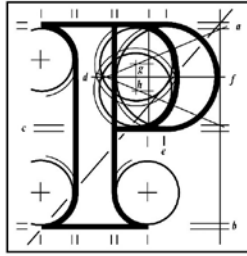


An Bord Pleanála



Inspector's Report

An Bord Pleanála Ref.: PL07.246059

Development: Construction of Dwelling house, garage and new entrance from public access road to unconsecrated graveyard at Cartron, Milltown, Co. Galway.

Planning Application

| | |
|-------------------------------|-------------------------|
| Planning Authority: | Galway County Council |
| Planning Authority Reg. Ref.: | 15/1305 |
| Applicant: | Martin and Sabina Gavin |
| Type of Application: | Permission |
| Planning Authority Decision: | Refuse Permission |

Planning Appeal

| | |
|--------------------------|-------------------------------|
| Appellant(s): | Martin and Sabina Gavin |
| Type of Appeal: | First Party |
| Observers: | None |
| Date of Site Inspection: | 9 th of March 2016 |
| Inspector: | Angela Brereton |

1.0 SITE LOCATION AND DESCRIPTION

The proposed development adjoins the N17 roadway to the north of and on the periphery the settlement of Milltown. The entrance to the site is on the southern side of the road via an existing gated field entrance which has a plaque 'Ancient Children's Burial Ground. There are no visible indications of where this is relative to the site. The site is cordoned off with a wire from the greater field area. There is a dormer bungalow with windows facing to the west of the site. There is a hedge along this boundary. Otherwise there is no screening along the eastern or southern site boundaries. There is a stone wall along the site frontage with the N17. The entrance to the site is via the existing field gate and is approx. 20m to the north and outside of the 50km/h speed limit signs. This is a very busy trafficked main road and the entrance to the site is beyond the town speed limits. Visibility appears to be more limited due to the bend to the north.

The site is separated from the two storey house to the south east by the field area. While there is an area of ribbon type housing in this location the site appears outside of Milltown village settlement area. There are also bungalow type houses on the opposite side of the road.

2.0 PROPOSED DEVELOPMENT

This is to consist of the construction of a new dwelling house and domestic garage with new entrance from the existing public access road to unconsecrated graveyard together with all ancillary site works and services.

The application form provides that the site area is 0.155ha. The g.f.a of the proposed house is given as 190.84sq.m and the garage as 19.2sq.m. The form includes that it is proposed to provide a new connection to the public mains i.e the Milltown Community Group Water Scheme and a new connection to the public sewer. It is proposed that there be a soakpit for surface water disposal.

A Site Layout Plan, Floor plans, Sections and Elevations have been submitted.

A letter has been submitted with the application which provides that the applicants are returning emigrants.

A letter has also been submitted from Pdraig Flannery giving permission to the applicants to apply for permission and to carry out any necessary and required works, to the access route on his land.

3.0 PLANNING HISTORY

The Planner's Report provides a planning history of applications within 100m of the subject site. This does not include a record of any history relative to the subject site.

4.0 PLANNING AUTHORITY APPLICATION

Technical Reports

Transport Infrastructure Ireland (TII)

They consider that the proposed development is at variance with official policy in relation to control of development on/affecting national roads and they provide a detailed reason in relation to this which is discussed relative to the proposed development in the Assessment Section below.

The Planner's Report

This has regard to the locational context, planning policy and history and to the letter from the TII regarding roads issues. They considered the proposed design to be acceptable, but were concerned that the building line was not adequately set back. However they noted concerns regarding the proposed access relative to the N17 and visibility splays. They considered that the proposed development would be contrary to the proper planning and sustainable development of the area to the objectives and policies as set out in the GCDP 2015-2021. They recommended that the proposed development be refused.

