national routes, to safeguard road users and in the interests of traffic safety. CDP and national policy do however make provision for the consideration of exceptional cases where additional access points or intensification of an existing access can be considered. In considering the current proposal the issue to be considered is whether an exceptional circumstance is warranted.

7.2.2. In granting permission, the planning authority indicate that the planning authority had regard to the TII submission and the report from the area engineer and refers to CDP 11.13; considered the existing situation, that the existing entrance which serves the dwelling will be longer available; that the proposed location will improve sightline visibility and although it does not meet required standards it will significantly improve visibility, would separate agricultural traffic from residential traffic and reduce the intensity of an existing substandard access and although noting the recommendation for further information from the district engineer and road design office the planning authority on balance considered that the proposal represented a significant qualitative improvement in terms of traffic safety for an existing land use.

7.2.3. The applicant has referred to the existing access as extremely dangerous; the proposal will with the splayed layout will provide additional safety and improve a potentially dangerous situation immensely and the alternative does not bear thinking about as the applicant will have nowhere to park or enter/exit the site if they have to park along the road frontage.

- 7.2.4. The appellant TII in the grounds of appeal contends that the proposal is at variance with national policy which sets out the priority of maintaining the national road network and to avoid creation of any additional access points. The issue of road safety is referred to and that additional new accesses give rise to generating additional traffic movements that introduce additional safety risks to road users. Reference is made to the existing legacy situation in relation to the multiplicity of pedestrian and vehicular accesses in close proximity without a coherent traffic management and safe system approach for this stretch of road.

The Planning Authority granted planning permission in the absence of demonstration that safety issues have been considered and are adequately addressed and the development granted is at variance with the objects and provisions of the CDP. No documentation has been submitted indicating any analysis of road safety in accordance with road safety standards or TII publications.

Reference is made to the documentation of the assessment of the application, the reports of the Area Engineer and Road Design Office and the decision to grant planning permission without requesting further information which may have created the opportunity to improve road safety in the area. Consequently, an engineering assessment has not been undertaken which would have been expected to be considered prior to granting permission which may have identified a more appropriate solution.

- 7.2.5. In considering the proposal and the submissions made in relation to the proposed development it is an unusual case where there is an existing dwelling which has no vehicular access point within its site boundary and utilised a vehicular access outside of the site boundary and therefore currently generates traffic movements onto and off the site onto the national secondary route. It is also evident that the existing access utilised does not meet desired standards in relation to sightline visibility owing to the current horizontal and vertical alignment of the road.
- 7.2.6. Although exceptional circumstances are outlined in relation to national routes in national and CDP policy the exception is largely related to accommodating new dwellings and sets out criteria to assess new development requiring access onto national routes but these criteria could be applied to this proposal given the unusual

circumstances which apply. It is noted that the site fronts onto a section of national secondary routes where exceptional circumstances can be considered.

- 7.2.7. In relation to the current proposal there is no alternative access available with access off a regional or local road one of the criteria to be considered.
- 7.2.8. Another criterium is that all safety issues and considerations are adequately addressed in accordance with TII Publications.

It is the contention that the proposal represents a qualitative improvement on what currently exists. Based on the site inspection the relocation of the site access from the location currently used to the proposed location would improve the sightline to some degree however the level of improvement has not been quantified and it is not established that any further improvement significant or otherwise can be achieved. This is of importance as neither the existing or proposed access meet road safety guidelines and this is acknowledged and accepted by all parties.

Given the deficiency in relation to sightline visibility I consider that all safety issues and considerations require to be adequately addressed in accordance with TII Publications as outlined in national and CDP provisions. In this regard the West Clare Municipal District Engineer report recommended further information in relation to indicating sightline distances with regard to section A1.6.2 of the CDP and road design planning report refers to the requirement for a Road Safety Audit to be carried out as per the requirements of the CDP and this was not requested by the planning authority. As stated in the grounds of appeal there is an absence of demonstration that safety issues have been considered and are adequately addressed and no documentation has been submitted indicating any engineering analysis of road safety in accordance with road safety standards or TII publications which may have created the opportunity to improve road safety in the area.

I consider that such documentation should have submitted to achieve the optimum level of road safety. It may be the case that no significant improvement on what is submitted will occur but it is important that all aspects of potential improvement in road safety should have been considered and assessed and a decision made having fully assessed the optimum position regarding traffic safety or any recommendations outlined following a road safety audit and engineering assessment and all safety issues and considerations been adequately addressed.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposal for the construction of vehicular entrance to dwelling plus all ancillary site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject development is located on an established residential site.

The subject site is located in excess of one kilometre from the Kilkee Reefs SAC site code 002264 which has large shallow inlets and bays reefs and submerged or partially submerged sea caves as qualifying interests and littoral in composition and the Tullaher Lough and Bog SAC site code 002343 which has bogs as its qualifying interests. It is also over one kilometre from the nearest pNHAs: -Farrihy Lough pNHA site code 000200 located to the west towards the coastline and Tullaher Lough And Bog pNHA: site code 000070.

- 8.2. The proposed development comprises in effect the creation of a new vehicular access as outlined in section 2 in the Inspectors report. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows; the nature of the development, the distance of the proposal from these sites and the absence of pathway to the sites.
- 8.3. 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

- 9.1. I recommend that permission be refused.

10.0 Reasons and Considerations

- 10.1. The proposed development is for the creation of a new vehicular access on to the N67 National Secondary Route at a point where the maximum speed limit applies.

Having regard to stated provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities DoECLG 2012 in particular sections 2.5 and 2.6 which indicate the importance of the national route network; to ensure that the strategic traffic function of national roads is maintained by limiting the extent of development on national routes; that proper planning is central to ensuring road safety and capacity and that the intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users and also the stated provisions of the Clare County Development Plan 2023-2029 in particular section 11.2.9.3 relating to access onto National Roads and that in the assessment of new access points that all safety issues and considerations are adequately addressed in accordance with TII Publications. It is considered that all safety issues and considerations are not adequately addressed in relation to the proposed development.

It is therefore considered that the proposed development would be in conflict with the stated guidance, would danger public safety by reason of traffic hazard and be an obstruction to road users by limiting the safety and free flow of traffic on the N67 National Secondary Route arising from the additional traffic movements generated onto the route at a point where the maximum speed limit applies and therefore the proposed development 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.

Derek Daly
Planning Inspector

25th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320141-24		
Proposed Development Summary	Construction of vehicular entrance to dwelling plus all ancillary site works.		
Development Address	Carrowblough More, Kilkee, County Clare.		
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	Tick if relevant and proceed to Q2.
		No X	Tick if relevant. 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)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	Tick or leave		Tick if relevant. No

X	blank		further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: Derek Daly Date: 25th February 2025