

An
Bord
Pleanála

Planning Appeal Check List

(Please read notes overleaf before completing)

1. The appeal must be in writing (e.g. not made by electronic means).

2. State the

name of the appellant
(not care of agent)

Capital Homes

address of the
appellant
(not care of agent)

Block 6, Central Business Park, Clonminch,
Tullamore, Co. Offaly, R35 NX47

3. If an agent is involved, state the

name of the agent

Peter Thomson Planning Solutions

address of the agent

4 Priory Grove,
Kells,
County Kilkenny

4. State the Subject Matter of the Appeal*

Brief description of the development

construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic

Location of the development

Clara Road, Tullamore, County Offaly.

Name of planning authority

Offaly County Council

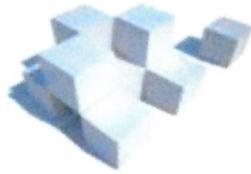
AN BORD PLEANÁLA
LDG- 064981-23
ABP- _____
12 JUL 2023
Fee: € 220 Type: CHA
Time: _____ By: post

Planning authority register reference number

Offaly County Council ref: DEC23/15 (NB tis is a referral of a Section 5 Declaration)

* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Enclose / Pay the correct fee for the appeal and, if requesting an oral hearing of same, the fee for that request see "[Guide to Fees Payable](#)" under heading of Making an Appeal on Home Page of this website for current fees.
8. Ensure that the appeal is received by the Board in the **correct manner and in time**.



The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902

11th July 2023

Re: Referral of Offaly County Council Declaration under Section 5 of the Planning and Development Act 2000 (as amended), ("The Act") in respect of development involving the carrying out of construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic at Clara Road, Tullamore, County Offaly.

Offaly County Council ref: DEC23/15

Dear Sir/ Madam,

I act on behalf of Capital Homes, Block 6, Central Business Park, Clonminch, Tullamore, Co. Offaly, R35 NX47.

On 26th May 2023 I applied for a Section 5 Declaration to Offaly County Council on behalf of Capital Homes to establish whether, in its opinion, the carrying out of construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic at Clara Road, Tullamore, County Offaly was development and, if so, whether or not it was exempted development. The use of the lands the subject matter of the Section 5 Declaration, were to facilitate completion of a housing development on adjoining land.

I enclose the following in support of this Referral application under the provisions of Section 5 3 (a) of the Act:

1. a copy of the application for a Declaration submitted to Offaly County Council;
2. a copy of the Declaration from Offaly County Council dated 19th June 2023 in which the Council concluded that it considered the development to be development and not exempted development;
3. a copy of the planner's report and attachments;
4. a copy of the developer's construction management plan; and
5. the requisite fee of €220 for making this referral.

In response to the Section 5 Application, Offaly County Council issued a Section 5 Declaration dated 19 June 2023 ("Section 5 Declaration"), stating that the *"hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic is development and is not exempted development"*.

Capital Homes are of the view that the Section 5 Declaration is incorrect and that the

Proposed Development, the subject matter of the Section 5 Application is exempted development and that Class 16 applies.

The Section 5 Declaration fails to carry out any consideration or analysis of the relevant provisions of the Planning and Development Act 2000, as amended ("Planning Act") as required pursuant to Section 5 of the Planning Act and in failing to do so reaches what can only be described as a predetermined conclusion that the Proposed Development is development and not exempted development.

It would also appear that Offaly County Council have incorrectly reframed the Section 5 Application including reference to the following as part of the "Proposal" stating that *"works have already occurred and have included the resurfacing, expansion and the removal of gates on an existing entrance to the adjoining public road"*. These referenced works are not a matter the subject matter of the Section 5 Application submitted and Capital Homes can confirm the position as outlined by Offaly County Council in respect of an already existing entrance to the lands the subject matter of the Section 5 Application, are factually incorrect. A comprehensive response to the observations and comments on the planners' report is set out in Appendix 1 of this Appeal.

Planning Act Considerations

Section 3 of the Planning Act defines development as follows, *"development" means (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)."*

For the purpose of this Section 5 Appeal the following definitions as outlined under Section 2 of the Planning Act are relevant.

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and (a) where the context so admits, includes the land on, in or under which the structure is situated, and (b) in relation to a protected structure or proposed protected structure, includes (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii); (emphasis added)

As outlined in the Section 5 Application, Capital Homes are of the view that the proposed development is exempted development in accordance with Class 16 of the Planning Act.

Pursuant to Section 2(a) Planning Act, it states that the *"Minister may by regulations provide for any class of development to be exempted development for the purposes of the Act where they are of the opinion that by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development,...."*

The Minister made such Regulations pursuant to the Planning and Development

Regulations 2001, as amended ("Planning Regulation") and Article 6 provides that development of a class as specified under Schedule 2, Part 1, shall be exempted development. The relevant class of development in this instance is set out under Class 16.

Class 16 exempted development relates to *"The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out."*

As detailed in the Section 5 Application, Capital Homes proposed to construct *"hardstanding area for the storage of material and vehicles and resurfacing of the existing entrance route off Clara road to facilitate delivery of construction traffic is or is not development and is or is not exempted development"*.

Pursuant to Class 16 a development that proposes to place structures, works, plant or machinery on land adjoining a development that is needed temporarily in connection with a development the subject matter of a permission, is exempted development.

Capital Homes as indicated in the Section 5 Application proposed to construct temporary hardstanding for the storage of materials and vehicles. They also proposed to resurface (with hardstanding) the route from the existing entrance into the site to facilitate the delivery of materials onto to the site for the purposes of completion of construction of housing on the adjoining lands. The housing development has been granted permission pursuant to permission reference 19/39.

It is noted that the Proposed Development that hardstanding comes within the definition of structure under Section 2 along with any works associated with such structures. Class 16 also provides for the storage of plant and machinery for the delivery of materials to the adjoining development.

While Offaly County Council has sought to extend matters the subject matter of the Section 5 Application to matters related to the entrance, the consideration of the entrance does not form part of the Section 5 Application.

However, notwithstanding the position that the status of the entrance does not form part of the Section 5 Application nor a matter for consideration in the context of this Appeal, for the avoidance of doubt, Capital Homes can confirm that the entrance on the lands the subject matter of the Proposed Development, is an existing entrance with long established user. The entrance has not been widened as alleged nor is the use of this existing entrance likely to give rise to any alleged traffic hazard. While Offaly County Council may be dissatisfied with the existing entrance, it cannot use its dissatisfaction with the already existing road layout, as a basis to restrict a long-established pre-existing right of access to the lands. Capital Homes can confirm that the access has been used for many years for agricultural purposes and in particular by heavy machinery on a regular basis.

I trust the position in respect of Class 16 is clear. No restriction pursuant to Article 9 arises or has been evidenced by Offaly County Council and therefore it is Capital Homes view that the exempted development provision remains applicable. While Offaly County Council have stated *"the use of this entrance for construction traffic is likely to cause a traffic hazard"* as confirmed above, conclusions in respect of the entrance do not form part of the Section 5 Application/Referral. In addition, there is no evidence from Offaly County Council illustrating a traffic hazard.