5.0 PLANNING AUTHORITY DECISION

On the 17th of December 2015 Galway County Council refused planning permission for the proposed development for three no. reasons which are summarised as follows:

1. The proposed development at a point outside the 50kmph speed limit and with insufficient sight visibility on a National Primary Road, would endanger public safety by reason of traffic hazard and would be contrary to the DoECLG *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and to Objective TI6 and DM Standards 18, 20 & 21 of the GCDP 2015 -2021.
2. The PA are not satisfied that the applicant has sufficient legal documentation to access the site. To permit without such would be considered contrary to the proper planning and sustainable development of the area.
3. In the absence of an archaeological or geophysical survey, it is considered that the proposed development would potentially compromise or interfere with the integrity of the children's burial ground site SMR GA 016-016 which adjoins the site and therefore it would be contrary to the proper planning and development of the area.

6.0 GROUNDS OF APPEAL

Waldron & Associates, Engineers, Architects, Project Managers have submitted a First Party Appeal on behalf of the applicants Martin and Sabina Gavin. Their grounds of appeal include the following:

- The applicants were forced to emigrate in the 1960's due to a severe lack of employment in Ireland at that time.
- Sabina is originally from the Milltown area and a number of family members still live there.
- They hope to retire back home to Milltown where they can be close to family and friends.

- The site is located at the edge of Milltown and is serviced by the public mains water supply and the public sewer system.
- The proposal complies with Galway CDP objectives relative to infill development and edge of centre sites.
- The proposed site is located within a structurally weak area.
- The existing entrance to the site is located approx. 20m outside the 50kmph speed limit. There are six other dwellings with entrances onto the N17 further to the west outside this speed limit.
- If the NRA were concerned about safety of these entrances it would be expected that the new 50kmph speed limit would be positioned to the north west of these entrances on towards Ballindine.
- Their proposal to use the established entrance to the site together with the existing entrance being adjacent to the 50mph limit will have no negative impact on safety and free flow of traffic on the carriageway.
- Adequate sightlines are achievable in both directions. They include photographs showing the context of the entrance.
- Having regard to the existing nature and pattern of development along this area of road, they request the Board to grant permission for the proposed development.
- They enclose a letter from the landowner Pdraig Flannery giving his full permission for the applicant to carry out any necessary and required works to the existing access and agreeing to transfer a legal right of way. They include Land Registry details and Folio nos.
- They consider that the documentation they have submitted serves to demonstrate sufficient legal interest to access the subject site.
- SMR GA 016-016 (children's burial ground) is approximately 150m from the south eastern corner of the proposed development site. Therefore it is highly unlikely that the proposed development will impact on this. They have no objection to a condition to any grant of permission requiring an archaeological or geophysical survey to be carried out prior to any commencement of development.

7.0 RESPONSES

There has been no response from Galway County Council to the grounds of appeal.

8.0 PLANNING POLICY

8.1 Galway County Development Plan 2015-2021

Chapter 2 provides the Core Strategy for the County. This includes in Section 2.3 Development Strategy Objectives: Objective DS 6 – Natura 2000 Network and Habitats Directive Assessment.

Section 2.4 provides for the Core Strategy as an integral component of the Spatial Strategy and reference is also made to the Regional Planning Guidelines. S.2.4.8 refers to the Core Strategy and Settlement Hierarchy.

Section 2.6 refers to the Settlement Strategy i.e: *a Settlement Strategy is a spatial expression of population distribution, settlement size, and settlement role and hierarchy*. A Table is provided showing a six tier system. It is noted that Milltown is located in the lowest tier of the hierarchy i.e *Other Settlements and the Countryside*.

S.2.6.7 refers to Small Settlements and the Countryside/Rural Areas and the site is located in a *Structurally Weaker Rural Area*.

Chapter 3 deals with Urban & Rural Housing. Section 3.4.5 refers to *Edge of Centre Sites within Small Towns/Villages*.

Section 3.7 refers to *Single Housing in the Countryside* and has regard to the distinction between urban and rural generated housing and the requirement for sustainable rural housing. S.3.8 identifies *Rural Area Types* – Map RH01 refers – the subject site is located in a *Structurally Weaker Rural Area*.

Section 3.8.2 refers and provides the objectives for such areas. As per S.3.8.3 the site would fall into *Rural Housing Zone 2 – Structurally Weak Areas*.

