



An  
Bord  
Pleanála

## Inspector's Report PL07.246544

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<b>Development</b>	Construction of a link road and junction to connect an existing access road within the IDA Parkmore West Business Park to connect to the LS7101, Parkmore Road.
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	16/170
<b>Applicant(s)</b>	IDA Ireland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	GRANT
<b>Appellant(s)</b>	Shane Foran; Attracta Burke
<b>Observer(s)</b>	Galway City Council
<b>Date of Site Inspection</b>	1 <sup>st</sup> July 2016
<b>Inspector</b>	John Desmond

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## 1.0 Site Location and Description

- 1.1. The application site relates to Parkmore West Business and Technology Park located adjacent and outside of the Galway City boundary on the northeast side of the city.
- 1.2. The application site has a stated area of 0.5ha and is a linear (roughly T-shaped) site. The site encompasses an existing access road, an area of loose-finished hard surface, car parking and landscaped open space within the business park, and approximately 180m (c.0.27ha) of the public local road.
- 1.3. The local road number is stated as LS7101 by the applicant, although I could not confirm the road number. The applicant generally refers to the road name as Parkmore Road, but also to Castlepark Road, whereas an appellant refers to it as Hazelwood. Parkmore Road is the only name indicated (at the southern end only) on the OS maps for the area. The road connects the N17 (Tuam Road) to the north with the N6 to the south via the R339 (Monivea Road) to the south. The road is a single-carriageway of very good horizontal alignment, and a sloping vertical alignment, rising up to the crest c.200m north of the site boundary before dropping away quite steeply to join the N17. The road has narrow on-level cycle lanes in both directions as well as public footpaths. The 50kph speed limit applies to the relevant section of public road concerned. The 80kph speed limit applies c.350m to the north of the application site.
- 1.4. There is no drawing of the existing road, unaltered, but the measurements of the public road at the northern and southern site boundaries indicate the carriageway as a little under 9.5m at the southern end and a little over 9.5m at the northern end, inclusive of cycle lanes of c.1m in each direction. The public footpath measures c.2m on either side, although it appears to be a little narrower on the western side of the road at the northern end.

1.5. The area is predominantly commercial / office / light-industrial in nature, with an isolated area of suburban housing abutting the site's northern boundary and c.370m to the south, with the remaining undeveloped lands in agricultural use.

## 2.0 Proposed Development

- Construction of road and junction to connect an existing access road within Parkmore West Business and Technology Park to the LS7101 Parkmore Road.
- Proposed 7m wide carriageway, footpaths and cycle paths to tie in with existing road infrastructure.
- Provision of traffic signs, road markings, additional public lighting, construction of centre island on Parkmore Road.
- Provision of traffic calming infrastructure and all associated site works and services.
- Road Safety Audit Stage 1 attached.

### 2.1. Supporting documentation

- Planning Report prepared by ORS
- Road Safety Audit Stage 1 prepared by RSM

## 3.0 Planning Authority Decision

### 3.1. Decision

Decision to **GRANT** permission subject to three conditions.

Conditions no.1 and no.3 are standard conditions, the latter being a contribution condition to sum of €32,500.00.

Condition no.2 is non-standard and requires the full design and details of an (a) uncontrolled pedestrian crossing and (b) public lighting to be submitted for approval and full design and details of (d) signage and (f) roadside drainage to be submitted

for agreement of Galway County Council. It also requires (c) specified additional road markings and signage and (e) that signage and street furniture shall not impede sightlines.

### 3.2. **Planning Authority Reports**

The report of the area planner (11/04/16) can be summarised as follows:

A grant of permission was recommended having regard to the report of the Roads and Transportation Unit Galway County Council.

### 3.3. **Other Technical Reports**

**Roads and Transportation Unit** – The report of 06/04/16 raises no objection subject to 6no. conditions.

## 4.0 **Planning History**

### 4.1. **On site –**

**Reg.ref.15/85** – Application for link road and junction to connect an existing access road within the IDA Parkmore West Business Park to connect to the Castlepark Road. The site boundaries appear identical to that of the current application.

Application **WITHDRAWN**.

**Reg.ref.15/1192** – Permission **GRANTED** by Galway County Council (24/11/15) for new storage building at 1 Parkmore Business Park. The site boundary encompasses part of the proposed route at the eastern side.

## 5.0 **Third Party Observation**

Observations were received from Patrick Cresham (07/03/16), Kitty Cresham (07/03/16), Gerard McMahon (11/03/16), Teresa and John Francis (14/03/16), Attracta Burke (15/03/16), Carmel Brannelly (15/03/16), Keith Madden (18/03/16),

Donal McNulty (21/03/16), Ruth and Ronan Flaherty (21/03/16), and Kathleen Flaherty (21/03/16) all of whom are from Hazelwood, Castlegar; the Hazelwood Polkeen Residents Association (18/03/16) and Shane Foran of Galway Cycling Campaign (21/03/16). The main points of the observations were generally repeated in the third party appeal and/or in the third party observation on the appeal, which are summarised below. Additional concerns raised related to:

- Need for an EIS
- Severe flooding of area in past (application form incorrect).
- Obscured, non-compliant siting and inadequately sized site notice
- Hazelwood Road not fit to accommodate existing level of traffic in this residential area, risks structural damage to dwellings from HGV traffic, and the proposal, including the further encroachment of industrial development, negatively affects residential amenity and property value.
- Concerns regarding RSA, including reference to 60kph not 50kph speed limit.
- Speed survey of Hazelwood [LS7101], Castlegar, by Cosain (published April 2014) found the 85<sup>th</sup> percentile speed (over three surveys) to be 77-81kph, with highest speeds observed between 101-109kph.
- Not a viable long term solution.

## 6.0 Policy Context

### 6.1. Development Plan

#### **Galway County Development Plan 2015-2021**

Chapter 5 Roads and Transportation – Section 5.1 Land Use Integration and Sustainable Transport Strategy: ‘

Table 5.1: Priority Transportation Infrastructure Projects for County Galway 2015-2021. National and Local Cycle Networks

- Support and develop walking and cycling routes in accordance with the Galway County Walking and Cycling Strategy 2015.
- Support and develop Galway City & Environs Walking and Cycling Strategy in consultation and co-operation with Galway City Council.

