



An  
Bord  
Pleanála

**Board Order**  
**ABP-318817-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 22/61212**

**Appeal** by Andrew Curran care of Enviroplan Consulting Limited of Suite Three, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 4<sup>th</sup> day of December, 2023 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of the (1) replacement of the existing ancillary gated storage area/yard with an enclosed storage extension to the existing tyre centre building and (2) an increased hardstanding area, with all associated site development and external works, all at AC Tyres, Clooneen, Headford, County Galway.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## 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 applies, the Board noted DM Standard 27 (Access to National and Other Restricted Roads for Commercial and 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 and Transport Assessment, Road Safety Audit and 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.

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 the 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7<sup>th</sup> day of November, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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 interests of environmental protection and public health.

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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.

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**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.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

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

Dated this *25<sup>th</sup>* day of *September* 2024.