Objective RHO 2 - Rural Housing Zone 2 (Structurally Weak Area)

It is an objective of the Council to facilitate the development of individual houses in the open countryside in "Structurally Weak Areas" subject to compliance with normal planning and environmental criteria and the Development Management Standards and Guidelines outlined in Chapter 13 and other applicable standards with the exception of those lands contained in Landscape Categories 3, 4 and 5 where objective RHO3 applies.

Chapter 5 refers to Roads and Transportation.

Objective TI 6 – Protection of National Routes and Strategically Important Regional Road Networks i.e: *It is an objective of the Council to protect the capacity and safety of the National Road Network and Strategically Important Regional Road network (listed in DM Standards and Guidelines in Chapter 13) in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (2012). Galway County Council will not normally permit development proposals for future development that include direct access or intensification of traffic from existing accesses onto any national primary or secondary road outside of the 50-60 kph speed limit zone of towns and villages.*

Chapter 9 refers to Heritage, Landscape and Environmental Management

Section 9.6 refers to Archaeological Heritage and includes reference to Recorded Monuments such as Burial Grounds.

Objective ARC 4 – Burial Grounds

Protect the burial grounds, identified in the Record of Monuments and Places, in co-operation with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht. Encourage the local community to manage burial grounds in accordance with best conservation and heritage principles.

Section 9.8 refers to Natural Heritage and Biodiversity and includes regard to Natura 2000 sites. S. 9.9 provides the *Natural Heritage and Biodiversity Policies and Objectives*. Designated Environmental Sites are provided in Map NHB1.

Landscape Sensitivity categories 1 (low) – 5 (unique), is referred to in S.9.10.2.3. The site is within the low sensitivity area.

Chapter 13 provides the Development Management Standards and Guidelines. DM Standard 1 refers to Qualitative assessments for urban and rural area. This includes reference to the DoEHLG Sustainable Rural Housing Guidelines 2005. Section 13.4 provides the Rural Residential Considerations and includes DM Standard 5 relative to Rural Housing need and DM Standard

6: Assimilation of Development into Landscape and DM Standard 8 relative to Landscaping.

Section 13.8 provides Guidelines for Transportation, Roads, Parking, Loading and Storage DM Standard 18 refers to: *Access to National and Other Restricted Roads for Residential Developments*. DM Standard 20: *Sight Distances Required for Access onto National, Regional & Local Roads*. DM Standard 21: *Building Lines* –this requires a set-back of 35m from National Primary or Secondary Roads.

8.2 The Sustainable Rural Housing Guidelines 2005

This seeks to encourage and support appropriate development at the most suitable locations. Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working full-time or part-time in rural areas. It is considered that as per Appendix 3 of the Guidelines that the proposed site is not located in a Stronger Rural Area.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads. Regard is also had to Roadside Boundaries Section 4.5 is concerned with Protecting Water Quality and Site Suitability issues.

8.3 Spatial Planning and National Roads Guidelines for Planning Authorities 2012

The Minister for the Environment, Community and Local Government has issued these guidelines under section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines in the performance of their functions under the Planning Acts. The guidelines set out planning policy considerations relating to development affecting national roads (including motorways, national primary and national secondary roads) outside the 50/60 kmh speed limit zones for cities, towns and villages.

Section 1.4 refers to need to ensure the strategic traffic function of national road network is maintained and Section 1.5 provides that proper planning is central to ensuring road safety.

Section 2.5 provides the following policy approach for 'Lands adjoining National Roads' to which speed limits greater than 60 kmh apply: *The policy*

of the planning authority will be 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. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Section 2.6 provides the criteria for Exceptional Circumstances and it is not considered that the proposed development onto this busy stretch of the N85 with restricted sightlines to the bend to the east would comply with these categories.

Chapter 3 relates to the Development Management of Roads and notes that this is the Key to Plan Implementation. Section 3.6 refers to Road Safety Audits for a new or significant changes to an existing access.

Chapter 4 concerns Implementation of these guidelines including by ABP.

