



An
Bord
Pleanála

Inspector's Report PL07. 247449

Development	Construct new service station and associated site works
Location	Killeelaun, Tuam, County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	16/582
Applicant(s)	Chris Brogan
Type of Application	Planning application
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Chris Brogan
Observer(s)	None
Date of Site Inspection	28 th January 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

1.1. The appeal site is located on the W side of Tuam in County Galway. The surrounding area is characterised by a mix of agricultural, commercial and industrial uses within a low lying and flat landscape and a number of small streams traverse to site. The site is located on the S side of the N17 Galway to Tuam road and it is currently occupied by a tractor repair and maintenance facility. It is bound to the E, S and W by agricultural land and to the N by the N17. There are several commercial units in the vicinity on either side of the N17 including a discount food store to the E and a petrol filling station to the N. The M18-M17-Tuam Bypass and the roundabout junction with the N17 is under construction to the W of the site.

Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

Permission is being sought to construct a new service station and associated site development works on a c.1.09ha site which would comprise:

- A vehicular entrance from the N17 (rationalising two existing accesses into one).
- 6 x pump island car/van forecourt with canopy over (c. 6.175m high).
- 1 x HGV forecourt.
- Underground fuel storage tanks and ancillary pipe work.
- A c.610sq.m. (gross) amenity building which would comprise:
 - A convenience shop with off-licence (c.100sqm net)
 - 3 x food offers (including a drive thru facility) with communal seating.
 - Toilets, food preparation, storage and external seating areas.
- Parking for 106 cars, and HGV & coach parking.
- 1 x illuminated totem sign (c.6.5m high).
- Signage on the building and canopy (illuminated and non-illuminated).

- Ancillary site works including landscaping, lighting, boundary treatment, an internal access road, demolition of existing structures (c.750sq.m.), retention of any infill material and the culverting/diversion of existing streams.

Accompanying documents:

- Planning Report
- Traffic and Transport Assessment
- Stage 1 Road Safety Audit
- Retail Assessment Report
- Stage 1 AA Screening Report

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of unsolicited Further Information in relation to road safety issues, including updated road reports and a retail assessment report, the planning authority decided to refuse planning permission for one reason which stated:

The proposed development, having regard to the lacunae in the Road Safety Audit Stage 1 submitted and on the basis of its commercial intensity is considered (to) be contrary to Objective TI6 of the 2015-2021 Galway County Development Plan 2015-2011 and Objective RT2 and RT3 of the Tuam LAP 2011-2017 and at variance with the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). Accordingly, to grant the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, would have a detrimental impact on capacity, safety or operational efficiency of the national road network in the vicinity of the site, and therefore, would be contrary to the proper planning and sustainable development of the areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officer's** report recommended that planning permission be refused and the final decision reflects the recommendation of the Planning Officer.

3.2.2. Other Technical Reports

1. **The Roads and Transportation Unit:** recommended the refusal of planning permission for reasons related to traffic safety. A new layout for the public road network for the area has been designed by TII. This layout involves a roundabout in close proximity to the appeal site and the approach to the roundabout fronts the site. The design is based on the existing vehicular use of the appeal site lands and not the traffic use associated with the proposed development. To permit this development would create a situation where the new layout would not be appropriate for the anticipated traffic movements which would lead to a risk of collisions. The impact of the proposed development on the new layout cannot be fully assessed by the applicant's Road Safety Auditors as they admit that they have insufficient information to assess the speeds, traffic volumes, junction layout and alignment associated with the new layout.

Following the receipt of unsolicited further information, the Roads Unit noted that the FI altered the proposed access location eastwards of the access originally submitted, and it amalgamated two accesses designed by TII (Refer to Drg. No. DD101). The original recommendations for refusal still apply. The FI design still has an impact on what was designed and audited by TII, and to introduce changes there, without the approval of the TII, may compromise the carrying capacity and safety of the public road. The applicant's auditors have revisited the location and assessed the new design and they recommend that the proposed junction layout and its alignment be "monitored by the local authority", this was accepted by the designer. However, this Unit do not accept that responsibility for such monitoring is a matter for delegation by the

auditor, and as before, consider that the impacts of the design have not been fully assessed. A new reason for refusal is recommended which states that Objective RT3 N17 Tuam Bypass Scheme, as shown on the mapping, shows a route to the east of the town. The new access seems to interfere with the lands reserved for this route. Planning permission should be refused as the development poses a risk to traffic safety.