Appendix 1

In addition to the information outlined above, in support of this Referral, I would also make observations and comment on the planner's report toward his recommendation that the proposal was "development and not exempted development", as follows:

1. The development had not commenced at the time the application was made to Offaly County Council but was undertaken shortly after the application was submitted.
2. On page 1 of the planner's report, the planner acknowledges that the entrance to the land that is the subject of the Section 5 application is an existing entrance from the public road and not a new entrance. As outlined above, consideration of the entrance is not a matter of consideration in the Section 5 Application and Offaly County Council has erroneously taken account of it in the Section 5 Declaration.
3. The photographs on page 2 show the existing entrance point and demonstrate that the gate opening within the site was not widened, save as a result of the removal of one of the two original gate piers, which is exempted development pursuant to Class 9. However, as detailed above, the entrance in circumstances where Capital Homes were entirely satisfied that any works to the existing entrance were exempted development, do not form part of the Section 5 Application.
4. On page 7 of the planner's report, Appropriate Assessment is screened out, which I would concur with.
5. I would agree with the planner's view that the works are "development" within the meaning of the Act.
6. Class 9 was not referenced in the application for a declaration. Its only relevance is in respect of the removal of the timber gates and their replacement with temporary Herris fencing gates. As the replacement gates are under 2m in height and do not raise any traffic hazard issue, it is considered they are exempt under Class 9. N.B. At the time of making the application for a declaration, the means of securing the site had not been agreed upon. This is not a matter for consideration in the context of the Section 5 Application.
7. The planner in his report does not assess the actual development which was the subject of the application i.e. *"the carrying out of construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic"*. There is no consideration of the issues and in particular any of these works being exempted development under Class 16.
8. The planner in his report states, *"The works the subject of this declaration include the alteration of what was an existing entrance at a point where the*

public road is 4 metres in width". As set out above, this is factually incorrect and the consideration of the entrance does not form part of the Section 5 Application.

The proposed works did not involve works to the entrance point onto the public road and the existing entrance point onto the public road was not widened.

The grass surface between the back of the public footpath and the gates was removed and resurfaced with hardcore, but this is private land behind the public road and not part of the public road, and did not widen the existing access route from the public road.

Article 9 (1)(a)(ii) of the Regulations de-exempts otherwise exempted development if it consists of or comprises the formation, laying out or material widening of a means of access to a public road the surface carriageway of which exceeds 4 metres in width. None of these apply in this case as the proposed works did not involve works to the entrance point onto the public road and the entrance point onto the public road was not widened. The position of Capital Homes is clearly set out above.

9. It is incorrect for the planner to state in his report that the Senior Executive Engineer for the Council indicated the entrance is a traffic hazard. What he stated in his referral response, which is appended to the planner's report, is that in his opinion "*the use of this entrance for construction traffic is likely to cause a traffic hazard in that the sightline to the north is deficient*".¹ That clearly suggest he had not witnessed the construction access in operation.

No evidence was provided that the use of the entrance was causing a traffic hazard. There was only an opinion that it may cause a traffic hazard. As outlined above, the matter of the entrance is not the subject matter of the Section 5 Application. Offaly County Council has sought to improperly construe the issue of the entrance and the Class 16 use as a means for refusal.

As confirmed above, the existing entrance was a field entrance through which heavy agricultural machinery accessed the remainder of the landholding of Capital Homes, which is currently being developed for housing.

Since the entrance has been used for construction traffic, on every occasion that a vehicle has arrived or departed, it has been with the aid of a banksman employed by Capital Homes to manage the manoeuvres and ensure that no traffic does or can arise. This is a standard practice on construction sites which ensures safe access and egress onto public roads.

The use of the entrance for construction traffic is limited and sporadic. Since it became operational, there have been 30 deliveries on average each week. As noted in the Section 5 application, all the workers cars and small vans will continue to access the site through the already existing main estate entrance road. There are currently on average 80 men on site which generate around 50 small vehicle arrivals and departures each day.

Attached is a traffic management plan that the developer adheres to and will

¹ My emphasis

continue to do so while the access remains operational. This had not been prepared at the time of making the Section 5 application and such a plan was not requested by the planning authority before it issued its declaration. It is considered its implementation in accordance with its terms removes any question of the entrance becoming a traffic hazard.

If the housing development on the undeveloped part of the landholding was stopped, the land on which the undeveloped housing is permitted will have to be maintained. The only current means of access onto this land since the completion of phase 1 of the housing, is the entrance in question.

10. The planner's report refers to the use of the entrance for construction-related traffic related to a housing estate as being a material intensification of its use which required planning permission. As set out above, the matter of the use of the entrance does not form part of the Section 5 application and the only matter for consideration relates to the Class 16 use. The Class 16 provides for the temporary use for structures, works, plant and machinery at a site which is adjoining a development site. The only qualification arising in respect of the Class 16 use, is that it must be temporary in nature and re-instated upon completion. This reflects the proposal by Capital Homes. Matter of traffic intensification arising from the housing development, are matters that were considered and consented in the context of that development and do not arise for separate consideration under this Class 16 exemption.

For the avoidance of doubt and to demonstrate that no traffic hazard can or will arise, a traffic management regime has been put in place, involving a banksman to manage every traffic movement in and out of the site as per the traffic management plan, ensures there is no endangerment to public safety by reason of traffic hazard or obstruction of road users.

11. The planner's report states that based on Article 9; no exemption is available for the aforementioned works. As outlined about, Capital Homes do not share this view.

The works that are referred to are stated to "*include the alteration of what was an existing entrance at a point where the public road is greater than 4 metres in width*". The proposed works were limited to construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic. There were no works carried out on or to the public road. The planning authority appears to have interpreted "resurfacing of the existing entrance route" to involve works to the existing entrance off the public road. The resurfacing was limited to works pursuant to Class 16, removing the grass and replacing it with a temporary hard surface to support vehicle traffic and this was all done behind the existing entrance point on the public road. Article 9(a)(ii) relating to works comprising the formation, laying out or material widening of a means of access to a public road the surface carriageway of which exceeds 4 meters in width, is not applicable and has not arisen.

12. As referenced in the Section 5 application, Offaly County Council previously granted a road opening licence Ref: 2021OY0600 on 23/07/21 for a similar

scenario in Tullamore in Silverbrook, (Planning refs: 17/199, 18/555, 20/370, 20/371, 21/137, 21/141², 22/53 refer) to facilitate the installation of dished kerbs/ reinforced footpath for the provision of a temporary site entrance/ storage/ parking area out onto Eiscir Summary Road. This temporary site compound was served by a new entrance granted under licence and is to be decommissioned. Like the situation in my client's development, the original compound had to be decommissioned to allow the earlier phases of development to be completed and to progress future phases.

The planner's report does not refer to this precedent case in his assessment. The only difference is that the current entrance is an existing entrance.

13. An Bord Pleanála Referral ref: RL 3607 was in respect of whether the use of lands at Belvedere Road, Wexford as a construction compound to facilitate development on a site at Belvedere Road was development and, if so, was it or was it not exempted development.

In that case, the site was not within or adjoining the development site it was to serve; it was 78m away. Also, to access the compound, a new vehicular entrance from the public road was required.

The development was deemed not to be exempted development under Class 16 as the compound was physically detached from the construction site and because a new access to the compound had been formed from the public road. In the case of my client, the proposed development is adjoining.

There was no question that Class 16 was the appropriate class for considering construction compounds. This is considered important in the current case as the planner that assessed the current Section 5 Application for a Declaration, expressed the view in earlier correspondence, as referenced in the Section 5 application, that Class 16 related only to the storage of building material and structures, such as fencing required to secure such material. That is incorrect and it includes for other associated works, including resurfacing of the ground.

Having regard to the above observations, the Board is requested to overturn the decision of the planning authority and issue a Declaration which confirms the carrying out of construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic at Clara Road, Tullamore, County Offaly is development and is exempted development.

