



Planning and Development Acts 2000 to 2019

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/208

APPEAL by Transport Infrastructure Ireland (TII) of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 6th day of February, 2020 by Cavan County Council to grant subject to conditions a permission to Shane and Mary Fitzpatrick care of Craftstudio Architecture of Aviemore House, 6 Hill Street, Monaghan, County Monaghan.

Proposed Development: Erection of a part two-storey, part single storey dwellinghouse with attached carport and domestic garage, waste water treatment system with percolation area and all associated site works at Killygarry, Cavan, County Cavan. The proposed development was revised by further public notices received by the planning authority on the 23rd day of October, 2019, including details of amendments to the site layout plan and revised percolation area.

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

The proposed development, which would result in the intensification of use of a vehicular access onto the National Primary Road N3 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard, and the additional vehicular traffic generated by the proposed development would lead to conflicting traffic movements, which would interfere with the safety and free flow of traffic on the heavily trafficked National Primary Road.

In addition, the proposed development would militate against national policy on the control of access 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 frontage development that adversely affects road safety. The proposed development would be contrary to these 2012 Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.