9.0 ASSESSMENT

I have reviewed the proposal in the light of national planning guidelines, the CDP, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural housing policy
- (ii) Land Form and Archaeology
- (iii) Design and Layout
- (iv) Access
- (v) Right of way issues
- (vi) Drainage
- (vii) Appropriate Assessment

9.1 Rural Housing Policy

Section 2.6 of the Galway CDP 2015-2021 notes that Milltown is located in the lowest tier of the Settlement Hierarchy i.e Other Settlements and the Countryside and provides: *These smaller settlements provide basic services to their community, such as convenience goods and primary education and religious services. They are distinguished from rural housing by the presence of these services which provide an important community purpose and the basis for further future development.*

The countryside refers to those parts of County Galway that are outside of recognised settlements.

The First Party refer to Section 3.4.5 of the GCDP which refers to *Edge of Centre Sites within Small Towns/Villages* and consider that the subject site would fit into this transitional category. This Section also includes: *This form of development needs to ensure the definition of a strong urban edge and design that creates a clear distinction between the urban area and the open countryside while discouraging ribbon development on the approaches to towns and villages.* In this case the subject site is located proximate but outside of the settlement and speed limit boundaries of Milltown, it is clearly within the countryside, so rural housing policies apply. S.2.6.7 refers to Small

Settlements and the Countryside/Rural Areas and the site is located in a *Structurally weaker rural area*. It is also located in an area designated as Landscape Sensitivity Class 1 (where Class 1 is the least sensitive and Class 5 the most sensitive).

Section 3.7.2 has regard to Sustainable Rural Housing and Section 3.8.2 provides the key objectives for Structurally Weak Rural Areas i.e:

- *To accommodate residential development proposals as they arise subject to satisfactory site suitability and technical considerations;*
- *To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines);*
- *To maintain and strengthen existing towns and villages and to direct urban generated housing demand into these areas;*
- *To protect areas located in Landscape Category 3, 4 and 5.*

Objective RHO 2 - Rural Housing Zone 2 (Structurally Weak Area) similarly applies, therefore the issue of local needs criteria does not appear to be relevant in this case.

It is of note however that the information submitted provides that the applicants are returning emigrants and that Sabina Gavin is from the Milltown area and has family members still living in this area. The applicants purchased the site a number of years ago and are now hoping to build a home on it so that they can move back to Ireland to retire close to family and friends already living in the area.

Section 3.2.3 of the Sustainable Rural Planning Guidelines 2005 refers to Rural Generated Housing and support for returning emigrants i.e People who are an intrinsic part of the rural community. This includes: *Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated.* Having regard to these issues it is considered that Sabina Gavin as a local rural person has a need to reside in her local rural area as she is a returning emigrant. However a site specific need has not been established.

9.2 Land form and Archaeological issues

The proposed site is relatively flat and is rectangular in form with an area of 0.155ha. It is in grass and is taken off the larger field area and there is a low wire fence up to identify the site area. There is some screening provided by planting along the western boundary, although the site is overlooked by the windows in the dormer dwelling to the west of the site. There are also dwellings further to the north accessed via a minor road off the N17 which can be seen to the rear (south of the site).

Access to the site is via an existing field gate which bears a small plaque: '*Access to Ancient Children's Burial Ground*'. However there is no formally laid out track and this area does not appear to be visually marked out. It is of note that this Burial Ground (GA016-016) is included as a Recorded Monument

protected under Section 12 of the National Monuments (Amendment) Act, 1994.

Section 9.6 of the GCDP 2015-2021 refers to Archaeological Heritage. This includes that: *Burial grounds, which are included in Records of Monuments and Places, are afforded protection under Section 12 of the National Monuments (Amendment) Act 1994. Consultation with the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht is necessary prior to undertaking any proposed works in relation to historic graveyards.*

In this case this type of consultation has not been carried out. The First Party refute the Council's third reason for refusal in that they provide that the application site is located approximately 150m from the south eastern corner of the site. Having regard to the National Monument Service Mapping this would appear to be the case. Therefore they consider that it is highly unlikely that the proposed development would affect the burial ground site. However, they have no objection if the Board decides to permit to a condition requiring an archaeological or geophysical survey to be carried out. If the Board decides to permit it is recommended that an archaeological condition to include archaeological monitoring be included.