Yours faithfully,



Peter Thomson, MSc, MIPI

² Licenced and developed to facilitate planning ref:21/141)

Planning Department, Great Water Street, Longford. N39 NH56
Tel: (043) 3344222 Email: planning@longfordcoco.ie

Section 5 Declaration – Exempted Development
Planning & Developments Acts 2001 as amended

- 1. Applicant Name:** [Capital Homes](#) _____
Address: [Block 6, Central Business Park, Clonminch, Tullamore](#)
[Co. Offaly, R35 NX47](#)
Phone No: [353 57 9328732](#) **E-mail :** [John Barron <johnbarron@capitalhomes.ie>](mailto:JohnBarron@capitalhomes.ie)
- 2. Name of Agent (if any):** [Peter Thomson Planning Solutions](#) _____
Address: [4 Priory Grove, Kells, Co Kilkenny](#) _____
Phone No: [086 819 6856](#) _____ **E-Mail:** peter@ptplanning.ie _____
- 3. Address for correspondence (if different from above):**
Address: [n/a](#) _____
- 4. Location of Proposed Development:** [Clara Road, Tullamore](#) _____
- 5. Description of Development:** [to carry out construction works comprising the provision of hardstanding for storage of material and vehicle parking and resurfacing of the existing entrance route off Clara Road to facilitate the delivery and construction traffic.](#)

- 6. Under what section of the Planning and Development Act, 2000 as amended and Planning and Development Regulations, 2001 as amended is exemption sought (Specific details required)**

[Class 16 of Part 1 of Schedule 2 of the Planning and Development Regs 2001-2023.](#)

7. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES _____ NO _____

8. Will / Does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES _____ NO _____

8(a) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: n/a YES _____ NO _____

9. Please state applicants interest in this site: the site is in the tenure of the applicant company

If applicant is not the owner of site, please provide name & address of owner: Tullamore Vita Stilo Ltd, Block 6, Central Business Park, Clonminch, Tullamore Co. Offaly, R35 NX47

10. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES _____ NO _____

10(a) If "YES" please supply details:

11. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES _____ NO _____

11(a) If "YES" please supply details: planning ref: TU451507 in respect of a dormer style dwelling and new entrance granted on 25/03/08, but the house was never constructed. The access has been used only for maintenance of the ground over the years.

12. List of Items to accompany this application:-

- a) A fee of €80 attached
- b) 1 x An appropriately scaled site location map (not less than 1:2,500 rural and 1:1000 urban), clearly indicating the site of the proposed development outlined in red. attached
- c) 1 x An appropriately scaled site layout plan (not less than 1:500) indicating the location of the proposed works and access to same from the public road. attached
- d) 1 x Plans and particulars of the proposed development, including sections and dimensions to differentiate between the existing works and proposed works. No change to ground levels confirmed on plans
- e) 1 x Approximate finished floor levels of the proposed development should be provided in relation to the existing ground level at the site of the proposed development. No change to ground levels confirmed on plans

SIGNED: Reber Thomsen _____

DATE: 25th May 2023 _____

PLEASE NOTE:

This application form must be fully completed and all items listed in Part 12 submitted, or your application will not be accepted and will be returned.

Additional Information

Please note, prior to this application, I wrote to the Planning Officer responsible for this area on 24th May 2023 outlining the proposed development and advising it was proposed to carry out the works as exempted development under Class 16. I enclose a copy of this correspondence for completeness.

In response the Planning Officer responded as follows (my response below each item):

1. I have concerns that the intensification of an existing domestic entrance for use to deliver construction material on site may represent a material change of use given its potential traffic safety implications.

Response: While it is accepted there will be a material intensification in use, this is catered for under the exemption, subject to the intensification not representing a traffic hazard in contravention of article 9, which it will not. We will have measures in place to ensure this.

Please also note that the entrance was historically an agricultural entrance serving all the lands currently being developed by my client. Heavy farm machinery would have used it on a regular basis. When planning permission TU451507 in respect of a dormer style dwelling and new entrance was granted on 25/03/08, the access was improved to be domestic in appearance, but still used only for maintenance of the ground over the years. It has always been an entrance for heavy machinery, not domestic, albeit its use has reduced over the last number of years. Its use was never abandoned. If required my client can get a sworn affidavit verifying the historic use of this entrance before TU451507 was granted in 2008, and after.

2. The Class 16 exemption related to storage of building material and structures, such as fencing, required to secure such material.

Response: Storage of material and siting of temporary structures are “uses” of land and covered under the exemption. The exemption also covers “works” and the proposed works are the surfacing of the existing entrance route and other ground within the site for the temporary hardstanding on which materials will be stored and vehicles parked. P.S. all the workers small vehicles/ cars will continue to use the main estate entrance and construction vehicle movements into the site will be around c10 a day.

3. I am not aware of Class 16 exemption having been previously used to exempt a new construction entrance for a large scale development, in this particular case planning permission PL2 19/39.

Response: Normally a developer would try and facilitate this within the main construction site. However, the layout of the site of 19/39 did not lend itself to this, hence application 22/329. The very existence of the exemption (and Class 17) allowing such works and uses on land adjoining development sites, reflects the fact the legislators anticipated the requirement in some cases.

Regarding precedent, Offaly County Council granted a road opening licence Ref: 2021OY0600 on 23/07/21 for a similar scenario in Tullamore in Silverbrook, (Planning refs: 17/199, 18/555, 20/370,

20/371, 21/137, 21/141¹, 22/53 refer) to facilitate the installation of dished kerbs/ reinforced footpath for the provision of a temporary site entrance/ storage/ parking area out onto Eiscir Summary Road. This temporary site compound was served by a new entrance granted under licence and is to be decommissioned. Like the situation in my client's development, the original compound had to be decommissioned to allow the earlier phases of development to be completed and to progress future phases.

I further note planning application P12 22/329 is current on appeal for: The demolition of existing dormer type dwelling house, detached domestic garage and all other existing structures to facilitate a construction entrance providing construction access to the previously granted redwood residential development currently under construction (planning reference no. 19/39 & 21/174)

Response: The demolition of the house would never have been exempt, hence the need for permission. An Bord Pleanála is, as you are no doubt aware, experiencing major delays in determining appeals. I am receiving decisions for minor and major developments 14 to 18 months after appeals are made.

The timelines with ABP for 22/329 are as follows:

- Received Notification of Decision to Grant from Offaly Co Co 22/329 on 22/08/22 for construction entrance.
- Received correspondence from ABP-314599-22 on 14/09/22 notifying applicant of the appeals.
- Received correspondence from ABP-314599-22 on 23/01/23 notifying applicant of deferral date on decision until 17/04/23.
- Received correspondence from ABP-314599-22 on 14/04/23 deferring decision "the case will be determined as soon as is practical".
- During a call to ABP on 25/5/2023 it was advised no date, or possible date, could be given for a decision.

Going by previous experience of decision timeframes, it could be November 2023 (14-month period for determining) or March 2024 (18-month period for determining) before a decision issues.

Given the current housing crisis, the incentives available to prospective owners to purchase new houses and to developers to build the houses (which are currently only available for 12 months), the developer needs a short-term construction compound, and the proposal provides this.

¹ Licenced and developed to facilitate planning ref:21/141)

**DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

REFERENCE: DEC 23/15

NAME OF APPLICANT: Capital Homes

ADDRESS: Capital Homes, Block 6, Central Business Park, Clonminch, Tullamore, Co. Offaly. R35 NX47.

ADDRESS FOR CORRESPONDENCE: C/O Perer Thomas, Planning Solutions. 4 Priory Grove, Kells, Co. Kilkenny.

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: Clara, Road, Tullamore, Co. Offaly.

WHEREAS A question referred to Offaly County Council on 26/05/2023 as to whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic is or is not development and is or is not exempted development. under the Planning and Development Act 2000, (as amended)

AND WHEREAS the Planning Authority, in considering this declaration request, had regard particularly to-

- (a) Section 2 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(1) of the Planning & Development Act 2000, as amended.
- (d) Article 6(1) of the Planning and Development Regulations 2001, as amended.
- (e) Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2001, as amended
- (f) Schedule 2, Part 1, Class 16 of the Planning and Development Regulations 2001, as amended
- (g) Article 9 of the Planning and Development Regulations 2001, as amended
- (h) The intensification of traffic use of the entrance to the public road from the hardstanding area.
- (i) The traffic hazard of using the entrance to the public road from the hardstanding area.
- (j) The material widening of the entrance as a means of access to a public road

AND WHEREAS Offaly County Council has concluded that –

- The work is considered **development and is not exempted development.**

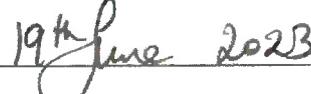
NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

- The construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic is **development and is not exempted development.**

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.