Section 5.1.1 Transportation – Strategic Aims:

Section 5.2 Land Use Integration and Sustainable Transportation Strategy Policies and Objectives

- Policy TI 2 - Development of an Integrated and Sustainable Transport System
- Policy TI 4 – Land Use Integration and Transportation

Section 5.3.3 Galway Gateway Traffic and Transportation Issues

Section 5.4 Roads and Transportation Policies and Objectives

- Policy TI 5 - Roads, Streets and Parking
- Objective TI 11 – Urban Street Network and Design Manual for Urban Roads and Streets.
- Objective TI 19 – Galway County Walking and Cycling Strategy.

### 6.2. Reference documents

Design Manual for Urban Roads and Streets (DoTTS & DoEHLG, 2013)

National Cycling Manual (2011)

Galway Transport Strategy: Draft (2016)

## 7.0 Natural Heritage Designations

None on site. The site is within c.3.5km of Inner Galway Bay SPA (site ref.004031), the Galway Bay Complex SAC (site ref.000268) c.3.4km to the south, Lough Corrib SAC (site ref.000297) c.3.3km to the west, Lough Corrib SPA (site ref.004042) c.5.7km to the west and Creganna Marsh SPA (site ref.4142) c.6.5km to the southeast.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

The grounds of appeal from **Shane Foran of Galway Cycle Campaign** (04/05/16) can be summarised as follows:

- Reinforces the existing hostility of Parkmore Road for cyclists by retaining and repeating existing defects including substandard (1m) cycle lanes and roundabout.
- Exacerbates hostile environment for cyclists through introduction of central island that will force heavy motor traffic into closer proximity with cyclists.
- The dimensions shown on the drawings area not arithmetically possible and imply a worse situation for cyclist than indicated by stated dimensions.
- Proposed junction geometry with 12m corner radii risks increasing conflict between cyclists and cars and other traffic. Comments in the drawings supplied with the application suggest a design approach that is associated with increased risk of collisions.
- Increases convenience for cars at expense of other users and should include a range of works to improve cyclist and pedestrian access to the site.



- The defects should be remedied before planning permission is granted. If traffic calming is needed, then an alternative approach dealing with features such as the roundabout is needed.

The grounds of appeal from **Attracta Burke** (05/05/16) can be summarised as follows:

- RSA is inaccurate on address and speed.
- A number of findings of the RSA have not been addressed by the planning application, including failure to include 85<sup>th</sup> speed survey to determine current speeds and safety issues.
- The concern of GCC that the junction design – left in and left out only – is not set out in NRA Design Manual '*Geometric Design of Major / Minor Priority Junctions and Vehicular Access to National Roads*', has never been addressed.
- Layout insufficient in width / size to accommodate use of articulated transport.
- At 1m, cycle lane doesn't meet minimum width of cycle lane of 1.5m, with 1.75m optimum according to National Road Safety Authority.
- Cross-section drawing no.141\_324\_203 for Parkmore Road is mathematically impossible, with the combined width of elements adding up to 9.65m, in excess of the 9.5m width.
- Impact of extensive ghost island that will push traffic closer to cyclists and provide little room to take evasive action.
- Without cycle lanes the central island results in traffic lanes of 3.925m, close enough to the 'critical section' within which there is not enough room for buses or HGVs to pass cyclists with adequate clearance.

- The majority of the traffic exiting the business park turns right. The left-out only exit will result in drivers performing illegal U-turns at end of the line of bollards, resulting in a traffic safety hazard.
- Substantial increase in noise pollution, severely impacting on residential amenities of residential property, including during night hours (some of the units operated on 24-hour basis).
- No assessment undertaken of impact on traffic volumes and patterns.
- No pedestrian crossing provided on Parkmore Road at the junction.
- The public road network is not capable of handling the level of traffic generated by the business park, with traffic regularly backed up from the R339. The Briarhill Junction and from Parkmore roundabout to the N176.
- How will this proposal tie in with wider traffic management proposals for the area of the city council – replacing roundabout with signalised junction to the industrial estate; junction improvement on Parkmore Road junctions with N17, Monivea Road and Briarhill; and improving public transport to reduce reliance on car travel.

## 9.0 Responses to appeal

### 9.1. Planning Authority Response

None received from Galway County Council Planning Authority.

### 9.2. First Party

The main points of the **response from IDA Ireland** (07/06/16) may be summarised as follows:

- Aim of proposal is to alleviate the traffic congestion experienced in the locality, within and outwith the business park, at AM/PM peak, with the link road as a

key mechanism to reduce congestion at the main access whilst having minimal impact on the operation Castlepark Road.

Addressing of substandard design and hazard to cyclists –

- A highly reputable engineering firm, ORS, prepared the application.
- The proposed link road section and dimensions are based on average road width of Parkmore Road. Final road dimensions will be set out in detailed design prior to tender. The proposed road design complies with all relevant standards.
- The proposed 57m link road conforms to normal road geometry and alignment criteria and, in the interest of safety, it is not recommended to change the cross sectional dimension of this small length of road.
- Additional traffic calming measures were identified for Parkmore Road in pre-planning consultation. It is beyond the scope of the applicant to facilitate or deliver these works but the applicant will contribute towards these costs through the special development contribution mechanism as per condition no.3.

12m corner radii at junction increases conflict with cyclists

- The radii have been designed to accommodate all vehicles. Reducing same would limit the type of vehicles that could access the site.
- This primary objective of this semi-rural / urban road (Parkmore Road) is to provide capacity and a link to the main arterial routes (N17, etc.). The cycle lanes are not widely used.
- The reduction of corner radii under DMURS is more suited to residential areas or slow zones where tighter junctions are intended as traffic calming measures in themselves and also where yield signage is provided. STOP signage and road markings make vehicles stop at this junction before moving away, thereby improving safety.

Proposal focuses on convenience for cars at expense of road safety of other users:

- The access makes provision for cyclists and pedestrian access and provides considerable permeability to the Park, which was otherwise confined to the main entrance. It can be easily used by cyclists with no discernible increase in perceived risk than normal on the public network.
- The design follows best practice, normal design standards and takes account of public safety.
- Left-in / left-out design reduces potential conflicts associated with priority junction and minimises the existing operational effect of vehicles on the existing public road.
- The existing congestion issues at the Park relate to the number of vehicles and is not caused by pedestrians or cyclists.
- The IDA and companies in the Park promote alternative transport solutions but a large proportion of staff have no alternative to private vehicle and the proposed development is a common sense approach.
- The appellants have not demonstrated that the proposal will be a detriment to safety of other road users.

