



An
Bord
Pleanála

Inspector's Report

ABP-321464-24

Development	An agricultural access gate to lands on the north east boundary.
Location	Amharc Muileann, Bloodmill Road, Singland, Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2460992
Applicant(s)	A&G Thomand Builders Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	A&G Thomand Builders Limited.
Observer(s)	None.
Date of Site Inspection	1 st February 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to a fence and boundary at the end of a cul-de-sac within the new residential estate of Amharc Muileann, located off the Bloodmill Road in Singland, Limerick City. The cul-de-sac and appeal site is located on the eastern site boundary with greenfield lands that form part of the Groody Valley Green Wedge. Surrounding dwellings in the estate comprise four storey flatted dwellings to the immediate north and two storey detached dwellings to the south. The distance from the Bloodmill Road junction to the end of the cul-de-sac is approximately 200 metres.

2.0 Proposed Development

- 2.1. Planning permission is sought for the installation of an agricultural access gate. The proposed gate would be 3660mm wide with the access width measuring 3,775mm. The development would include a 1,200mm high timber post fence on either side, connecting to the boundary walls.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission was issued on the 28th November 2024. Permission was refused for the following reason:

The development proposed by reason of its nature and location, within an existing residential area, would endanger public safety by reason of a traffic hazard and would seriously injure the amenities of properties in this residential area. As such the proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report contains the following points of note:
- An application was made for retention of an access gate at this location and this was refused under application 24/60268 based on concerns with respect

to public safety and the potential for negative impacts on the residential amenity of the area.

- A cover letter submitted with the current application outlines that the purpose of the gate is to provide access to land which would otherwise be land locked.
- The lands are presently in use for agricultural purposes and access will be required 4 or 5 times a year to facilitate agricultural machinery, consisting of a tractor, trailer, topper, mower and ditch cutter for grass cutting and maintenance purposes.
- A support letter from ESB networks Ireland sets out the ESB lines crossing these lands are the main feeding and back feeding networks to the New Bon Secours Hospital. It outlines that previously there was a gate in position for access in this location when the designs for the networks were complete. The submission states that there is no other suitable access point for ESB crews in the event of an emergency and concludes that the reinstatement of the gate is required for ESB Networks to be able to maintain a quality ESB supply to the hospital and surrounding businesses.
- The Roads Section has concerns with regard to public safety and impact on residential amenity.
- The use of the gate by large agricultural machinery through a residential area is not considered appropriate in this location and would have significant traffic and pedestrian safety implications.

Other Technical Reports

- 3.2.2. **Road Section (27.11.2024):** Under the parent permission, this area of the housing development was permitted as a cul-de-sac with a block wall to be constructed where the Applicant is now applying for permission for an agricultural access gate to lands on the northeast boundary. The report notes that the block wall was removed and replaced with a fence. The Road Section do not agree to this proposal within a housing estate which by reason of its nature and location would endanger public safety and seriously injure amenity.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. **Planning Authority Reference 24/60268:** Permission refused to A&G Thomond Builders for retention for access gate to lands on the northeast boundary and all associated site development works for the following reason:

The development proposed to be retained, by reason of its nature and location, would endanger public safety and seriously injure the amenities of properties in this residential area. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

4.2. **Planning Authority Reference 18/434:** Limerick City and County Council granted permission for 99 no. residential units including include: (i) 1 no. 4 bed detached unit; (ii) 52 no. 3 bed semi-detached units; (iii) 2 no. 3 bed terrace units; (iv) 15 no. 2 bed terrace units with option for a third bedroom; (v) 28 no. 2 bed apartment units, 1 no 3 bedroom apartment unit; and (vi) all associated site works including site entrance; foul water pumping station; on site attenuation tanks; and landscaping.

5.0 Policy Context

5.1. Development Plan

5.1.1. The majority of the cul-de-sac site is zoned Existing Residential with the objective to provide for residential development, protect and improve existing residential amenity. The remainder of the on the east side of the boundary is zoned Groody Valley Green Wedge with the objective to preserve and protect the Groody Valley from development.

- 5.1.2. Objective HO O3 Protection of Existing Residential Amenity: It is an objective of the Council to ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable new development.

5.2. Natural Heritage Designations

- 5.2.1. None of relevance.

5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of this report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal has been submitted by HRA Planning, for and on behalf of the Applicant, A&G Thomond Builders Limited, against the Decision of Limerick City and County Council to refuse planning permission. The grounds of appeal can be summarised as follows:
- There is no other alternative means of accessing the lands, which are effectively landlocked.
 - The land is not zoned for development purposes and needs to be adequately managed for agricultural purposes.
 - Only occasional use of the gate is proposed for agricultural purposes and subject to mitigation measures, including traffic management on site when the gates are to be used, there would be no long term, permanent adverse impacts.