Administrative Officer

Date


19th June 2023

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

OFFALY COUNTY COUNCIL

Planning Report

Section 5 Declaration

| | |
|------------------------|--|
| File Reference: | Dec 23/15 |
| Question: | Whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara road to facilitate delivery and construction traffic is or is not development and is or is not exempted development. |
| Applicant: | Capital Homes |
| Location: | Clara Road, Tullamore |
| Date received: | 26/5/2023 |
| Date due: | 24/6/2023 |

1. Proposal

The question has arisen as to whether the construction of a hardstanding area for storage of material and vehicle and resurfacing of the existing entrance route off Clara Road to facilitate delivery and construction traffic is or is not development and is or is not exempted development.

It should be noted these works have already occurred and have included the resurfacing, expansion and the removal of gates on an existing entrance to the adjoining public road.

Location

The site is located on Clara Road, Tullamore.

See photo of works below:



Below, Google Maps Street views of entrance dated 2017:

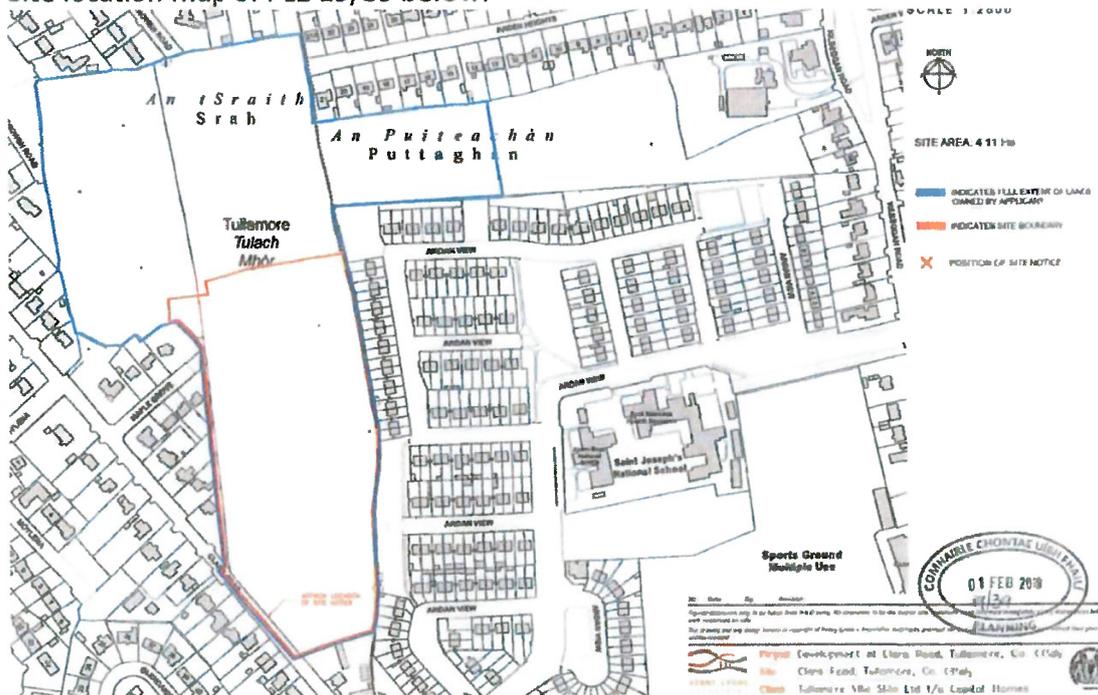


On lands to the East of the subject development:

PL2 19/39. TULLAMORE VITA STILO LTD T/A CAPITAL HOMES granted:

(A) CONSTRUCTION OF 99 NO. DWELLINGS, COMPRISING OF 54 NO. THREE-BEDROOM TWO STOREY SEMI-DETACHED (TYPE A), 14 NO. FOUR-BEDROOM TWO STOREY SEMI-DETACHED (TYPE B), 8 NO. THREE-BEDROOM TWO STOREY END TERRACE (TYPE C), 8 NO. THREE-BEDROOM STOREY AND A HALF MID TERRACED (TYPE D), 7 NO. THREE-BEDROOM BUNGALOWS (TYPE E), 5 NO. FOUR-BEDROOM TWO STOREY DETACHED WITH GARAGE TO REAR (TYPE F) AND 3 NO. FOUR-BEDROOM TWO STOREY DETACHED (TYPE G). EACH DWELLING IS TO INCLUDE AN OPTION FOR SOLAR PANELS ON THE ROOF SLOPE. UNITS A, B, F AND G INCLUDE OPTION FOR CONVERSION OF ATTIC SPACE INTO ADDITIONAL ACCOMMODATION; (B) THE PROVISION OF SITE DEVELOPMENT WORKS INCLUDING NEW SITE ENTRANCE, ROADS, PATHS, PAVING, PARKING, DRAINAGE, AMENITY SPACE, LANDSCAPED PUBLIC OPEN SPACE, STREET LIGHTING AND ASSOCIATED BOUNDARY TREATMENTS; (C) ALTERATIONS TO THE EXISTING DRAINAGE CROSSING THE SITE AND NEW SURFACE WATER AND STORM DRAINAGE CONNECTION ALONG THE CLARA ROAD AND RAHAN ROAD; AND ALL ASSOCIATED SITE DEVELOPMENT WORKS TO COMPLETE THE DEVELOPMENT

Site location map of PL2 19/39 below:



UD 23/33 This enforcement file relates to the works subject of this declaration.

3. Legislative Context:

Section 2 (1) Planning and Development Act 2000, as amended:

In this Act, except where the context otherwise requires—
“development” has the meaning assigned to it by section 3, and “develop”
shall be construed accordingly;

Section 3 (1) Planning and Development Act 2000, as amended:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 Planning and Development Act 2000, as amended:

4.—(1) The following shall be exempted developments for the purposes of this Act—

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Article 6(1) of the Planning and Development Regulations 2001, as amended:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations

specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 6(1) of the Planning and Development Regulations 2001, as amended:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

SCHEDULE 2

| | |
|--|---|
| <i>PART 1</i> | |
| <i>Sundry Works</i> | |
| <i>CLASS 9</i> | |
| <i>The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</i> | <i>The height of any such structure shall not exceed 2 metres.</i> |
| <i>CLASS 16</i> | |
| <i>The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.</i> | <i>Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.</i> |

Article 9 of the Planning and Development Regulations 2001, as amended:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

if the carrying out of such development would—

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,

4. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been deemed that the development subject of this report is unlikely to have significant effects on any European sites. Please see attached report.

Other than the European sites addressed in the AA no other AA is potentially within the zone of influence of the project.

5. Evaluation

Question: Is the following works considered as Development?

Yes

Question: Is the following works proposal considered as Exempted Development?

No.

The works are not exempt under Class 9 or 16 of Schedule 2 Part 1.

The works subject of this declaration include the alteration of what was an existing entrance at a point where the public road is greater than 4 meters in width. The Tullamore MD Town Engineer John Connolly SEE has indicated that the entrance is a traffic hazard. Please see email attached.

On the basis of article 9, no exemptions are available for the aforementioned works.

I furthermore consider that the use of the entrance for construction related traffic related to a housing estate is a material intensification of its use which requires planning permission.

Question: Does the development require environmental impact assessment or an appropriate assessment of the development?