Traffic calming

- A new access point at this location was previously recommended in the area wide transport study conducted by Systra commissioned by Galway City Council and was one of a number of options recommend to the council, but the only one that could be delivered by the applicant.
- The concerns of the appellant re impact on cycling, who has a specific mandate to promote cycling in the city of Galway, should not be a factor in determining the merits of the proposed development and the urgency surrounding the need for it to be delivered.

### Inaccuracies on address and speed limits in RSA

- The correct limit was stated in the RSA by RSM. Any errors in relation to correct address do not affect the audit proves carried out in accordance with TD19/15.
- As part of the design for submission ORS accepted the eight problems and recommendations identified in the RSA report and incorporated them into the submitted design.
- The appellant does not identify which problems / recommendations were not address in the design.
- ORS were not requested by the Local Authority to procure speed surveys on the public road as the posted speed limit is 50kph.
- Complies with all normal standards associated with access within urban speed limit zone.
- The central island will channelize traffic lanes and assist in reducing vehicular speeds, thus improving safety.

### Left-in / left-out design is not to NRA DMRB standard '*Geometric Design of Major / Minor Priority Junctions and Vehicular Access to National Roads*'.

- The proposed link road is to best practice guidelines DMRB and the DoT 'Traffic Signs Manual' and the proposed junction is in accordance with TD40/41 of DRMB.
- The 7m width is to accommodate articulated trucks as demonstrated by Autotrack analysis.
- Left-in left-out priority junction is a common arrangement on the national and regional road network, used by local authorities to restrict vehicular movements to improve traffic flows or reduce congestion.
- The appellant provides no evidence to justify their claim.

### Road, lane and cycle-lane widths

- Repeats points made above
- A painted central island will be provided and extend beyond the concrete kerbed central island in front of the proposed junction as specified by the Local Authority at pre-planning.
- The 3.925m road width would exceed most lane widths on urban roads where road space is shared between HGV, cars and cycles and is sufficient given the volume of cyclists that use this link.
- The applicant's design team has undertaken a considerable period of consultation with the Roads Authority, reference transportation reports commissioned by the Local Authorities to understand the traffic in the area, carried out traffic counts, prepared numerous design solutions based on industry standards and best practice guidance to arrive at the proposed development approved by the County Council.

### Left-in, left out design likely to result in illegal U-turns and traffic hazard

- The left-in left-out design is to minimise any capacity impact on Castlepark / Parkmore Road.
- It will provide an alternative exit for northbound traffic and help alleviate some of the congestion issues at Parkmore Roundabout at peak.
- No evidence is put forward by the appellant and the assumptions are not valid.

### Noise pollution

- The proposed development is not linked to any additional floor space or development within the Park and there is no net increase in traffic levels from the Park.
- Northbound traffic already passes north along Parkmore road and no additional traffic will arise.

- Southbound traffic on Parkmore does not have to slow or prepare to stop for exiting vehicles as there is no provision for right turning vehicles at the proposed junction

No survey or impact study conducted to assess traffic impact; no pedestrian crossing on Parkmore Road

- Systra's detailed assessment of traffic commissioned by Galway City Council is included in Appendix A of ORS transportation appraisal submitted with the application.
- The Local Authority required no additional traffic and transport assessments.
- An uncontrolled pedestrian crossing has been provided as a standard design feature at the proposed junction for pedestrians.
- A fully detailed assessment has been carried out to support the applicant's assertion that the proposed development complies with all relevant standards.

Junction is not a viable long term sustainable solution to traffic congestion, but transfers internal congestion onto the public network

- Systra modelled a number of possible options to alleviate the congestion experienced within the Park. The proposed junction is option 4. The other options can only be implemented by the Local Authority.
- The junction is 250m from the Parkmore roundabout, comfortably exceeding the recommended separation distance between junctions recommended in the DoT 'Traffic Management Guidelines', and is not intended to impact on existing traffic flows to / from the roundabout.
- It will not affect the operational capacity of Castlepark Road as it does not change the priority or alter the alignment of existing traffic (modelled using Galway Interim Model, with minimal impact at AM peak).
- Will act as a release valve for exiting traffic, and will be secondary to the existing entrance.

- Junction design is suitable for 50kph zone.
- Sightlines and lighting will exceed minimum criteria under NRA DMRB.
- Central island will act as traffic calming measure.
- Will provide alternative exit for northbound traffic, alleviating traffic congestion at Parkmore roundabout at peak times.
- Will provide alternative access/egress for emergency vehicles.
- Will enable the IDA to implement revised traffic management systems within the Park, with increased signage and enforcement.
- Clearly it is a viable and sustainable solution.

Questions how it ties in with overall wider traffic management; issues raised by objectors and in RSA not satisfied by application.

- The preparation of the applicant has followed the necessary assessments, reviews of best practice and advice from the Planning and Road Design Authorities.
- The concerns cannot be expected to be addressed through the development proposal.
- The proposal does not impact on the deliverability or development of the other options, and will provide an alternative Park access when construction works eventually commence to change the roundabout to a signalized junction and alleviated prohibitive additional congestion that would otherwise result for duration of those works.
- All recommendations of the RSA have been undertaken by the design team as part of the planning submission and is based on the recommendations of the Systra traffic report which states that the provision of the proposed access road will have minimal impact on the operation of traffic movements on Parkmore Road, but that additional longer term measures will be required.



## 10.0 Observations

### 10.1. Galway City Council response (31/05/16)

The main points raised may be summarised as follows:

- The existing traffic delays at Parkmore, which straddles the County and City Council boundary and employs 6,000 people.
- The existing congestion and delays experience entering and leaving the Park needs to be urgently address.
- Galway City Council and Galway County Council have actively engaged with the IDA and businesses in Parkmore with a view to identifying and implementing measures to relieve congestion and deliver more efficient and sustainable patterns to/from Parkmore.

