



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06226

APPEAL by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 4th day of November, 2019 by Cork County Council to grant subject to conditions a permission to Chris Hall care of Neil Gallagher of Cork Road, Gouldshell, Mallow, County Cork.

Proposed Development Revise site boundaries as previously permitted under planning reference 18/6264 and permission is sought for retention of an existing vehicular entrance, all at Wallstown, Shanballymore, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board 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.

Reasons and Considerations

Having regard to Section 5.2 of the National Planning Framework, Section 2.5 of the Spatial Planning and National Roads Guidelines, and Policy Objective TM 3-1 of the Cork County Development Plan 2014 – 2020, it is considered that the proposed retention of the vehicular access in the north-eastern corner of the site would entail the authorisation of an additional access from the N73, a national secondary road, which is heavily trafficked, which operates at the national speed limit, and which, due to its meandering and undulating form in the vicinity of the site, involves limited forward visibility and hence challenging driving conditions. The proposed development would, therefore, materially contravene the said national and local planning policies that seek to prevent the addition of accesses off the national road network in the interests of good traffic management and road safety. Furthermore, to accede to it would risk the establishment of an adverse precedent, which would make the upholding of these policies in the future more difficult to achieve.

Heretofore, the dwelling house on the site has been permitted on the basis that it would share an access from the N73 with the cottage on the adjoining site to the south. The proposed development would, therefore, constitute a departure from this basis and so it would materially contravene conditions numbers 9 and 6 attached to the permissions granted under planning register reference numbers 06/8293 and 18/6264 respectively, which require such joint usage.

It is considered, therefore, in light of the foregoing reasons and considerations, that the proposed development would be contrary to the proper planning and sustainable development of the area.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.