2. **The Environment Section:** requested FI in relation to the waste management arrangements but also recommended conditions.
3. **The Environmental Services Section:** requested FI in relation to the surface water drainage which the Planning Officer considered could be dealt with by way of a planning condition.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: stated that the proposed development would be at variance with national policy in relation to control of development on/affecting national roads, as the proposal by itself, or by the precedent it would set, would adversely affect the operation and safety of the national road network:

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 National Roads Guidelines for PAS (2012). Section 2.5 of the Guidelines addressed development within transitional speed limit zones and states that the proliferation of entrances, which would lead to a diminution in the role of the transition zones must be avoided. The proposal, if approved, would create an adverse impact on the national road and would, in the Authority's position, be at variance with the foregoing national policy in relation to control of frontage development on national roads.

3.4. Third Party Observations

Three submissions received from local businesses. Two asked to be kept informed of any decisions on the application. The third raised concerns in relation to the impact of the proposal on an existing petrol filling station, traffic conflict and hazard, the commercial need for the proposal as there are three filling stations in the vicinity, adverse impact on the town centre, non-compliance with zoning and roads objectives, and interference with the objective to deliver the Inner Relief Road.

4.0 Planning History

Appeal site lands:

Reg. Ref. 16/1201: Permission **refused** to Chris Brogan for a new Tractor Sales and Repair building (c.1,087.30sq.m.), external signage, vehicle display areas, staff and customer car parking, external circulation space, perimeter fencing, landscaping, totem signs and site works. The development also includes a new vehicular access onto a new internal access road currently proposed under planning Reg. Ref.16/582 (current appeal site), the retention of any infill material and the culverting/diversion of existing streams surrounding the site. This application site is adjacent to the current appeal site. Planning permission was refused for three reasons related to:

1. Landlocked site in the absence of a permitted internal access via the adjacent site, endangerment of public safety by reason of traffic hazard and obstruction of road users, detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
2. Site mainly zoned for agricultural activity and proposed commercial use is contrary to Objective DS1 of the Tuam LAP.
3. Insufficient fill details, lack of visual integration with the landscape, material contravention of Objective NH24 of the Tuam LAP and undesirable precedent.

Reg. Ref. 14/861: Permission **granted** to Chris Brogan to infill 2.8ha of land with recovered inert fill material.

Reg. Ref. 13/6: Permission **granted** to Chris Brogan to retain a c.64sq.m. portion of an existing c.613sq.m. commercial workshop. Condition no.2 required that:

The vehicular access arrangements, as demonstrated on the site layout plan (Drg. No. 20-36-01) received by the planning authority on 04/01/2013, shall be fully implemented upon completion of the works for the approved Tuam bypass project. These arrangements shall include the closing of existing vehicular access to the western edge of the site and the provision of a new vehicular access to the eastern edge of the site, in the interest of traffic safety.

Reg. Ref.07/875: Permission **granted** to Chris Brogan for changes to the commercial garage granted under Reg. Ref. 04/2616 and to construct a new commercial workshop (c.378sq.m.).

Reg. Ref.04/2616: Permission **granted** to Chris Brogan to demolish a part of an existing commercial building, construct extension and revisions to existing building elevations (c.188sq.m.).

5.0 Policy context

5.1. Spatial Planning and National Roads Guidelines for PAs, DoECLG (2012)

These guidelines set out planning policy considerations relating to development affecting national roads with the key message that investment in the capacity of national roads must be protected through appropriate policies and local planning and collaboration between planning authorities and the National Roads Authority. In relation to access to national roads within Transitional Zones, section 2.5 states:

Where the plan area incorporates sections of national roads on the approaches to or exit from urban centres that are subject to a speed limit of 60 kmh before a lower 50 kmh limit is encountered (transitional zones) the plan may provide for a limited level of direct access to facilitate orderly urban development. Any such proposal must, however, be subject to:

- A road safety audit carried out in accordance with the NRA's requirements, and
- A proliferation of such entrances, which would lead to a diminution in the role of such zones, must be avoided.

