



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500946-LK-26**

<b>Development</b>	Retention of agricultural entrance
<b>Location</b>	Dromtrasna Collins, Abbeyfeale, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	2561299
<b>Applicant(s)</b>	Thomas Ahern
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse Retention
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Thomas Ahern
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	1 <sup>st</sup> May 2026
<b>Inspector</b>	Suzanne Kehely

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## 1.0 Site Location and Description

- 1.1. The site relates to an entrance on the north side of the N21, the national primary route between Abbeyfeale and Adare in County Limerick. It is c.1.7km east of Abbeyfeale. It is a rural area with some domestic and agriculture entrances and junctions with minor roads in the vicinity. The site as delineated relates to a 900sq.m. parcel of land which incorporates part of a field under grass and extends into the public road. The submitted drawings also indicate the landholding of which it forms a part and which includes the open field and a farmyard which wraps around a dwelling house and sheds which are set back about 285m from the road. The landholding in blue includes a vehicular entrance and fenced off concrete surface driveway from the entrance to the house and the yard complex.
- 1.2. The subject development site includes a recessed agricultural gate with a post and cable/tape fence marking a splayed access between the gate and hedge which is fronted by a shallow ditch and grass margin. Part of the hedge/ditch has been removed and rough gravel has been laid as topping over the grass which is growing through. This gravel area extends over the entire entrance from gate to road. The road frontage is otherwise marked by a ditch and low hedge fronted by a grass margin along the road edge. There is no evidence of a culvert or drain across the entrance.
- 1.3. The road is a single carriage way with hard shoulder on each side and centre parallel broken lines. The general default speed of 100kph applies. At time of inspection, traffic was light but continuous and travelling at what appeared to be the maximum speed.
- 1.4. The landholding is adjoined by fields on each side and bound to the north partly by the River Allaghan and riverbank woodland.

## 2.0 Proposed Development

- 2.1. Permission is sought to retain the existing direct vehicular entrance from the road into the field for the purposes of agricultural use. The site layout drawing shows the entrance opening at the road edge to be 12m and narrowing to 4m over a depth of

12m. Drawings refer to retaining existing entrance and a wire fence with two rows of wire is between the posts.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 11<sup>th</sup> February 2026 the planning authority issued notification of decision to refuse permission for the stated reason:

- The proposed development would result in the intensification of an existing direct access onto the N21 National Primary Road at a point where the speed limit of 100km/h applies and the traffic turning movements generated by the proposed development would interfere with the safety and free-flow of traffic on the adjoining N21 National Road. The proposed development would materially contravene Policy TR P12 (Safeguard the Capacity of National Roads) and Objective TR O39 (National Roads) of the Limerick Development Plan 2022-2028 where it is the policy in general, to avoid the creation of any new direct access points from development, or the generation of increased traffic from existing direct access/egress points to the national road network, to which speed limits greater than 60km/h apply. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The report notes the enforcement action in relation to the subject site and also to a nearby entrance ('right of the main passageway') which is noted not to be included in the submitted application details. In assessing the proposal by reference to both local and national policy, regard is had to the TII objection on grounds of principle and also to the Limerick County Council Road Divisions, both, internally and from the Mid-West Road Design Office. It is considered that the development fails to comply with national policy which clearly states new access should be avoided on such roads and ultimately prevent a proliferation of entrances so as to protect the long-term function of national roads. The report refers to a site inspection which confirmed that access

could be provided from the existing main passageway serving the farm complex and dwelling therefore removing the need for an additional direct access. It is therefore contrary to the specific policies and objectives of the CDP as reflected in the reason for refusal.

### 3.2.2. Other Technical Reports

**Roads Section – 03/02/25** –The report states that the Roads Section does not support the provision of two agricultural entrances onto the National Primary Road (N21), as this would give rise to avoidable traffic movements and increased turning manoeuvres. In the interest of public safety and the protection of the strategic function of the national road, the Roads Section is not in favour of permitting two agricultural accesses at this location.

**Mid-West Roads National Road Design Office – 16/01/25** – The report states that the proposal goes against national policy on management of development that affects national roads as set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). National Policy on access to and development along national roads, as outlined in the 2012 Guidelines, aims to protect these routes from inappropriate frontage development. In this case, the proposal would adversely affect a section of national road and therefore does not align with the policy. The site is located on an unimproved section of a national road where the maximum speed limit applies. Allowing the development would create a traffic hazard and increase safety risks for road users due to additional traffic movements.

### 3.3. Prescribed Bodies

3.3.1. **TII:** The entrance is at variance with official policy in terms of controlling development on and affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012 as the proposed development by itself and the precedent it would set would adversely affect the operation and safety of the national road network for the following reason:

- Official Policy in relation to development involving access to national roads and development along such roads is set out in these guidelines. The proposal if approved would create an adverse impact on the national roads where the

maximum permitted speed limit applies and would, in the authorities' opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads.