### 10.2. Further Responses

**Attracta Burke** (29/06/16) – In general, the appellant refutes the points made in the applicant’s response to the appeal. Additional salient points may be summarised as follows:

- The road is the LS7101, not the LS101, and is not Castlepark Road which is a distant residential estate, or Parkmore which extends from the R339 to the roundabout, but is Hazelwood between the roundabout and N17.
- The existing congestion is caused by the traffic signals at the Monivea Road (R339) and Briarhill junctions and the proposal will not alleviate traffic heading to R339 and by the lane arrangements (two merging into to one).
- It will not alleviate AM traffic congestion which arises due to delays within the park and traffic using either the existing or new accesses will still have to traverse Parkmore roundabout.

- Suggestions that the final design may provide for road widening to accommodate the stated widths in the application would be outside the scope of the permission and illegal.
- Many cyclists use the road, particularly at AM and PM peak, including school children and workers. A one-hour survey on 16/05/16 (no stated time) does not give a true indication of the use. Due to erosion of lane markings, many cyclists are forced to use the footpaths.
- The proposed junction is within a predominantly residential area and reduced radii area appropriate.
- The hill causes a blind spot on the road. Approaching traffic will not have view of calming measure until over the crest of the hill. Drivers do not reduce speed at change from 80kph to 50kph.and the junction will create a high risk collision zone.
- What are the other options referred to by the IDA?
- The RSA is based on incorrect address, failed to conduct cyclist volume survey or report the poor state of cycle lanes and did not include any provisions for cyclists; did not note speeding, made no reference to previous accidents, or note absence of speed limits signs on northbound approach to Hazelwood. RSA inadequate.
- 2.4.2 of bullet 9 of RSA regarding dimension of road being inadequate resulting in vehicles striking bollards is not addressed by applicant.
- Failure to use correct dimensions invalidates the applicant's analyses including Autotrack analysis.
- Why would HGV traffic require to use this junction instead of Parkmore? Is it to facilitate expansion of the Park. Expansive of the Park is occurring (reg.ref.16/679, 16/563, 15/617).

- A number of incidents and near misses have occurred at Hazelwood near the crest of the hill (links to YouTube provided).
- The RSA highlights (2.3.1) that no pedestrian crossing is provided for the LS7101. The crossing referred to by the applicant is of the proposed link road.
- The preferred solution in the Traffic Survey from Systra is Package A. Option 4 (link road) is not included in Package A. Land is available to the north to provide for direct access from the Park to the N17.
- Sound barriers would benefit residents closest the proposed link road.
- Signalising of the roundabout should be the first course of action.
- Without ‘Departures from the Standard’, ‘Collision Data’, Traffic survey including cyclists’, noted as not provided in the RSA Checklist, it is not possible to assess the proposed development.
- Suggests that alternative approach including the staggering of work shifts and encouraging of carpooling and cycle (grants) would encourage alternative travel, and the replacing of pedestrian lights (at Parkmore) with an underpass and the removal of the last bus stop on Parkmore would improve traffic flow.

Galway Cycling Campaign c/o Shane Foran (04/07/16) – The main points may be summarised as follows:

- The defects should be modified as a condition of any permission. It is wholly incorrect that the appeal seeks to overturn the decision.
- Design standards are quick and easy to cross reference, but the applicant fails to detail what specific standards or elements of those standards they have followed, but the applicant uses largely unsupported assertions as to “best practice”, “normal design” and “relevant standards” and so on.

- P.6, section 5 '*Design of proposed link road and access junction*' states that the link road and junction has been designed in accordance with DMURS and DMR1 TD40/42.
  - There is no design note TD 40/41 in DMRB. Possibly refers to TD40/95 (refers to slip roads from dual carriageways and therefore inappropriate) and TD41/95 which has been withdrawn but was intended for design speeds up to 120kph.
  - DMURS explicitly replaces DMRB and there a direct conflict between the two standards. It may be that there is a good reason to use both, but it needs to be explained which design source is being used for what aspect. Use of DMRB standards for sightlines is a particular conflict with the standards under DMURS which provides reduced forward visibility to reduce traffic speed.
  - The applicant's own Autotrack analysis shows the turning track required for HGV is much smaller than that proposed. DMURS provides that larger vehicles can negotiate corner radii as low as 1-3m, but the available road width may be a constraint – submits that each lane to Parkmore Road should be 4.6m width (min of 5m with cycle lanes) to allow slow speed turn around corners.
  - Is HGV access necessary for the junction? Its purpose (p.12 of applicant's submission) is to provide a release valve for traffic exiting the Park.
  - Condition requires an uncontrolled pedestrian crossing along the desire line across the mouth of the junction. The 12m corner radii will result in excessive turning speeds by vehicles and increase the crossing distance and exposure to risk for pedestrians.

- The X-distance for proposed sightlines should be no more than 2.4m according to s.4.4.5 of DMURS. The applicant specifies a 4.5m X-distance but the drawings indicate that they have attempted to increase it 2 fold or more, despite that the cite DMURS.
- The appellant identified the demand for increased connectivity and permeability along the southern boundary of the campus. DMURS stresses the area wide requirement for connectivity, movement networks and permeability. The applicant claims to be working from DMURS but seems to consider that the new junction satisfies the identified pedestrian and cyclist demand for site access on the south side. Provision of low-cost permeability to the Racecourse Business Park would enable many cyclists to avoid the Parkmore roundabout, which is inherently hostile to cyclists and pedestrians.
- Omitting the concrete central median (a defect identified by the appellant) on Parkmore Road from the roundabout would reduce costs and free up funds to provide additional permeability measures and traffic calming.
- The 7m carriageway width, inclusive of 1m cycle lanes, provide 2.5m general traffic lanes which are insufficient to accommodate HGVs (legally defined width of 2.55m, or 2.6 for refrigerated trailers – RSA leaflet) without encroaching on the opposing lane and / or on the already unacceptably narrow cycle lanes.
- The applicant provides no reference to relevant standards that would support 1m cycle lanes but spuriously defend their work as having been approved by Galway County Council.
- The concrete median will push vehicles onto the cycle lane. The 3.925m carriageway width, inclusive of cycle lane, is insufficient. UK

Traffic Advisory Leaflet 1/97 finds that motor vehicles will encroach on cycle lanes where the general traffic lane is less than 3m.

