

An  
Bord  
Pleanála

**Board Direction**  
**BD-010268-22**  
**ABP-310979-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/03/2022.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development would result in an intensification of use of a private laneway onto the National Secondary Road, N52, at a point where the general speed limit of 80 km/h applies. In this regard the proposed development, by itself and by the precedent that a grant of permission would create, would endanger public safety by reason of a traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. The proposed development would militate against national policy on the control of access (including the intensification of existing accesses) to national roads, as set out in 'Spatial Planning and National Roads: Guidelines for Planning Authorities' published by the Department of the Environment, Community and Local Government in January 2012, which seeks to preserve the level of service and carrying capacity of national roads, to protect public

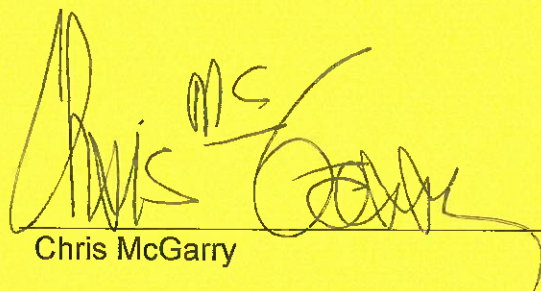
investment in same, and to control development that adversely affects road safety. Furthermore the proposed development would be inconsistent with section 8.6.1 of the Offaly County Development Plan 2021-2027 which states that, to ensure the safety and free flow of traffic, future development requiring direct access onto national secondary routes will be restricted and assessed against the provisions of the 2012 Ministerial Guidelines and that Offaly County Council considers there are currently no exceptional circumstances as set out in section 2.6 of the Guidelines that would require the identification of stretches of national roads where a less restrictive approach to that set out under Table 8.3 (which seeks to avoid the generation of increased traffic from existing access to national roads for all development types) may be applied. In addition, Development Plan policy SMAP-25 states that development requiring an intensification of an existing access onto a national secondary road where a speed limit greater than 60 km/h applies will be avoided in accordance with the provisions of the Ministerial Guidelines. In this regard the proposed development would be contrary to the Ministerial Guidelines and to the relevant provisions of the Offaly County Development Plan 2021-2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note 1:** The Board noted the recommended reason for refusal, as recorded in the Inspector's report which states that having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Offaly County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the

encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. The Board shared the view of the Inspector on this matter and considered also that the proposed development would be contrary to the relevant provisions of the National Planning Framework relating to rural housing in areas under urban influence. However as this would constitute a new issue and having regard to the substantive reasons for refusal set out above, it was decided not to pursue this issue in the context of the current appeal.

**Note 2:** The Board noted the recommended reason for refusal, as recorded in the Inspector's report which states that by reason of its height and bulk, the proposed two storey house would be visually obtrusive in this open rural area and that the proposed house would, therefore, be contrary to the proper planning and sustainable development of the area. The Board shared the view of the Inspector on this matter, but as this would constitute a new issue and having regard to the substantive reasons for refusal set out above, it was decided not to pursue this issue in the context of the current appeal.

Board Member



Chris McGarry

Date: 15/03/2022