- The proposed development located on an unimproved section of a national road where the maximum speed limit applies would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of the extra traffic generated.

### 3.4. **Third Party Observations**

A local Counsellor has submitted a letter of support.

## 4.0 **Planning History**

- 4.1. The planning report refers to recent Enforcement Action regarding unauthorised access/entrances and also the permission to Thomas and Noelle Ahearne for a 246sq.m. extension to an existing farmhouse, new domestic drainage treatment system and new entrance walls (PA ref 14/637). In those plans the house is indicated as having a right of way over the driveway described as a 'service road'.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. **Chapter 7: Sustainable Mobility and Transport:** This chapter includes policies and objectives to facilitate the protection of all National routes from frontage access and to minimise the number of junctions in accordance with TII's Policy and the Department of Environment, Community and Local Government's Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

- **Policy TR P12 Safeguard the Capacity of National Roads:** It is a policy of the Council to:
  - a) Protect the capacity of the national road network, having regard to all relevant Government guidance and associated junctions, including the Spatial Planning and

National Roads Guidelines (DoECLG, 2012) in the carrying out of Local Authority functions and;

b) Ensure development does not prejudice the future development, or impair the capacity of, the planned national roads, which includes the N/ M20 Cork to Limerick Scheme and Foynes to Limerick Road (including Adare Bypass) projects and other schemes referenced in Section 7.4;

c) Continue to engage, at an early stage, with relevant transport bodies, authorities and agencies in respect of any plans or projects that are located in proximity to national road infrastructure

• **Objective TR O39 National Roads:** It is an objective of Council to:

a) Prevent, except in exceptional circumstances and subject to a plan-led evidence-based approach, in consultation with Transport Infrastructure Ireland, in accordance with the Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012), development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads and having regard to reservation corridors, to cater for possible future upgrades of the national roads and junctions;

b) **Avoid the creation of any new direct access points from development, or the generation of increased traffic from existing direct access/egress points to the national road network, to which speed limits greater than 60km/h apply;**

c) Facilitate a limited level of new accesses, or the intensified use of existing accesses, to the national road network on the approaches to, or exit from, urban centres that are subject to a speed limit of between 50km/h and 60km/h. Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

### 5.2.1. Spatial Planning and National Roads Guidelines for Planning Authorities (2012), (DoECLG).

- Section 2.5 sets out required development plan policy on access to national roads and states plans must implement policy whereby : “ 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 such as being of national or regional importance and includes implications for safety and that transport and settlement patterns mutually support each other. Value for money considerations also apply.
- Chapter 3 refers to development management and applications on national roads.

#### 5.2.2. Southern Regional Assembly – Regional Spatial and Economic Strategy 2020 2032

- Objective RPO 151: The strategic transport function of national roads will be maintained and protected in accordance with national policy.

### 5.3. **Natural Heritage Designations**

The landholding to the north is bounded by the Lower River Shannon SAC (Site Code 002165). The development site is c. 305m from the southern edge of this SAC and there is an intervening farmyard and dwelling.

## 6.0 **EIA Screening**

- 6.1. The subject 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 or Part V of the 1994 Roads Act.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

- 7.1.1. Kevn Keneally of Keneally Murphy and Associates (Architectural and Engineering consultants) has submitted an appeal on behalf of the applicant framed around the opinion that the refusal is based on a mischaracterisation by the planning authority of the nature and extent of development. It is emphasised that the proposal will not facilitate additional development or traffic. This is supported by describing the nature and scale of use such as:

- The entrance serves an existing established agricultural use of the lands which is primarily for grass production. There is no new use or intensification of use and therefore no generation traffic.
- There will be extremely limited use of the entrance as it for seasonal harvesting of silage – twice annually.
- The agricultural traffic has historically used the residential entrance and therefore there is no additional traffic or intensification of traffic onto the N21 – it is a redistribution of existing agricultural access for a long-standing use.
- It is more practical for accommodating agricultural machinery.
- It is a secondary access to separate agricultural use from residential.
- There is adequate visibility - sightlines are in excess of 250m as visually demonstrated with appended photographs

7.1.2. It is accordingly submitted that there has been misinterpretation and incorrect application of development plan policy and objective regarding national roads which are designed to control development that generates additional traffic which is not the case.

## 7.2. **Planning Authority Response**

- No further comment

## 8.0 **Assessment**

### 8.1. **Issues**

8.1.1. This appeal relates to retention of a new vehicular access on a national primary route where the maximum speed limit of 100kph applies. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local and national policies and statutory guidance, I consider that the substantive issue in this appeal to be considered is the Principle of Development on a National Primary Route and the related issue of traffic hazard.

