



**An
Bord
Pleanála**

**Board Direction
BD-017501-24
ABP-318817-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the specific nature and minor scale of the proposed development, comprising a roof canopy over an existing external storage area, within an established development, and notwithstanding that the existing entrance is from a national road, where the maximum speed applied, the Board noted DM Standard 27 (Access to National and Other Restricted Roads for Commercial & Other Developments) of the Galway County Development Plan 2022-2028, specifically Class 1 Control Roads (National Road), allows for consideration to be given to extension and intensification of existing establishments and considered this provision to be applicable. The Board was also satisfied that the requirement for the application to be accompanied by a Traffic and Transport Assessment or Road Safety Audit did not apply as instead, in accordance with DM Standard 33 (Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment) of the development plan, both are required for applications for significant development (which have potential to impact on the National Road Network) and the Board concluded that the proposed development could not reasonably be considered as a significant development within the meaning of this development plan standard.

Noting these provisions, the Board concluded that it was reasonable to allow the proposed development in the context of the established business on the subject site.

Conditions

1. Insert Plans and Particulars standard condition and reason.
2. All external finishes of the proposed development shall generally match those of the existing structure on site.

Reason: In the interest of visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard uncontaminated surface water run-off shall be disposed of directly in a sealed system.

Reason: In the interest of environmental protection and public health.

4. Prior to the commencement of development, a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note:

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the established business on site and given the nature and minor scale of the proposed development, comprising a roof canopy over an existing external storage area, that in itself would not generate additional traffic, a refusal on traffic grounds, including DM Standard 28: Sight Distances would not be warranted in this instance. The Board did not agree with the view of the inspector that there was a requirement to submit a Road Safety Audit or Traffic and Transport Assessment as these are required only where the development is significant in nature, which the Board did not conclude was the case in the current development proposal. The Board noted the reference in the inspector's report to national policy set out in Spatial Planning and National Road Guidelines for Planning Authorities (2012) and which seeks 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 kmh apply. However, the development before the Board does not involve the creation of any new access point and would not reasonably lead to increased traffic, having regard to the specific nature of the

development before the Board. Accordingly, the board did not pursue this national policy as a reason for refusal in respect of the current proposal.

Board Member Patricia Calleary Date: 19/09/2024
Patricia Calleary