9.3 Design and Layout

The proposed house is shown to comprise a single and two storey element joined by a utility/hall area. The floor area is 190.84sq.m. It is shown set further back than the house to the west which has a number of windows facing the site. This is to avoid issues of overlooking. It will be largely screened by the leylandii hedge of that dormer property. The western elevation is to be single storey (c.5m in height) and provide the living/dining room areas. The proposed two storey element (c.7.3m in height) is designed to accommodate the 4no. bedrooms and is to be further set back to the east which is also of benefit to the adjacent property to the west. The proposed eastern and western elevations refer and provide details of the fenestration and the materials to be used to include napp plaster finish, selected stone and selected blue/black slates or tiles. The proposed garage at 19.2sq.m and c.5m in height is to be set back close to the western site boundary.

It is considered that the house type is contemporary and would not have an adverse impact on the property to the west. If the Board were mindful to grant it is recommended that a landscaping condition be included to provide boundary screening. There are no proximate residential properties to the east which shows that the site is seen as separate from the settlement of Milltown and is set more in context of the ribbon development to the north and west and on the opposite side of the road (N17).

It is of note that the Council's first reason for refusal includes that the proposed set back would not comply with DM Standard 21 which refers to Building Line set back in the case of National Primary and Secondary Routes of: *35 metres from the existing or proposed realigned carriageway surface edge and former national routes which are now classified as regional routes.*

The setback shown is 22.5m and the current design or the length of the site would not facilitate a 35m setback.

9.4 Access

The proposed access is via the existing field gated entrance to the Ancient Children's Burial Ground. This gated entrance is onto the N17 National Primary Route. The site is outside of the 50kmph speed limit boundaries of Milltown. There is a hard shoulder and chevrons on the road which indicate no passing. There is a bend further to the north which restricts visibility in this direction. The Planners Report provides that the site frontage is located in the 80kmph transitional zone.

Transport Infrastructure Ireland (established through a merger of the NRA and the Railway Procurement Agency under the Roads Act 2015, with effect from 01/08/15) consider that the proposed development is at variance with official policy in relation to control of development on/affecting national roads as outlined in the DoECLG '*Spatial Planning and National Roads Guidelines for Planning Authorities*' (January 2012) as it would by itself or by the precedent which a grant of permission it would set, adversely affect the operation and safety of the national road network for the following reason:

Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG 'Spatial Planning and Roads Guidelines for Planning Authorities' (January 2012). The proposal if approved would create an adverse impact on the national road and would, in the Authority's opinion, be at variance with the foregoing national policy in relation to control of frontage development on national roads.

This has regard to Section 2.5 of the Guidelines which provides the policy approach is to avoid the creation of new accesses or intensification of existing accesses for 'Lands adjoining National Roads' to which speed limits greater than 60 kmh apply and includes: *This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

These Guidelines are concerned in the interests of retaining the strategic road network and road safety to avoid a proliferation of roadside developments accessing national roads to which speed limits greater than 50-60km/h apply. They are concerned to avoid the creation of new accesses and intensification of existing accesses to national roads where a speed limit greater than 50km/h applies. It is noted that the while the current proposal would not create a new access it would intensify the use of the existing field gate access onto the N17. Section 2.6 provides the criteria for Exceptional Circumstances none of which would particularly apply to the stretch of road proximate to the application site.

The First Party contend that the existing entrance is an established one and note that it is approx. 20m from the 50kmph speed limit for the town. They provide that a sightline of 160m is achievable to the east and 123m to the west of the town and that traffic will be slowing town towards the speed limit. They also note that there are six existing entrances along this part of the road

between the 50kmph sign and the area to the west of the site described as having poor horizontal alignment. However it is not considered that following such a precedent should necessarily be encouraged. Having regard to aerial photography it appears that the speed limit has relatively recently been established in this location. On my site visit I observed this to be a busy fast section of road. The existing field gated entrance albeit to the ancient unmarked children's graveyard appears to be little used. It is considered that the proposed development would inevitably increase the turning movements onto/off the national road at the location concerned where the urban area speed limits do not apply. Such intensification of access to the national road network is at variance with the provisions of official policy as per the Guidelines.

