

Planning and Development Acts 2000 to 2021

Planning Authority: Offaly County Council

Planning Register Reference Number: PL2/21/67

APPEAL by Transport Infrastructure Ireland of Parkgate Business Centre, Parkgate Street, Dublin against the decision made on the 12th day of July, 2021 by Offaly County Council to grant subject to conditions a permission to Sean T. Guinan care of Noel Lyons Architectural Services of Woodfield, Birr, County Offaly.

Proposed Development: The construction of a dwelling house, detached domestic garage, installation of septic tank with percolation area and all associated site works at Coologe, Fivealley, Birr, County Offaly. Further public notices were received by the planning authority on the 18th day of June, 2021.

Decision

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

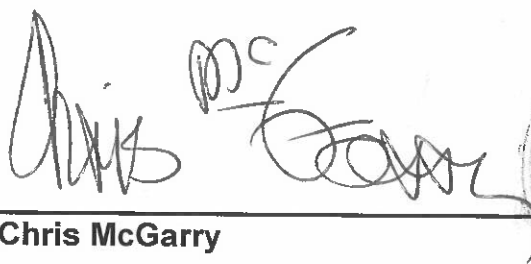
Matters Considered

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

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 of the Development Plan (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.

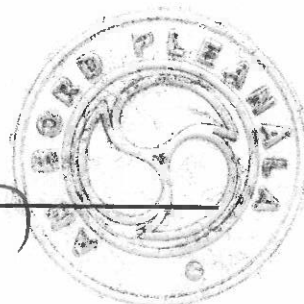


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 29th day of March 2022.