- Central medians are provided on motorways to give motorists protection so they can feel safe to drive at 120km/h. Implies that it is not a traffic calming measure that will slow traffic on Parkmore Road, but the opposite. Traffic speed surveys by third parties record speeds of up to 89kph on 23/06/16 on Parkmore Road within the 50kph limit zone.
- The applicant has identified no requirement for pedestrians or cyclists to have a safe crossing to the new connection, which the applicant considers '*provides considerable permeability into the park*'. Cyclists are expected to the roundabout and do a U-turn '*with no discernible increase in perceived risk*'.
- Defects requiring modification
  - Existing substandard cycle lanes must be either removed or replaced with cycle lanes of 2m minimum – hard shoulders may be more sensible given the absence of maintenance and sweeping by the County Council.
  - To reduce speed on Parkmore Road the current centre line markings should be removed and speed ramps installed. Trials carried out in London found that removing central lines and hatching leads to significant reduction in speeds (TFL, 2014, attached to submission), possibly due to the introduction of uncertainty.
  - The junction should be constructed as raised junction to slow speeds.
  - A gateway feature may have merit, but should include cycle bypasses, which should also apply if pedestrian refuges are being constructed.

- The 250m central median should be eliminated and the resources allocated for permeability proposals and speed ramps at the roundabout.

## 11.0 Assessment

In general, the main issues in this appeal are generally those raised in the grounds of appeal and, accordingly, the issues can be dealt with under the following headings:

- Policy issues and justification
- Road design standards
- Impact on residential amenities
- Appropriate Assessment

### 11.1. Policy issues and justification:

11.1.1. The application relates to Parkmore West Business and Technology Park located on the northeast fringe of, and external to, the Galway City Council area. The extensive business park is evidently a long established industrial estate but the subject lands are not zoned<sup>1</sup> or subject of any specific objectives under the County Development Plan 2015-2021 and the lands are not subject of a local area plan. The business park and application site are located within the Galway Metropolitan Gateway Area (GMA) defined in the Core Strategy Map (p.36). The development of the GMA is prioritised under the strategic aims (no.4) of the development plan and it an objective of the Council (Objective SS 1 – Galway Metropolitan Areas) to support the role of Galway City and GMA as key drivers of growth in the County and region and I consider the proposed improved access to the business park to be consistent with same.

11.1.2. The ORS ‘Planning Report’ does not provide any justification for the proposed access on policy grounds, but on grounds of existing traffic congestion, with the aim of the proposed road being to alleviate AM/PM peak traffic congestion experienced

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<sup>1</sup> Notwithstanding the requirements of section 10(2)(a) of the Planning and Development Act, 2000 (as amended), according to section 2.6.1 (p.39), the development plan does not have any land use zonings other than those set out for the purpose of the *County Galway Wind Energy Strategy*.



in the area through enabling some traffic to exit directly onto LS7101 rather than via Parkmore roundabout. It is submitted that the proposed access is justified having regard to the report on SYSTRA's modelling of the impact of potential network solutions in the area of Parkmore, as commissioned by Galway City Council, appended to the Planning Report.

- 11.1.3. I have reviewed SYSTRA's modelling report. The proposed development was included in as Option 4 out of 5 options to be modelled. Based on preliminary modelling (using SATURN, a regional model) of the individual options, Option 4 was expected to have minimal impact (on delays and route choices) in the AM peak (0800-0900 hours) and therefore was excluded from the more detailed modelling of the package of options (Package A) using VISSIM. In the detailed modelling of PM peak, options 1 and 2 were found to resolve the issues for traffic exiting Parkmore West and Parkmore East and therefore option 4 was not included in the modelling of Package A for the PM peak.
- 11.1.4. As the proposed link road and junction was not included in the package options modelled in detail, it is difficult to see how the analysis can be taken as a justification of the proposal. However, it would seem that the modelling was not for the purpose of assessing the impact of the proposed junction in particular and its exclusion from the more detailed modelling can be regarded as unbiased and reasonable and I am satisfied that it demonstrates that the proposed left-in left-out priority junction will not significantly impact motor vehicle traffic flows on the LS7101 or on the network and junctions generally. I therefore consider the proposed junction to be acceptable in principle.
- 11.1.5. **Other transport policy issues** - Chapter 5 of the development plan concerns roads and transportation. There are no specific roads objectives, including road improvement works, cycle lane or bus lane provision, or improvements to the pedestrian environment set out in the development plan relating to the LS7101 under table 5.1 Priority Transportation Infrastructure of the development plan. However, under table 5.1, the Council recognises that the development of a local cycling

network is essential for the development of an alternative transport mode and, to this effect, it is the priority to support and develop walking and cycling routes in accordance with the Galway County Walking and Cycling Strategy 2013 and to support and development Galway City and Environs Walking and Cycling Strategy in consultation and cooperation with the City Council. It is an objective (TI 19) to implement the recommendations and proposals of the Galway County Walking and Cycling Strategy 2013.

11.1.6. There are a number of strategic aims, policies and objectives within chapter 5 supporting the provision of enhance choice of transport options, promoting and encouraging alternative sustainable transport modes, (policy TI 2) promoting the development of an integrated and sustainable transport system, (policy TI 4) prioritising walking, cycling and public transport alternatives, (objective TI 2) to encourage use of bicycles and promote the ‘cycle to work scheme’ in order to help meet national obligations under the EU Energy Directive (2009/28/EC), and to require mobility management plans for largescale developments (including enterprise or industrial), having regard to Galway Gateway traffic and transportation issues.

## 11.2. Road design standards

11.2.1. The applicant asserts that the proposed link road and access junction has been designed in accordance with the best practice guidelines set out in DMURS and the DoTTS *Traffic Signs Manual* (2010). It is further stated that ‘the junction has been designed in accordance with the standards set out in TD40/41 of the NRA *Design Manual for Roads and Bridges* priority junction design. I assume, however, that the applicant is referring to DMRB TD41/42, as TD40 refers to the layout of compact grade separated junctions and is not applicable.

11.2.2. The subject site is located within the built up area surrounding and contiguous with Galway City, primarily developed to accommodate business, commercial and light industrial type uses, but with residential uses also established. The 50kph speed

limit applies to the public road, which is a local road. I am satisfied that the Design Manual for Urban Roads and Streets (2013) is the applicable design standard in this instance and I am satisfied that the provision of a new junction and link road onto the LS7101 (thus improving permeability on the network) is, in general, consistent with the principles included under DMURS. I note that it policy (TI 5) and an objective (TI 11) of the Council to apply the principles, approaches and standards set out in the Design Manual for Urban Roads and Streets (2013) as appropriate. In terms of design standards, the applicant has not demonstrated that exceptional circumstances exist such that DMRB would apply (with the consent of the relevant sanctioning authority<sup>2</sup>) in lieu of DMURS. The DMURS and DMRB approaches to road design are significantly at odds in their design requirements. The applicant has failed to demonstrate how the proposed scheme may be deemed compliant with DMURS.