No

6. Conclusion

It is recommended that the applicant be advised that the proposed development is **development and is not exempted development.**

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to:

- Whether the construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara road to facilitate delivery and construction traffic is or is not development and is or is not exempted development.

At Clara Road, Tullamore

AND WHEREAS Capital Homes has requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- (a) Section 2 of the Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning & Development Act 2000, as amended.
- (c) Section 4(1) of the Planning & Development Act 2000, as amended.
- (d) Article 6(1) of the Planning and Development Regulations 2001, as amended.
- (e) Schedule 2, Part 1, Class 9 of the Planning and Development Regulations 2001, as amended
- (f) Schedule 2, Part 1, Class 16 of the Planning and Development Regulations 2001, as amended
- (g) Article 9 of the Planning and Development Regulations 2001, as amended
- (h) The intensification of traffic use of the entrance to the public road from the hardstanding area.
- (i) The traffic hazard of using the entrance to the public road from the hardstanding area.
- (j) The material widening of the entrance as a means of access to a public road

AND WHEREAS Offaly County Council has concluded that –

- The work is considered development and is not exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2) hereby decides that;

- The construction of a hardstanding area for storage of material and vehicles and resurfacing of the existing entrance route off Clara road to facilitate delivery and construction traffic is **development** and is **not exempted development**.



Ed Kelly
Executive Planner

14/6/2023

Date



Carroll Melia
Acting Senior Executive Planner

15/6/2023

Date

**APPROPRIATE ASSESSMENT SCREENING
REPORT FOR PLANNING APPLICATIONS**



Screening is used to determine if an AA is necessary by examining:

- If the plan / project is directly connected with / necessary to the management of the European site.
- If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.

Planning Application Ref. No.: DEC

23/15

| (A) DESCRIPTION OF PROJECT AND LOCAL SITE: | |
|---|--|
| Proposed development: | Construction compound and enlarged entrance onto road |
| Site location: | Clara Road, Tullamore |
| Identification of nearby European Site(s): | 2000 site(s): SAC 000571– Charleville Wood SAC |
| Distance to European Site(s): | 1.26km |
| The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and which may affect the European site: | None |
| Is the application accompanied by an EIAR? | No: <input checked="" type="checkbox"/> |
| (B) IDENTIFICATION OF THE RELEVANT European SITE(S): | |
| The reasons for the designation of the European site: | |
| The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes): [91E0] Alluvial Forests* [1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>) | |
| The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the Natura 2000 site synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) (ATTACH INFO.) | |

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected: Code Description 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)* * denotes a priority habitat Code Common Name Scientific Name 1016 Desmoulin's Whorl Snail *Vertigo moulinsiana*

(C) NPWS ADVICE:

| | |
|---------------------------------------|---------------|
| Advice received from NPWS over phone: | None received |
| | |

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:

(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).

If the answer is 'yes' to any of the questions below, then the effect is significant.
(Please justify your answer. 'Yes' / 'No' alone is insufficient)

| | |
|--|---|
| <p>Would there be... ... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).</p> | Not likely due to the location and type of development. |
| | The site is sufficient distance from the European site. |
| | |
| <p>... a reduction in habitat area on a European site?</p> | There will be no reduction in the habitat area. |
| | The site is sufficient distance from the European site. |
| <p>... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?</p> | Not likely due to the location and type of development |
| | The site is sufficient distance from the European site. |
| | |
| <p>... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?</p> | Not likely due to the location and type of development |
| | The site is sufficient distance from the European site. |

| | |
|--|---|
| ... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site? | None likely due to the location and type of development |
| | The site is sufficient distance from the European site |
| Would the project interfere with mitigation measures put in place for other plans / projects. [Look at <i>in-combination effects</i> with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient. | No other plans known of in the vicinity of the site. |
| | The site is sufficient distance from the European site. |
| (E) SCREENING CONCLUSION: | |
| Screening can result in: | |
| 1. | <i>AA is not required</i> because the project is directly connected with / necessary to the nature conservation management of the site. |
| 2. | <i>No potential for significant effects / AA is not required.</i> |
| 3. | <i>Significant effects are certain, likely or uncertain.</i> (In this situation seek a NIS from the applicant, or reject the project. Reject if too potentially damaging / inappropriate. |
| Therefore, does the project fall into category 1, 2 or 3 above? | Category 2 |
| Justify why it falls into relevant category above: | There would be no likely significant impact on European sites from the proposed development. |
| Name: Ed Kelly | |
| Position: Exec. Planner | Date: 14/6/2023 |

Given the location the nature and size of the development applied for and the characteristics of European sites in the vicinity it is considered that 500 metres should be used as a potential zone of impact of the project in accordance with section 3.2.3 of the appropriate assessment guidelines. There are no European sites within 500 metres of the development applied for and therefore no significant effects on any European sites either alone or in combination with other plans and projects.

<https://www.npws.ie/protected-sites/sac/000571>

Below Comments from OCC SEE John Connelly regarding entrance:

From: John Connelly <jconnelly@offalycoco.ie>

Sent: Tuesday 30 May 2023 16:09

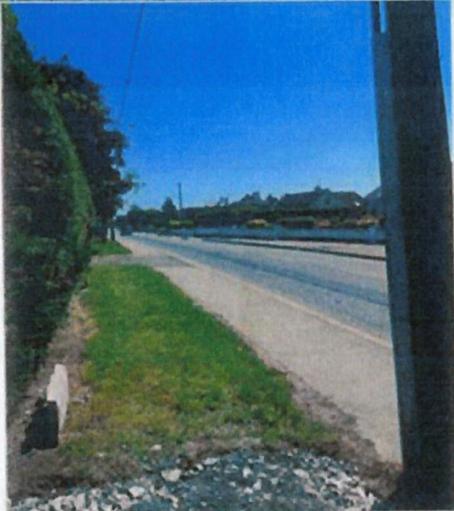
To: Edward Kelly <ekelly@offalycoco.ie>

Cc: Carroll Melia <cmelia@offalycoco.ie>

Subject: Clara Road entrance

Ed, per our discussion the existing entrance on the Clara Road (opp. Moylena junction) has been widened and hardcore put down in the field and the verge. To answer your query the use of this entrance for construction traffic is likely to cause a traffic hazard in that the sightline to the north is deficient. DMURS calls for a sight distance of 45m in a 50kph zone. If you require further information please let me know.