## 8.2. Principle of Development on a National Primary Route.

- 8.2.1. The applicant disputes the decision to refuse permission for the retention of the new agricultural access on the basis of having a need to access agricultural lands independently and that it does not constitute a traffic hazard by reason of volume of traffic. It is explained that the same agricultural traffic using the existing entrance will be diverted to use this new adjacent access which it is explained will be used only twice a year, as the land to be accessed is used for silage. Accordingly, it is submitted to result in no material change in traffic to that which exists. The appellant makes the case that the interpretation of the development plan policy TR P12 and objective TR O39 has been inappropriately applied to the scale and nature of the development in so far as such policies are intended for new development that would generate additional traffic which, it is submitted, is not the case. The new access is simply to accommodate a redistribution of existing agricultural traffic.
- 8.2.2. In principle, the Development Plan policy supports the position that there is a fundamental issue with any new vehicular access onto a national primary route where 60kph is exceeded. This is to protect the strategic transport links between centres of population which in this case is Adare and Abbeyfeale.
- 8.2.3. In terms of the Development plan strategy approach to sustainable mobility transport, section 7.9.1 states: The Council will facilitate the protection of all National routes from frontage access and seek to **minimise the number of junctions** in accordance with TII's Policy and the Department of Environment, Community and Local Government's Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In meeting with the aims of chapter 7, the Development Management Standards in Chapter 11 (Section 11.8.1) further state that 'to protect the integrity of Limerick's road network the following applies: 'There is a **presumption against access** onto motorway, national roads, strategic regional roads and regional roads in the interest of safety, preserving the capacity and the efficiency of these roads'.
- 8.2.4. The policy and objectives are I consider quite clear about the principle of a new access. TR O39 states inter alia in (b) it is an objective to avoid the creation of any new direct access points from development, or the generation of increased traffic

from existing direct access/egress points to the national road network, to which speed limits greater than 60km/h apply. Notwithstanding, the Development Plan provides for any such proposal to be assessed in accordance with the relevant guidance which in this case includes the TII policy and Department (DoECLG) standards. Section (a) of TR O39 objective for example, provides for exceptional circumstances subject to plan led evidence based approach in consultation with TII and in accordance with S 28 Guidance for development which would adversely affect safety and capacity and function of such roads. The basis for refusal is I consider sound as it is expressed in the planning authority report by reference to the development plan, the roads division opposition and the TII submission.

8.2.5. The TII in its submission on this case states the proposed development by itself and the precedent it would set would adversely affect the operation and safety of the national road network and in its opinion permission would be at variance with the national policy in relation to control of frontage development on national roads where the maximum speed limits applies. This Authority makes reference to the Spatial Planning and National Road Guidelines for Planning in support of its policy-based approach to managing development along national primary routes and these same standards are embodied into Development Plan in Objective TR O39.

8.2.6. I further the note the circumstances for provision for exceptional circumstances in the section 2.6 of this DoECLG document. For example, in considering whether exceptional circumstances arise in the development plan and local area plan context, the planning authority and the NRA should take the following matters into account:

(1) the relevance and appropriateness of proposed development in supporting the aims and objectives of the National Spatial Strategy and Regional Planning Guidelines;

(2) the requirements of other planning guidelines issued under section 28 of the Act including the Retail Planning Guidelines (2005), which include a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways;

(3) the nature of proposed development and the volume of traffic to be generated by it,

- (4) any implications for the safety, capacity and efficient operation of national roads;
- (5) any plans for future upgrades of national roads and other transport infrastructure/services;
- (6) the suitability of the location compared to alternative locations;
- (7) the pattern of existing development in the area;
- (8) satisfactory details of the proposed demand management measures;
- (9) acceptable funding and delivery proposals for any road improvements required, and,
- (10) the precedent that could be created for cumulative development in the area and the potential implications for the national road network.

8.2.7. The appellant emphasises that the need is based on the practicalities of providing an alternative secondary access for agricultural machinery so as to separate it from the residential traffic. I note however that the existing access is forked to serve both the farmyard complex and the dwelling and the planning authority also affirms the use of the existing entrance from its site inspection. I note in the history file (PA ref. 14/637) cited in the planning authority report that permission for the house extension relates to a house as part of a farming household served by the existing upgraded entrance which was also altered as part of that permission. While the applicant states that the agricultural use is to be separated from the residential use and that projected traffic for the new access is based on 2 harvesting events a year, there is no explanation of other traffic movements reliant on the existing access or arrangements such as for the yard complex. If the farmhouse entrance is to continue serving other farming needs, then it would appear to be excessive to provide an additional entrance for just 2 events. Furthermore, in terms of traffic safety, in addition to lack of traffic details, there are no drawings (other than the appended layout to the appeal showing a 28m separation from the existing entrance) supporting the entrance layout and compliance with road design standards in terms of sightlines on the vertical and horizontal plane and from the required setback or in terms of relationship with other junctions in the vicinity.