11.2.3. I am satisfied that the proposed road and entrance junction are contrary to the principles, approaches and standards under DMURS in a number of respects, which I have set out below, such as would encourage vehicular traffic to approach and traverse the junction at excessive speed, putting other road users, including vulnerable road users (pedestrians and cyclists) at increased risk.

### 11.3. **Sightlines**

11.3.1. The forward visibility at the proposed junction is indicated by the applicant as compliant with 4.5m X 90m, purported to be based on the standard applicable for the 50kph speed limit zone. This is to be achieved by removing the existing c.1.2m high stone boundary wall and rebuilding a new wall setback outside the line of sight, to a reduced height of 900mm (the reduced wall height will further increase forward visibility on approach to the junction with the L7101).

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<sup>2</sup> The Department of Transport Tourism and Sport is the relevant sanctioning authority in this case.

11.3.2. Under DMRB TD41/42 a sightline standard of 3.0m X 90m applies where the major road has a 60kph speed limit, with a 70m distance required for the 50kph zone<sup>34</sup>. The DMRB standard for the 50kph zone can easily be achieved at the proposed junction without setting back the roadside boundary based on the applicant's drawings. The proposed junction design can be seen to be significantly updesigned even based on the DMRB standards. This approach is contrary to DMURS which states '*The design speed of a road or street must not be 'updesigned' so that it is higher than the posted speed limit.*' Under DMURS reduced sightlines apply based on the design speed of the street – 45m for 50kph zone. The available sightlines at the proposed entrance would exceed the DRMB standards for the 50kph zone without the proposed amendments to the roadside boundary and there is no justification for setting back the roadside boundary. The reduction of corner radii would facilitate a narrower junction (notwithstanding increase in carriageway width to accommodate frequent access by HGV, if necessary) and retention of a greater length of the existing roadside boundary, thereby enabling a further reduction of sightline distance to DMURS standard. The provision of gateway piers or feature may be appropriate as a design mechanism to reduce sightlines to DMURS standard.

#### 11.4. **Corner radii**

11.4.1. At 12m the radii of the entrance junction are hugely in excess of the 6m maximum to be applied on junctions between arterial and/or link streets, which generally is sufficient to enable buses and rigid body trucks to turn corners without crossing the centre line. Whilst 9m radius may be applied where there are regular turning movements by articulated vehicles, the third party appellant queries whether it is necessary that the design accommodates access by articulated vehicles given that it

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<sup>3</sup> A further relaxation of the standard (measured to the left hand side) is permissible under TD41/42 (para.7.1), where there is a constraint on overtaking on the major road, as proposed development.

<sup>4</sup> The Traffic Management Guidelines stipulate an X-distance of 4.5m or greater.

is a secondary relief-type access, with the main access via Parkmore roundabout to the south and, it is claimed, the majority of HGV traffic travelling to/from the south.

11.4.2. Excessive corner radii facilitate vehicles to enter or exit a junction at increased speed, may reduce the visibility of vehicles entering the junction to pedestrians and cyclists crossing the junction and results in increased junction width thereby increasing the period of exposure to risk for pedestrians crossing the junction<sup>5</sup>. In my view, having regard to DMURS, in the interest of safety of vulnerable road users it would be desirable for all HGV traffic to be accommodated via the main entrance rather than to updesign the proposed junction and link road to accommodate frequent access by larger vehicles. Should access by frequent access to larger vehicles prove necessary at the proposed entrance, the approach under DMURS is to keep corner radii short but to increase the width of the junction to facilitate manoeuvrability of larger vehicles.

#### 11.5. **Pedestrian & cyclist facilities at junction**

11.5.1. The applicant proposes a pedestrian crossing across the link road, setback c.14.5m from the junction. The proposed pedestrian crossing is c.12.5m from the pedestrian desire line across the junction, increases the walking distance for pedestrians and likely to result in pedestrians not crossing at the designated location. This design approach is clearly contrary to DMURS<sup>6</sup> and the proposed pedestrian crossing should be provided at the junction, not setback. Condition 2(a) of the Council's decision requires the provision of an uncontrolled pedestrian crossing at the proposed junction on the pedestrian desire line.

11.5.2. The proposed design omits the cycle lane from the LS7101 where it crosses the proposed junction. This is contrary to the National Cycle Manual which advises that gaps or interruptions to cycle lanes should be avoided, including at junctions where cycle routes should be made obvious. DMURS indicates that cyclists must be given

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<sup>5</sup> See page 93 of the DMURS.

<sup>6</sup> See page 90 of the DMURS.

a high priority in road design and makes frequent reference to the National Cycle Manual (2011).

11.5.3. No provision is made for right turns for cyclists to/from the LS7101, or pedestrian movements across the LS7101. The permeability provided for cyclists through the junction, though an improvement, is far from optimum due to the provision of the proposed central concrete median. Cyclists traveling from the north will have to continue to the Parkmore roundabout (a large junction that is hostile to cyclists) and return north along the LS7101 to access the new junction. This is not a sustainable cycle route and is likely to result in cyclists undertaking potentially hazardous manoeuvres at the junction and on the LS7101.

## 11.6. Carriageway widths & cycling infrastructure

11.6.1. The link road would have a carriageway width of 7m, to accommodate two general traffic lanes and two cycle lanes. The cycle lanes at 1m apiece, leaving two 2.5m general traffic lanes. The standard lane width for links streets under DMURS is 3.25m, but may be reduced to 3m where lower design speeds are applied, such as in centres and where access for larger vehicles is only occasionally required<sup>7</sup>. Lane widths may be increased to 3.5m for arterial or link roads where frequent access for larger vehicles is required. The general traffic carriageway widths (i.e. excluding cycle lanes) are not to standard. Two questions arise pertinent to determination of carriageway width: Are cycle lanes necessary or appropriate in the context? Does the proposed link road need to accommodate frequent access by larger vehicles?