Regards,



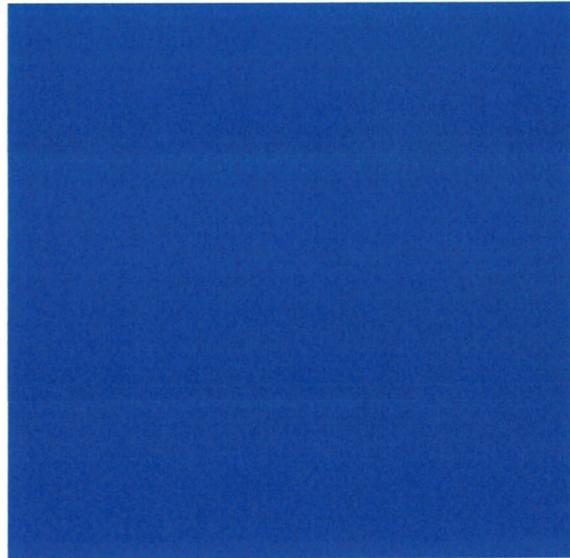
John Connelly

District Engineer

Municipal District of Tullamore
Acres' Hall, Cormac St,

Tullamore, Co Offaly,
R35 WV59
057 9352470 | jconnelly@offalycoco.ie |





Redwood
Housing
Project
Traffic
Management
Plan

Carroll O’Keeffe & Co Ltd
Author: William Moloughney



TRAFFIC MANGEMENT PLAN

PROJECT: *Redwood Housing Project*

CLIENT: *Capital Homes*

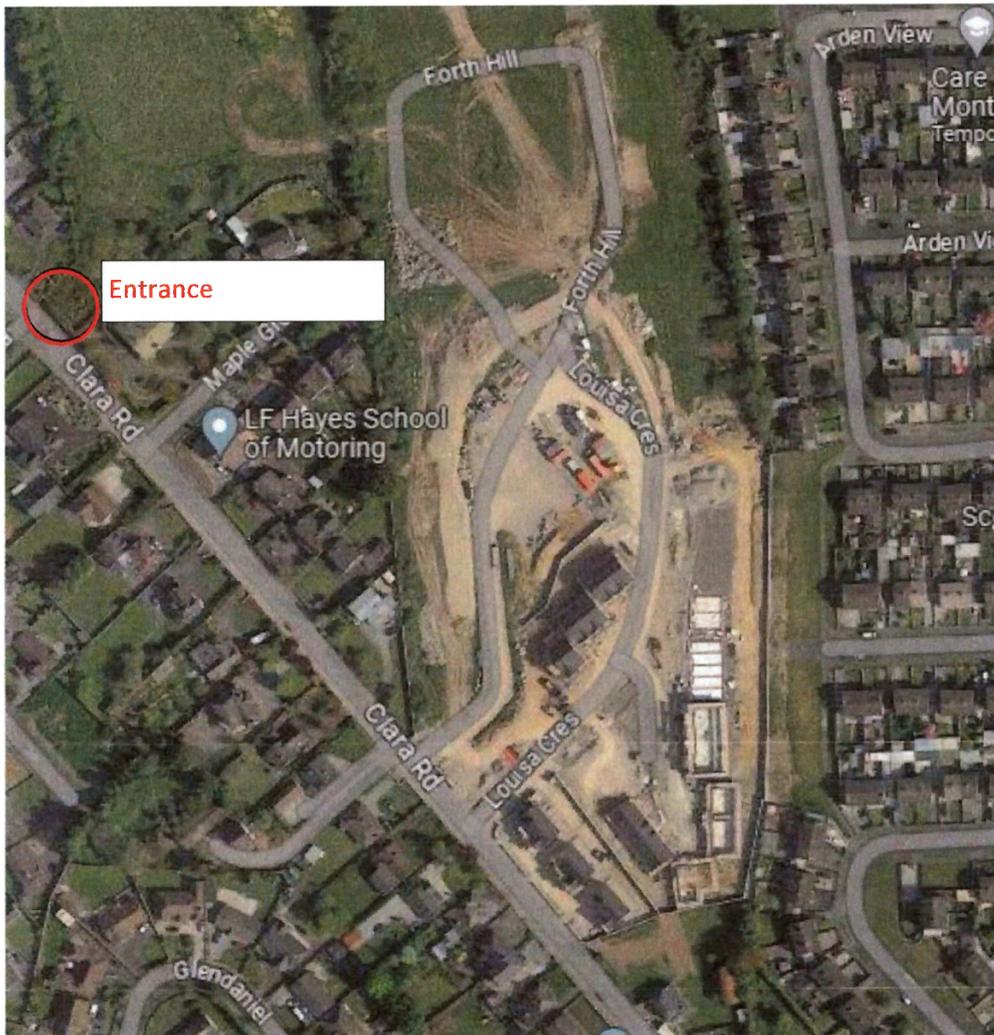
COMPANY: *Carroll O'Keeffe & Co Ltd*

Scope of Works

Traffic Management Plan related to access for temporary construction traffic and compound for a housing development consisting of 106 units.

Traffic Management Site Specific Plan

As the map below shows the location of the access on the Clara Rd.



TRAFFIC & PEDESTRIAN MANAGEMENT

1. Clara Road:

Pedestrians - All pedestrian signage will be displayed on the road in a safe and secure location. All signage will be made secured. There is currently a live footpath on Clara road. Warning signage will be present at all times for pedestrians using this road. All signage will be maintained at all times and checked on a daily basis. There will be a banksman in place to direct vehicles to and from site.

Vehicles – All construction vehicles will be accessing the works area via Clara road. Construction signage will be erected in accordance with chapter 8. All signs will be maintained on a daily basis and visual check completed and recorded. Deliveries will be scheduled outside of busy traffic hours where this is not possible spotters will be in place to direct the traffic and pedestrians. There will be a banksman in place to direct vehicles to and from site. The existing ESB pole is in the process of being relocated by the ESB, Ref No: 5000495017. Restrictions which are currently being implemented for the entrance, will continue to apply, large vehicles such as artic lorries and rigid lorries only are permitted to use the entrance. All other site deliveries and construction personal will continue to use the existing Redwood housing estate entrance.

Below is a photograph showing the existing access route from Clara Rd into site. Construction Entrance 100m & 50m sign will be placed either side of the site entrance off the Clara Rd to give advance notice to all road users.

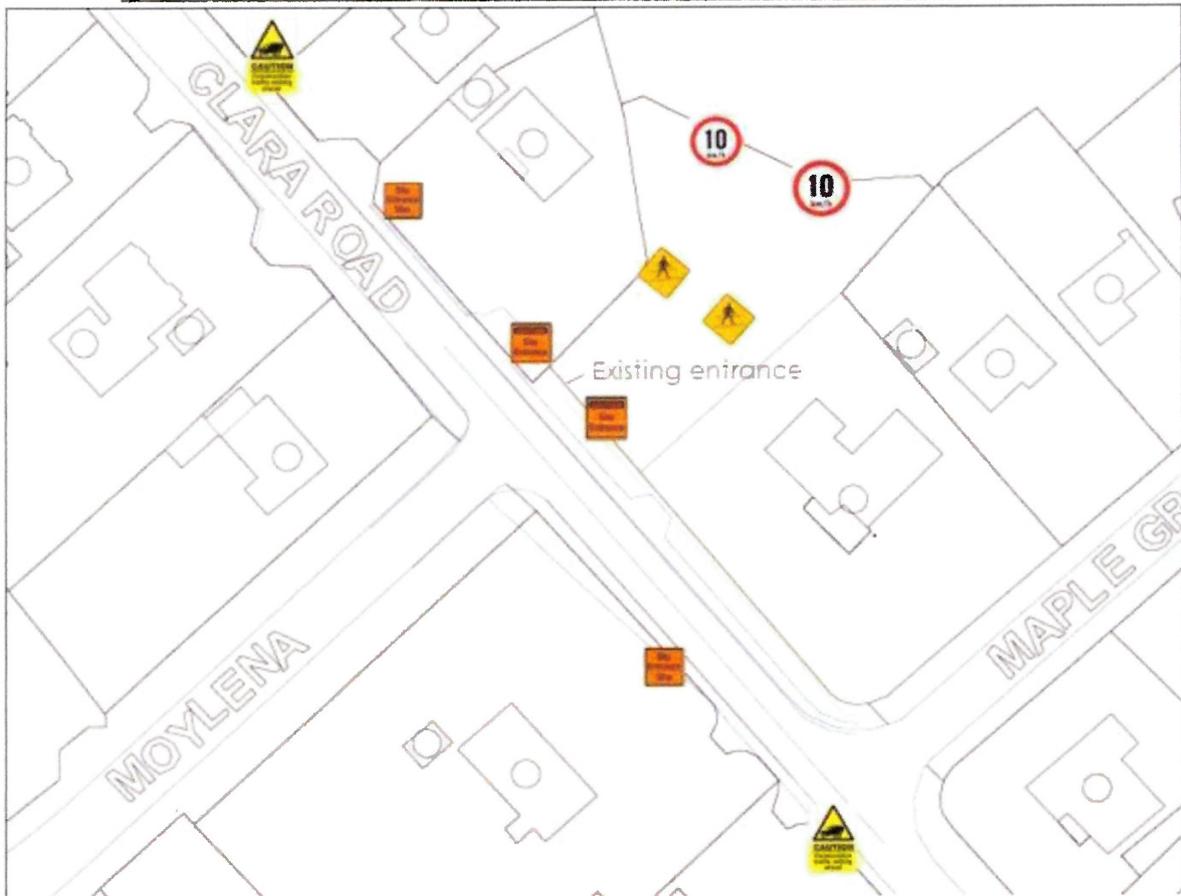


Travelling North East



Travelling South West

Below is the section of Clara Rd where the existing entrance is to be used as a temporary construction access. Communication will be key at all times during the use of this road. Heras fencing is set back to the line of the entrance gates to ensure that construction traffic does not interfere with the flow of traffic on the public road.. Warning signs will be positioned inside and outside the site to warn both vehicular and pedestrian traffic of oncoming traffic.