8.2.8. Overall, I consider having regard to the fact that there is an existing vehicular entrance serving the lands, yard complex and farming activities that the applicant has no demonstrable need that amounts to exceptional circumstances such as demonstrating adherence with national or regional strategy that would justify a new

entrance adjacent to the existing one at a point where the maximum speed limit applies. While I have applied the above DoECLG guidance criteria on a hierarchical basis, I would further comment in respect of the other criterion generally, that there is no demonstrable need based on: other statutory guidelines, the category and nature of the single carriage way which may be subject to future upgrading given its description as an 'unimproved section of a national road where the maximum speed limit applies' as referred to by the Limerick City and County Council Mid-West National Road Design office and TII and the existence of an entrance already serving the lands. I consider demand management measures are not relevant as the issue is one of principle of a new access. I would also comment that the reliance on current traffic generation being confined to twice annual traffic events that there is no guarantee of this and it would be unreasonable to restrict crop management. Moreover, the overriding issue is that the retention of a new vehicular access by reason of increase of junctions with a national primary route where the maximum speed limit applies would create a traffic hazard and increase safety risks for road users.

8.2.9. Furthermore, given the nature and location of the entrance and specific policies to safeguard national road network and specific objectives to restrict additional entrances as set out respectively in policy TR P12 and objective TR O39 and which have taken account of statutory guidance, I concur that permission would constitute a material contravention of the development plan. Having regard to the provisions of section 37(2)(b), I am of the opinion that there is no substantive basis to support the case that a material contravention is warranted on the basis of strategic national importance, conflicting development plan objectives or national policy such as reflected in the Spatial Planning and National Road Guidelines for Planning or the pattern of development.

8.2.10. Accordingly, I consider it reasonable to uphold the decision to refuse permission.

## 9.0 **AA Screening**

9.1. I have considered the proposed access and associated works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 9.2. The subject site is located in an existing agricultural field alongside the N21. The proposed development comprises retention of a gate with post and wire fence traversing a ditch.
- 9.3. No nature conservation concerns were raised in the planning appeal as the substantive relates to use and associated traffic.
- 9.4. 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:
- small scale nature of works and nature of the development;
  - distance from nearest European site and lack of connections.

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.

## 10.0 **Water Framework Directive**

- 10.1. The subject development relates to minor works associated with an entrance in a rural area..
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.3. The reason for this conclusion is as follows:
- small scale nature of works;

- The location of the site and distance from nearest Water bodies and lack of hydrological connections.

10.4. Conclusion: I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

11.1. I recommend that permission for retention of development is refused based on the reasons and considerations set out hereunder.

## 12.0 Reasons and Considerations

1. Permission for the retention of the existing agricultural entrance to serve as a second entrance from the applicant's landholding, as outlined in the submitted application, directly onto the N21 at a point where the 100kph speed limit applies would conflict with Policy TR P12 which aims to Safeguard the Capacity of National Roads and materially contravene Objective TR O39 which seeks 'to maintain and improve the capacity, safety and function of the national road network and restrict new access onto such roads to which speed limits greater than 60km/h apply save for exceptional circumstances' as contained in the Limerick City and County Development Plan 2022-2028, as it is considered in this instance that the applicant does not meet the criteria set out for exceptional circumstances having regard to the requirements of the Ministerial Guidance in Spatial Planning and National Roads Guidelines (DoECLG, 2012) as cited in the development plan in this regard. Furthermore, the Commission is not satisfied that proposed retention of a new access at this location would not interfere with the safety and free flow of traffic and would therefore endanger public safety by reason of traffic safety and would accordingly 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Suzanne Kehely  
Senior Planning Inspector

4<sup>th</sup> June 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Retention of agricultural entrance in rural area.
<b>Development Address</b>	Dromtrasna Collins, Abbeyfeale, Co. Limerick
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> <li>- The execution of construction works or of other installations or schemes,</li> <li>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</li> </ul>	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	<b>State the Class here</b>
<p><b>1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	<p>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 (or Part V of the 1994 Roads Act. In reaching this conclusion I have considered if the proposal comes within the class of restructuring rural lands greater than 100 hectares (Part 2, class 1(a)). Having regard to the submitted details I do not consider it falls within his category even at sub threshold levels.</p>
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<b>State the Class and state the relevant threshold</b>
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_