- The development would not give rise to a traffic hazard and would not endanger public safety having regard to the minimal traffic movements that are likely to be generated.
- The Applicant proposes to use the gate around four/five times a year at off-peak times and can provide safety officers during its use if necessary.
- Access to the land was previously from Bloodmill Road. This was extinguished as part of the housing development, and it was envisaged that the road network proposed in the Castletroy Local Area Plan would serve the lands, but the LAP has been rescinded and the proposed roundabout and road roadway has not been delivered and not carried forward to the Limerick Development Plan 2022-2028.
- There are no proposals to provide access to the lands from Bloodmill Road and the only opportunity to provide access is via the existing main access road serving the Amharc Muileann Estate.
- Permission was recently granted for retention of a similar agricultural access to residual lands on the Clondell Road (Ref 24/60448).
- There are no other alternative means of access to the Applicant's land. The land is effectively landlocked, and access needs to be provided for ongoing management including grass cutting and maintenance purposes, and to prevent the land becoming waste ground.
- There is already an issue with rubbish being thrown over garden walls, this needs to be retrieved on a regular basis.
- The ESB also require access to this land for maintenance of ESB infrastructure. The lines crossing this land are the main feeding to the new Bon Secours Hospital and there is no other suitable access point for ESB crews in the event of a fault. A letter has been provided by the ESB as part of the planning application, supporting the development.

6.2. Planning Authority Response

6.2.1. No response on file.

6.3. Observations

6.3.1. None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the development plan, I consider that the substantive issue to be considered in this appeal is the matter of traffic safety and amenity.
- 7.2. It is submitted by the Appellant that access is required to the lands, which they note are undevelopable, in order to effectively manage them for agricultural purposes. The Appellant states that the gate would be used around four/five times a year at off-peak times and that there are no other means of access to the lands. The Appellant argues that the land is effectively landlocked, and that access needs to be provided for ongoing management including grass cutting and maintenance purposes, and to prevent the land becoming waste ground, noting that there is already an issue with rubbish being thrown over garden walls and that this needs to be retrieved on a regular basis.
- 7.3. A submission made by the ESB during the application states that they also require access to this land for maintenance of ESB infrastructure. They note that the lines crossing this land are the main feed to the new Bon Secours Hospital that and there is no other suitable access point for ESB crews in the event of a fault.
- 7.4. The Planning Authority do not dispute the existing use of the land, or the claims made by the Appellant with regards to the need for ongoing management of the land or the need for access by the ESB with regards to maintenance of infrastructure. The main issue raised by the Planning Authority relates to the nature and location of the development within a housing estate and the potential risk to public safety by reason of a traffic hazard.
- 7.5. Prior to the development of housing, the land in question was previously accessed from an agricultural gate on the Bloodmill Road. Lands on the road frontage that were zoned residential were then developed for housing and the Appellant indicates that

future access to the remaining lands was intended to be from a future road network detailed in the now rescinded Castletroy LAP and not carried forward into the Limerick Development Plan. This has effectively left the Appellant's land landlocked. From the information available to me, there does not appear to be any reasonable prospect of alternative access being provided to these lands and the previous roads objectives do not appear to be being pursued. On that basis I consider it reasonable that access to the lands be considered from the proposed location at the terminus of the cul-de-sac.

- 7.6. The Appellant states that they require access to facilitate agricultural machinery for grass cutting and maintenance in addition to the removal of rubbish. Certainly, at the time of my site inspection it was clear that there were issues with regards to rubbish being dumped on the land, which appeared to be quite widespread. In any event, the Appellant states that access would be required four or five times a year.
- 7.7. The proposed access point is approximately 200 metres from the main junction on Bloodmill Road. The carriageway through the estate is sufficiently wide to comfortably accommodate the proposed vehicles and I note that the estate is a low speed environment where visibility is not compromised either by widespread on-street parking or front boundary walls. There are segregated cycle ways, off-street parking for residents and sufficient footpath provision.
- 7.8. Given the particular circumstances of this case and having regard to the landlocked nature of the land in question and the reasonable need of the Appellant to access this land for ongoing management and maintenance purposes, the absence of any reasonable alternative provision, the very limited traffic movements proposed (four to five movements a year) and the attributes of the estate road layout previously mentioned, I am of the view that on balance, the provision of an agricultural gate in this location, would not have a significant impact on residential amenity and would not pose a risk to public safety by reason of a traffic hazard.

8.0 AA Screening

- 8.1. Having regard to the small scale nature of the proposed works, the location of the proposed development, the nature of the receiving environment, the relative separation distance from the nearest European site and the lack of any direct hydrological connections, it is concluded that no Appropriate Assessment issues arise

as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1.1. I recommend that the Board grant planning permission, subject to the following conditions.

10.0 Reasons and Considerations

- 10.1. Having regard to the landlocked nature of the lands in question, the lack of any reasonable alternative access, the nature and extent of the proposed development and the very low number of vehicle movements being proposed, and the layout of the existing estate road, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, traffic safety and amenity. 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 in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. Use of the agricultural entrance hereby approved shall be limited to agricultural and ESB maintenance purposes only.

Reason: In the interests of amenity and orderly development.

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.

Terence McLellan
Senior Planning Inspector

4th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321464-24		
Proposed Development Summary	An agricultural access gate to lands on the north east boundary.		
Development Address	Amharc Muileann, Bloodmill Road, Singland, Limerick.		
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	X
		No	
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			Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
No		Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____ **Date:** _____