TTMP

Traffic Management Signage

Table 8.2.1 – Warning Signs for Use at Roadworks

| Sign No. | Sign Face | Description |
|----------|--|--|
| WK 001 |   | <p>Roadworks Ahead: this sign shall be the first temporary sign visible to the road user on the approach to any roadworks. It may be supplemented with a Supplementary Plate P 082 indicating the nature of the works.</p> <p>At some sites, it is necessary to provide additional Signs WK 001 well in advance of the start of the roadworks. Where this is the case, the signs shall have a Supplementary Plate P 001 indicating the distance to the start of the works.</p> <p>End of Roadworks: the 'Roadworks Ahead' sign shall be erected together with a Supplementary Plate P 010, End, as the last temporary sign visible to the road user leaving any roadworks. This 'End' plate marks the finish of all other roadworks warning signs used within the site.</p> <p>Cautionary Speed: the 'Roadworks Ahead' sign may also be used at intervals through the roadworks together with Supplementary Plate P 011, Cautionary Speed (see Section 8.2.3).</p> |
| WK 010 |  | <p>One-lane Crossover (Out): this sign should be used on divided carriageways to depict traffic crossing the central reserve in a single lane from one carriageway to that of the opposing traffic, forming a contra flow.</p> |
| WK 011 |  | <p>One-lane Crossover (Back): this sign should be used on divided carriageways to depict traffic crossing the central reserve in a single lane from the carriageway of the opposing traffic back to the original side at the end of a contraflow.</p> |
| WK 012 |  | <p>Move to Left (One Lane): this sign should be used to depict traffic being diverted to the left by approximately one lane width, once the traffic is operating in a single lane.</p> <p>When this sign is used to direct traffic onto the hard shoulder, it should be used in conjunction with Supplementary Plate P 083, Use Hard Shoulder.</p> |
| WK 013 |  | <p>Return to Main Carriageway (One Lane): this sign should be used to depict traffic being diverted to the right. It is generally used to direct traffic back from the hard shoulder into the near-side lane of the main carriageway.</p> |

| | | |
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| WK 014 | | Move to Left (Two Lanes): This sign should be used on a two or more lane carriageway to depict two lanes of traffic being diverted to the left by approximately one lane width. When this sign is used to direct traffic onto the hard shoulder, it should be used together with Supplementary Plate P 083, Use Hard Shoulder. |
| WK 015 | | Return to Main Carriageway (Two Lanes): This sign should be used on a two or more lane carriageway to depict traffic deviating to the right from the hard shoulder and lane 1 back onto the normal lanes. It may also be used for similar manoeuvres in three or more lane carriageways. |
| WK 016 | | Obstruction Between Lanes: This sign should be used to depict traffic traveling in the same direction being divided to pass on either side of an obstruction. |
| WK 017 | | End of Obstruction Between Lanes: This sign should be used to depict the end of traffic traveling in the same direction being divided on either side of an obstruction. |
| WK 018 | | Start of Central Reserve or Obstruction: This sign should be used to depict the start of a separation of traffic traveling in opposing directions either side of a central reserve or obstruction. |
| WK 019 | | End of Central Reserve or Obstruction: This sign should be used to depict the end of a central reserve or obstruction separating traffic traveling in opposing directions. |
| WK 020 | | Lanes Diverge at Crossover: This sign should be used on a dual carriageway to depict traffic in the near-side lane carrying straight on by deviating to the left and traffic in the off-side lane crossing the central reserve to the opposite carriageway at the start of a contra-flow. |
| WK 021 | | Lanes Rejoin at Crossover: This sign should be used on a dual carriageway to depict traffic in the near side lane carrying straight on by deviating back to the right and traffic in the off-side lane crossing back over the central reserve at the end of a contra-flow. |

| | | |
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| WK 022 | | Two-lane Crossover (Out): This sign should be used on a dual carriageway to depict two lanes of traffic crossing the central reserve to the opposing carriageway side by side at the start of a contra-flow. |
| WK 023 | | Two-lane Crossover (Back): This sign should be used on a dual carriageway to depict two lanes of traffic crossing back over the central to the left-hand carriageway side by side at the end of a contra-flow. |
| WK 029 | | Single Lane (for Shuttle Working): This sign should be used to indicate that a length of road is operating with a single lane of traffic where the opposing traffic is either stopped or diverted. It is intended to reassure drivers that they will not encounter oncoming traffic. |
| WK 031 | | Two-way Traffic: This sign should be used where a one-way street or part of a dual carriageway is converted to a two-way operation for the purpose of carrying out roadworks. It may also be used to highlight a two-way diversion around the works. |
| WK 032 | | Road Narrows on Left: This sign should be used to depict roadworks on the left side of the carriageway on sections of two-lane road where a sudden reduction in carriageway width creates a potential hazard. It may also be used at roadworks with Priority, Give and Take or shuttle working. |
| WK 033 | | Road Narrows on Right: This sign should be used to depict roadworks on the right side of the carriageway on sections of two-lane road where a sudden reduction in carriageway width creates a potential hazard. It may also be used at roadworks with Priority, Give and Take or shuttle working. |
| WK 034 | | Road Narrows on Both Sides: This sign should be used to depict roadworks on both sides of the carriageway on sections of two-lane road where a sudden reduction in carriageway width creates a potential hazard. It may also be used at roadworks with Priority, Give and Take or shuttle working. |

| | | |
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| WK 040 | | Offside Lane (of Two) Closed: This sign should be used on a two-lane one-way street or dual carriageway to depict an offside lane closure. |
| WK 041 | | Nearside Lane (of Two) Closed: This sign should be used on a two-lane one-way street or dual carriageway to depict a nearside lane closure. |
| WK 042 | | Offside Lane (of Three) Closed: This sign should be used on a three-lane one-way street or dual carriageway to depict an offside lane closure. |
| WK 043 | | Nearside Lane (of Three) Closed: This sign should be used on a three-lane one-way street or dual carriageway to depict a nearside lane closure. |
| WK 044 | | Two Offside Lanes (of Three) Closed: This sign should be used on a three-lane one-way street or dual carriageway to depict closure of both the centre and offside lanes. |
| WK 045 | | Two Nearside Lanes (of Three) Closed: This sign should be used on a three-lane one-way street or dual carriageway to depict closure of both the centre and nearside lanes. |
| WK 046 | | Offside Lane (of Four) Closed: This sign should be used on a dual four-lane carriageway to depict an offside lane closure. |
| WK 047 | | Nearside Lane (of Four) Closed: This sign should be used on a dual four-lane carriageway to depict a nearside lane closure. |
| WK 048 | | Two Offside Lanes (of Four) Closed: This sign should be used on a dual four-lane carriageway to depict closure of lanes 2 and 4 on the offside. |