11.6.2. It is the policy of the County to support and develop the *Galway County Walking and Cycling Strategy 2015* and the *Galway City & Environs Walking and Cycling Strategy*. I've been unable to locate a copy of either strategy on either Council's website, but the contents of same inform<sup>8</sup> the *Galway Transport Strategy: Draft*

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<sup>7</sup> The Traffic Management Guidelines indicated typical 'desirable' and 'minimum' lane width of 3.0m for link roads.

<sup>8</sup> The aims and objectives are summarised in the said report.

*Technical Report* (June, 2016)<sup>9</sup>, which informs the cycle network for the GMA proposed in the *Galway Transport Strategy* (draft, June 2016). The southern end L7101 (to the Parkmore roundabout) is intended to form part of the primary cycle network, with the northern section identified as part of the secondary network. A feeder network is also identified, intended as cycle friendly advisory routes with traffic calming and traffic management measures. The internal business park network is not identified.

11.6.3. According to DMURS, in areas of lower place context value, such as business parks, a lower level of integration of road users is appropriate, which implies support for provision of separate cycle lanes. Based on the National Cycle Manual cycle lane width calculator the minimum cycle lane width required is 1.5m within 30kph zone (according to the RSA the 30kph speed limit applies within the business park), or 1.75m if 50kph. It is not possible to provide cycle lanes of 1.5m on the link road and accommodate general traffic lanes of 3.0m. The NCM advises that where there is insufficient space for a functional cycle lane, then a Mixed Traffic solution<sup>10</sup> should be considered, with an appropriate traffic regime - a substandard cycle lane is never recommended<sup>11</sup>. Should the cycle lanes be omitted, the general traffic lanes would be to the maximum 3.5m width and the design of the proposed business park link road would have to be carefully considered to ensure that it is safe for the cyclists using this route. A reduction in the width of the proposed business park link road to (generally) 6m may be an appropriate design approach.

11.6.4. It is not possible to provide NCM compliant cycle lanes and minimum general traffic lanes widths on the LS7101 with the proposed insertion of the central median. The applicant proposes to retain the existing, non-compliant, 1m wide cycle lanes and provide general traffic lanes of 3m and the proposed central median takes up 1.65m (0.75m concrete median plus 0.45m setback either side). The two third party

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<sup>9</sup> The *Galway Metropolitan Area Bus & Cycle Network Plan* (2014) also informs the GTS but I could not locate this document also.

<sup>10</sup> A Mixed Traffic solution is one where cyclists are in front or behind vehicles in a controlled speed environment (NCM, 2011).

<sup>11</sup> it also advises that segregated lanes are advisable where actual traffic speed is 50kph or greater

appellants, observers to the application and the applicant's RSA point out that it is not arithmetically possible to accommodate the individual lanes and elements indicated within the 9.5m width. Contrary to the applicant's submission in response, there does not appear to be any significant variation in width along the relevant section of road.

11.6.5. By omitting the central median, it would appear to be possible to provide mandatory cycle lanes to the 1.75m minimum standard for this 50kph zone, leaving 6m for two general traffic lanes of 3.0m (carriageway width is stated as 9.5m). It would seem probable that the LS7101 currently accommodates frequent access by larger vehicles given that it connects the N17 to the north with the Business Park, in which case lanes of 3.5m may be justified. Whilst the Council has already accepted 3m wide general lanes on the L7101, this is contingent on the provision of the central median which it appears to have accepted by the Council as a traffic calming measure<sup>12</sup>. As noted above this section of the LS7101 is identified as a secondary route within the proposed cycle network route in draft GTS, which may be accommodated by off or on road cycle lanes, integrated with bus lanes and traffic calmed roads.

11.6.6. Third party appellant, Sean Foran, submits that the central median may actually encourage increased motor vehicle speed, much as the central median in a motorway, rather than act as a traffic calming measure. Whilst there are many variables involved in the average speed of traffic evident on any particular road, the principles and approaches set out in DMURS, which promote greater integration rather than the continuation of segregation in transport design, would support the appellant's contention that the segregating of opposing lanes would actually be counterproductive in terms of reducing traffic speeds. Some road design feature would likely be necessary to enforce the 'no right turn' requirement at the proposed junction, thereby creating a pinch point that may in itself act as an effective traffic calming measure (if appropriately designed), but I see no justification in extending a

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<sup>12</sup> Under condition 2(c) additional centre hatching road markings are required.



central median all the way to Parkmore roundabout and I am of the opinion that the design approach is contrary to DMURS.

11.6.7. I would query the appropriateness of the proposed no right turn design of the proposed junction. Fewer restrictions on movement of vehicles are envisaged under DMURS with the implementation of integrated streets. An unrestricted junction would alleviate pressure on Parkmore roundabout and within the Park's road network, would obviate the need to double-back along the LS7101 from the Parkmore roundabout for traffic accessing from the N17. It would also remove the potential for hazardous U-turn manoeuvres on the LS7101 at the northern end of the scheme for southbound traffic using the exit.

#### **11.7. Road design conclusion**

11.7.1. The design of the proposed business park link road, junction and alterations to the LS7101 are seriously at odds with principles, approaches and standards set under the Design Manual for Urban Roads and Streets (2013) which are the applicable standards and will encourage vehicular traffic to access and egress the junction at inappropriate speeds thereby putting other road users, including in particular vulnerable road users (pedestrians and cyclists) at serious risk. Departure from the DMURS requires written derogation from the sanctioning authority, the Department of Transport Tourism and Sport. As the provision of a link road and junction is acceptable in principle under DMURS (it would improve permeability on the road network), the Board may consider it appropriate to attach a condition requiring the proposed business park link road and junction, and alterations to the LS7101 to be redesigned to demonstrably accord fully with the principles, approaches and design standards provided for under DMURS, unless a written derogation from same is obtained from the Department of Transport Tourism and Sport.