It is therefore not considered that the proposed development would comply with Objective TI 6 of the GCDP 2015-2021 which is relative to the Protection of National Routes and Strategically Important Regional Road Networks, and has been quoted in the Policy Section above. It is also not considered that it would comply with DM Standards 18 - *Access to National and Other Restricted Roads for Residential Developments*, DM Standard 20 - *Sight Distances Required for Access onto National, Regional & Local Roads* and DM Standard 21 – Building lines as referred to above.

9.5 Right of Way issues

The Council's second reason for refusal provides that the planning authority is not satisfied that the applicant has demonstrated sufficient legal interest to access the subject site as demonstrated. They are concerned about right of way to the site. It is noted that the documentation submitted provides that the applicants are the owners of the site. A letter was submitted with the application from Padraig Flannery that gives permission to the applicants to carry out any necessary works to the access route on his land at Cartron, Milltown. The First Party have submitted Folio reference nos. to show that Padraig Flannery is the full owner of the land in question along with a map showing the area included in the Folio reference. They consider that the documentation submitted serves to demonstrate sufficient legal interest to access the site. This does not make any reference to the access being shared with the access (as shown on the site layout plan) to the Ancient Children's Burial Ground site. If the Board are mindful to grant it is considered that the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht should be consulted in this regard.

It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of S.34(13) of the Planning and Development Act 2000 as amended: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

9.6 Drainage

The application provides that it is proposed to connect to the public mains and sewer so the issue of a waste water treatment system will not arise. The site is therefore capable of being fully serviced. It is noted that a letter of consent has not been submitted from the Milltown Community Group Water Scheme.

9.7 Appropriate Assessment

It is noted that the following SAC Natura 2000 sites are located within a 15km radius i.e.

- Lough Corrib SAC is located approx. 500m away.
- Carrowkeel Turlough,
- Kilglasson/Caheravoostia Turlough Complex
- Shrule Turlough
- Greaghans Turlough
- Ardkill Turlough

It is noted that Lough Corrib SAC is located less than 500m away but owing to the small scale nature of the proposed development, lack of a direct conduit and the proposal to connect to the public sewer, it is not considered there would be significant adverse effects on the Natura 2000 sites. Therefore having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an area capable of being fully serviced, no appropriate assessment issues arise.

10.0 CONCLUSION AND RECOMMENDATION

Having regard to the documentation submitted, planning policy in the Galway CDP and in the Guidelines relevant to development alongside and in proximity to National Roads, and to the assessment above I would consider that this proposal would not comply with policy in that it would lead to an intensification of the use of an entrance onto this stretch of the busy N17 at a point where there is poor horizontal alignment and where transitional speed limits of 80kmph apply.

It is therefore recommended that permission be refused for the reasons and considerations below:

11.0 REASONS AND CONSIDERATIONS

1. The “Spatial Planning and National Roads - Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government (2012) seek in Section 2.5 “to avoid the...generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply.” The proposed development of a further house at this location would result in the intensification of use of a private access on to the N17 national road, close to a bend to the north, having restricted sightlines, with chevrons/no passing markings on the road, and where a transitional speed limit of 80 km/h applies. It is therefore considered that the additional and conflicting turning movements generated by the

proposed development would endanger public safety by reason of traffic hazard, would interfere with the free flow of traffic on this national road, would compromise the level of service and carrying capacity of the road at this location, and would fail to protect public investment in the national road network, both by itself and by the undesirable precedent it would set for similar such development. The proposed development would be contrary to the provisions of the said Guidelines and to Objective TI 6 and DM Standards 18, 20 and 21 of the Galway County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Angela Brereton,
Inspector,
20th of April 2016