5.2. Retail Planning Guidelines for PAs, DoECLG (2012)

These guidelines seek to ensure support for competitiveness and choice in the retail sector whilst also promoting and supporting the vitality and viability of city and town centres, contributing to a high standard of urban design and encouraging a greater use of sustainable transport. In relation to Petrol Filling Stations, section 4.11.9 states:

The floorspace of the shop should not exceed 100sq.m. net, and that the sequential approach to retail development shall apply to proposals in excess of this floor area.

5.3. County Galway Development Plan 2016 to 2021

The appeal site is located within:

- An area designated as Landscape Sensitivity Class 1 (least sensitive)
- c.100m of a National Primary Route
- c.500m of a proposed NRA (TII) route
- The site is within the GTPS
- An area designated as (Rkc) Regionally Important, conduit karst aquifer, development potential limited.
- An area drained by the Corrib River.

Petrol filling stations:

Section 4.21: states that the floorspace of an associated shop should not exceed 100sq.m. after which a sequential approach is required.

Objective R10: seeks to consider proposals for shop facilities at petrol stations on their individual merits, having regard to the Retail Planning Guidelines and subject to traffic implications.

DM Standard 11 requires compliance with a list of standards related to location, road frontage and access, lighting and signage, car wash, and all petrol filling station applications will require Autotrack Analysis, TTA and Safety Audit, and compliance with DM Standard 21 (Building Lines).

Roads and Transportation:

Objective TI6 seeks to protect the capacity and safety of the National Road Network and Strategically Important Regional Road network and ensure compliance with the 2012 Guidelines, and the Council will not normally permit developments 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.

Table 5.1 lists the following relevant priority Transportation Infrastructure projects that have been identified within the Development Plan period:

- N17 Tuam to Claremorris Scheme, including Tuam Town By-Pass
- M18/M17 Gort-Tuam Scheme, including the N17 Tuam By-Pass
- N17 Pavement Overlay

DM Standard 21 (Building Lines) requires the following setbacks:

- Motorways/Interchanges: 90m from the existing or proposed realigned carriageway surface edge.
- National Primary and Secondary Routes: 35m from the existing or proposed realigned carriageway surface edge.

5.4. Tuam Local Area Plan 2011 to 2017

Zoning objective:

The site is located within the boundary of the Urban Fringe / Planning Control Zone around Tuam Town and within an area zoned “I” for industrial use:

- Petrol filling stations are open for consideration
- Cafes are open for consideration
- Restaurants, takeaways and drive thru restaurants are not normally permitted
- Comparison and convenience shops are not normally permitted

Roads and Transportation:

Specific Objective RT2 seeks to protect the route of the M18/M17 Gort to Tuam Motorway and a building setback of 90m minimum is required in areas >50kph.

Specific Objective RT3 seeks to protect the route of the N17 Tuam Bypass Scheme as shown on the Specific Objectives Maps 2A/2B and a building setback of 35m minimum is required.

Specific Objective RT31 seeks to provide for future upgrades at M17/N17 roundabout at Kilmore.

Maps 2A and 2B describe these specific objectives and also indicate the proposed route of the Tuam Inner Relief Road.

Petrol filling stations:

Section 10.5.7 requires states that the Council will have regard to the existing level of service in the surrounding area, new petrol filling stations will not be permitted in locations where they would be likely to have an adverse impact on the vitality of the town or local shops, road safety or neighbouring properties, a high quality of design is required and the forecourt canopy should be integrated into the overall design. Compliance with the following standards is required:

- The preferred location is within the 50kph or 60kph speed limit.
- A minimum 30m road frontage is generally required.
- A c.0.6m high wall along the frontage with 2 x 8m wide access points

- The pump island shall be not less than 7m from the road boundary.
- All external lighting should be directed away from the public road.
- A proliferation of large illuminated signs will not be permitted.
- No signage clutter shall be permitted.
- Car wash proposals will require a discharge licence
- Submission of Autotrack analysis, TIA and Safety Audit.
- Compliance with Development Plan standards (building lines) required.
- Compliance with the requirements of S.I. 311 of the 1979 Dangerous Substances (Retail and Private Petroleum Stores Regulations).
- Details required in relation to method of disposal of wastewater from carwash areas, traffic management, surface water drainage, petrol/oil interceptors, traps and the storage and removal of refuse and waste material.