| | | |
|--------|--|--|
| WK 049 | | Two Nearside Lanes (of Four) Closed: This sign should be used on a dual four-lane carriageway to depict closure of lanes 1 and 2 on the nearside. |
| WK 050 | | Side Road on Left: This sign should be used to indicate the presence of a road junction ahead to the left created by the roadworks. |
| WK 051 | | Side Road on Right: This sign should be used to indicate the presence of a road junction ahead to the right created by the roadworks. |
| WK 052 | | Site Access on Left: This sign should be used to indicate the position of a site entrance and/or exit to the left. On roads with a speed limit of >80km/h, an additional sign WK 052 should be positioned 100m in advance of the entrance with a Supplementary Plate P001 stating the distance. At sites with several entrances, a supplementary colour code or numbering system may be used with this sign. |
| WK 053 | | Site Access on Right: This sign should be used to indicate the position of a site entrance and/or exit to the right. On roads with a speed limit of >80km/h, an additional sign WK 053 should be positioned 100m in advance of the entrance with a Supplementary Plate P 001 stating the distance. At sites with several entrances, a supplementary colour code or numbering system may be used with this sign. |
| WK 060 | | Temporary Traffic Signals: This sign should be used to indicate the presence ahead of traffic control by means of temporary traffic signals. This sign may be used with a Supplementary Plate P 001 stating the distance if forward visibility is poor and on roads with speed limits of >80km/h. |
| WK 061 | | Flagman Ahead: This sign should be used to indicate the presence ahead of manual or automated traffic control by means of Stop & Go/T-sign discs. This sign may be used with a Supplementary Plate P 001 stating the distance if forward visibility is poor and on roads with speed limits of >80km/h. |

| | | |
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| WK 062 |  | Queues Likely: this sign should be used where queues are likely to occur in an unexpected location due to roadworks. It may be used on high-speed roads or where a queue may form just after a bend. This sign shall always be preceded by a Roadworks Sign WK 001 with a Supplementary Plate P 001 stating the distance to the start of the roadworks. |
| WK 070 |  | Hump or Ramp: this sign should be used to indicate the presence of a hump in the road either due to roadworks or to a traffic calming measure. |
| WK 071 |  | Uneven Surface: this sign may be used to indicate that there is an uneven surface for vehicles, usually associated with the different layers of surfacing. At the start of the relevant section of road, this sign should be erected with supplementary Plate P 080, Slow. Sign WK 071 with Supplementary Plate P 010, End, should be erected to mark the end of the section affected. However, if this coincides with the end of the roadworks, sign WK 001 with Supplementary Plate P 010 should be erected instead. |
| WK 072 |  | Slippery Road: this sign should be used to warn that the danger of vehicles skidding is greater than normal. The degree of danger cannot be defined as it depends on the silt resistance, speed of traffic, super-elevation, weather and other factors. The sign will normally be used where traffic is running on a temporary surface or the final surfacing has not yet been laid. Supplementary Plate P 080, Unfinished Road Surface, and Plate P 011, Cautionary Speed, may be used in conjunction with sign WK 072. Sign WK 072 with Supplementary Plate P 010, End, should be erected to mark the end of the section affected. However, if this coincides with the end of the roadworks, sign WK 001 with Supplementary Plate P 010 should be erected instead. Where roadworks are substantially complete but it is necessary for a road to remain for a period with a surface other than the permanent final surface course, sign WK 072 should be used. Since this is a roadworks sign with an orange background, it must be preceded by sign WK 001 even though other traffic management measures are removed. |

| | | |
|--------|--|---|
| WK 073 |  | Loose Chippings: this sign should be used to indicate that there is a risk of airborne chips or stones due to a surfacing operation being undertaken. At the start of the relevant section of road, this sign may be erected with Supplementary Plate P 080, Slow, or P 011, Cautionary Speed. Sign WK 073 with Supplementary Plate P 010, End, should be erected to mark the end of the section affected. However, if this coincides with the end of the roadworks, sign WK 001 with Supplementary Plate P 010 should be erected instead. |
| WK 074 |  | Soft Verges: Where it is considered necessary to warn drivers of soft verges, sign WK 074, Soft Verges, may be erected. Sign WK 074 with Supplementary Plate P 010, End, should be erected to mark the end of the section affected. However, if this coincides with the end of the roadworks, sign WK 001 with Supplementary Plate P 010 should be erected instead. |
| WK 080 |  | Pedestrians Cross to Left: this sign should be used to indicate that a footway is closed ahead and pedestrians should cross to the left at this point. |
| WK 081 |  | Pedestrians Cross to Right: this sign should be used to indicate that a footway is closed ahead and pedestrians should cross to the right at this point. |
| WK 090 |  | Detour: these signs should be used in advance and at the start of a diversion route for any road that is closed due to roadworks. They indicate to the traffic the distance to the start of the detour. The distance displayed should be in accordance with Table 8.2.3. |
| WK 091 |  | Diverted Traffic: these signs should be used to indicate straight ahead, left or right at every decision point, for the road user to follow a diversion route for any road that is closed due to roadworks. The arrow direction may be varied to suit. On diversions with long distances between decision points, it is recommended that the straight ahead variant be repeated at intervals, to reassure drivers that they are still on the correct route. |

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| WK 092 |  | End of Detour: this sign should be placed at the end of a diversion route, to advise drivers that they are back on the original route. |
| WK 093 |  Typical sign | Detour Destination: for complicated diversion routes, signs WK 092, are to be used in place of the Diverted Traffic, (along the diversion) signs. These are direction or advance direction signs, designed in accordance with Chapter 2 but with an orange background. Such signs should show one or more destinations and the route number and only be used for diversion routes. Existing direction signs that do not contradict the roadwork signs, shall remain in place for the duration of the works. |
| WK 094 |  | Road Closed: this sign should only be used in conjunction with WK 001 when a road has been closed to facilitate roadworks. |
| WK 095 |  | Stop Here on Red: this sign may be used to indicate to drivers where to stop when temporary traffic controls are in place. |
| WK 096 |  | Free Recovery: this sign should be used to indicate to drivers that there is a free recovery service in operation within the works. The sign should be repeated at 500m intervals. The telephone number must be varied to suit. |
| WK 097 |  | Free Recovery End: this sign should be used to indicate to drivers where the end of the free recovery service takes effect beyond the works. |

| Plate No. | Sign Face | Description |
|-----------|--|--|
| P 001 |  | Distance: This plate may be used in conjunction with any roadworks sign to indicate the distance to a hazard. The distance shown on the plate shall be in accordance with Table 8.2.3. |
| P 002 |  | Length: This plate may be used in conjunction with any roadworks sign to indicate the extent of the hazard. The distance shown on the plate shall be in accordance with Table 8.2.3. |
| P 003L |  | Direction: These plates may be used in conjunction with any roadworks sign to indicate the direction to a hazard. |
| P 003R |  | |
| P 004L |  | Direction and Distance: These plates may be used in conjunction with any roadworks sign to indicate the direction and distance to a hazard. The distance shown on the plate shall be in accordance with Table 8.2.3. |
| P 004R |  | |
| P 010 |  | End: this plate may be used in conjunction with any roadworks sign to highlight to the road user that the end of a specific hazard or operation has been reached. |
| P 011 |  | Cautionary Speed: this plate may be used in conjunction with Sign WK 001, Roadworks Ahead, Sign WK 072, Slippery Road, or Sign WK 073, Loose Chippings, to indicate the speed which traffic is recommended not to exceed. The speed displayed must be one from the following list: 25, 26, 45, 55, 65 or 75km/h. See Section 8.2.3. |
| P 089 |  | Safe Height for Overhead Electric Cables: this plate must be used in conjunction with sign W 111 to advise vehicles of the safe height available. The safe height should be agreed with the owner of the electrical cables and rounded down to the nearest 0.1m. |
| P 090 |  | Slow: this plate may be used in conjunction with any roadworks sign to highlight to the road user that speed should be reduced when passing a particular hazard or operation. |