## 11.8. Road Safety Audit

- 11.8.1. A stage 1 road safety audit was carried out in accordance with TII standard HD 19, which applies to National Road Schemes but is commended to other Road Authorities for use in preparation of their own road schemes on regional and local roads. Having regard to my assessment, above, it should be emphasized that a road safety audit is not a check of compliance with road standards.
- 11.8.2. The audit considered the existing road layout of the LS7101 (wide, straight and downhill gradient transitioning from a higher speed limit area) to be such as to contribute towards higher speeds and noted the Road Safety Authority online collision data for the area (one record of a minor collision, 500m to the north in 2010). It recommended the provision of gateway signage well in advance of the hazard (physical island and bollards) to ensure sufficient deceleration. Having regard to concerns of the appellant's regarding existing traffic speed, HD 19 does not advise that existing traffic speeds be surveyed.
- 11.8.3. The RSA was not provided with any traffic surveys (including pedestrian and cycle movements) for relevant existing roads likely to be affected by the proposed junction and the RSA advised that this be clarified at detailed design stage. It advised that anticipated traffic should be clarified at detailed design stage to determine safety issues arising. Leaving the assessment of a possibly significant road safety issue to stage 2 RSA raises a concern that the findings might entail significant alterations to the scheme post decision. In this regard I note that the Planning Authority did not require a traffic and transport assessment of the proposed development. Having regard to the proposed junction serving an expansive business park, a TTA may be justified having regard to the thresholds set out in *Traffic and Transport Assessment Guidelines* (TII, 2014). This is a **NEW ISSUE**.
- 11.8.4. The RSA raised concerns about the location and design of the proposed crossing point and advised that safe controlled or uncontrolled crossings should be provided (to a standard compliant with guidelines) were necessary based on assessment of pedestrian demand and desire lines (no details were provided to the assessor in this

regard). I note, in particular, the recommendation by the auditor that the transition between the lower speed internal business park network and the higher speed network surrounding the site should be considered in the context of placing vulnerable road users (VRUs) at the top of the urban road hierarchy, with consistent speed limit signage and VRU facilities.

11.8.5. Similar concerns were raised regarding cyclist demand, desire lines and facilities.

The auditor noted the below desirable minimum standard of cycle lane widths and abrupt termination of the lanes at the western end which may lead to confusion as to rights of way. The auditor indicates that a number of safety issues were also observed on the existing cycle lane on LS7101 but does not state what these are. This is a concern given the extent of alterations proposed to the LS7101. The RSA recommends that cyclist demand and desire lines should be assessed; that clarity should be provided on the continuity of the proposed cycle lane and condition of existing facilities with consideration to be given to amending the cycle lanes to advisory rather than mandatory; and that dashes lines should be provided for the edge of cycle lanes across the mouth of the junction<sup>13</sup>.

11.8.6. The RSA raised concerns about the ability to provide the lanes and central medians on the LS7101 within the dimensions shown on the drawings. Other points of concern included absence of 30kph signage at the proposed entrance and potential for proposed signage to obstruct footways. It recommended a review of all existing signage at detailed design stage, in advance of hazards and without obstructing visibility splays or footways.

11.8.7. The applicants indicate that they accept the problems identified by, and recommendations of the auditor. Having regard to my assessment of road standards, above, in the event of a decision to grant permission I envisage significant alterations to the proposed scheme would be required to comply with

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<sup>13</sup> As noted elsewhere in my report, a continuous cycle lane is not proposed across the junction. This point is not referred to in the RSA.

DMURS, the appropriate road design standards. A revised road safety audit would be required.

#### 11.9. **Impact on residential amenities**

11.9.1. I do not consider that the proposed business park link road and junction will seriously adversely affect the amenities of residential property in the vicinity. I note the concern of local residents about future growth of the park and consequential impacts on the amenities of residential property in the vicinity, however the permitting of the proposed entrance must be viewed on its own merits.

#### 11.10. **Appropriate Assessment**

11.11. Having regard to the small scale of the proposed development, comprising a new link road and junction and alteration existing road network within the existing built up area of the Galway Metropolitan Area and to the location of the subject site outside and at a distance from any Natura 2000 site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### 12.0 **Recommendation**

12.1. I recommend that planning permission should be **GRANTED**, subject to conditions, for the reasons and considerations as set out below.

#### 13.0 **Reasons and Considerations**

Having regard to the location of the site within an established business park within the Galway Metropolitan Area, the development of which is a priority of the Planning Authority under the strategic aims of the Galway County Development Plan 2015-2021, it is considered that the proposed link road and junction is, in principle,

consistent with the proper planning and sustainable development of the area, subject to the conditions below.

#### 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity

2. (a) Prior to the commencement of development, the applicant shall submit revised drawings and details, for the written agreement of the planning authority, amending the design of the proposed business park link road, the proposed junction to the LS7101 (Parkmore Road) and any associated alterations to the LS7101 (Parkmore Road) to be demonstrably compliant with the principles, approaches and standards set out in the "" (2013) having regard to the function of the road and the place context.

(b) The amendments shall explicitly address the following design elements with regard to the standards set out under the Design Manual for Urban Roads and Streets:

(i) overall carriageway width of the proposed business park link road and lane widths and the appropriate design measures to accommodate cyclist traffic on the proposed business park link road and on the amended LS7101;

(ii) the justification of the proposed central median to the LS7101, particularly having regard to the accommodation of cyclist facilities on the

LS7101;

(iii) the justification of the restriction on right turn traffic movements on the junction;

(iv) corner radii and width of the proposed junction to the LS7101 having regard to whether it is necessary or desirable to accommodate frequent access by larger vehicles;

. (v) continuity of pedestrian facilities across the junction along the pedestrian desire lines;

. (vii) continuity of cycle lane (if provided) across the junction having regard to the National Cycle Manual (2011);

. (v) reduction of sight lines (forward visibility) at the proposed junction and the retention of the existing roadside boundary wall except within the line of the carriageway inclusive of footways and cycle lanes (if provided).

. (c) No departure from the principles, approaches and standards set out in the “Design Manual for Urban Roads and Streets” shall be implemented without the prior written agreement of the Department of Transport Tourism and Sport, being the relevant sanctioning authority.

. Reason: To ensure the scheme is amended to comply with the principles, approaches and standards set out in the “Design Manual for Urban Roads and Streets” (2013), being the applicable road design standard in this urban area within the 50kph speed limit, in the interest of pedestrian, cyclist and overall road traffic safety on the network.

. 3 A revised road safety audit shall be carried out for the proposed scheme as amended in accordance with the requirements of condition no.2.

Reason: In the interest of traffic safety.

. 4 . The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works and alterations to the LS7101 necessary to safely accommodate the connecting of the proposed junction onto the public network. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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John Desmond  
Senior Planning Inspector  
9<sup>th</sup> September 2016