Section 10.5.7.1 states that the sale of goods from a petrol station may only be permitted as an ancillary small-scale facility and where it would not adversely affect the vitality and viability of the town centre and established neighbourhood shops, and the maximum net retail floor space should not normally exceed 100sq.m.

- The forecourt store should be designed so as to be accessible
- Retailing activities shall be confined to the shop floor area.
- Gas cylinders, solid fuel etc. shall be stored bunded compounds.

5.5. Natural Heritage Designations

The site is located within 15km of the following European sites:

European site	Designation	Site code	Distance
Lough Corrib	SAC	000297	c.1.5km
Lough Corrib	SPA	004042	c.14km
Levally Lough	SAC	000295	c.11km
Shrule Turlough	SAC	000525	c.15km

6.0 The Appeal

6.1. Grounds of First Party Appeal

- The service station would be located on industrially zoned lands within an established commercial and industrial area; the use is open for consideration; and it would serve the new M18/M17 Tuam By-pass and not the town.
- The site is proximate to road infrastructure; the 2 vehicular accesses would be replaced by a single access; the N17 will be downgraded to a regional road after completion of the motorway and By-pass; the site is located within the established speed limits for Tuam; and it would have negligible traffic impact.

Stage 1 Road Safety Audit:

- Do not accept that there was a lacunae in the Audit; NRB Consulting Engineers are satisfied that there is sufficient detail to allow the Board to assess the case on its merits; this view is supported by a further consultant's report attached as Appendix 3 to the appeal submission.
- The concerns raised by the planning officer in relation to the original application were addressed, a new detailed design of the road junction was reviewed by the Auditor and all outstanding issues in control of the developer were addressed in full.
- The observation of the Road Safety Auditors in relation to further monitoring is addressed through the various stages of the design process which requires more detailed updates of the Audit as the scheme progresses, including a post construction review 12 months after completion, which is normal practice.
- The submitted information clearly identified only one problem as classified under the TII Road Safety Audit Guidance, relating to the quality of the current road surface which will be remediated as part of the M18/M17 By-pass works.

Objective TI6 of the Development Plan:

- This objective seeks to protect national routes and strategically important regional road networks.
- The consultant's report attached as Appendix 3 to the appeal submission states that, based on the capacity assessment in the TTA:
 - A maximum ratio of flow to capacity (RFC) of 35.3% by 2032 (up to 85% is considered within capacity) is forecast for the proposed junction on the N17 that will provide access to the filling station.
 - Queues for traffic turning right into the new access road are forecast to reach no more than one vehicles at a time and which will not block back to the new Kilmore Roundabout c.100m to the SW.
 - The impact of the filling station on the Kylemore (*Kilmore*) roundabout is forecast to be an increase in the maximum RFC at the roundabout from 44.6% without the filling station, to 45.9% with the filling station in place, by 2032.
 - The section of land is not outside the 50-60kph speed limit zone.
 - The filling station will have a negligible impact on the Strategic Transportation Infrastructure.
- Objective TI16 is not a policy, the proposal will consolidate 2 accesses into a single access within the speed limit zone and is therefore not contrary to TI16.

Objective RT2 of the Tuam LAP

- This objective requires that buildings be set back a minimum of 90m from the route edge of the M18/M17 Gort to Tuam route in areas >50kph.
- The lands are zoned for industrial use on either side of the new route and the lands on to the N are zoned for businesses and enterprise use on either side.
- Existing structures are located close to the route corridor, the structure on the appeal site is within c.63m whilst the structures to the N are within 23-25m.

- Submit that “in areas >50kph” refers to the main stretch of the M18/M17; the appeal site is not adjacent to such an area as the route corridor to the W of the site relates to a new roundabout where such speeds (>50kph) cannot be achieved by cars entering or exiting the roundabout.
- The existing building is located within c.63m of the M18/M17 motorway whilst the new building would be located c.83m from this route.
- Proposal is consistent with the terms of objective RT2 of the LAP.
- Sufficient scope to relocate the building a further 6.5m to the W (E).

Objective RT3 of the Tuam LAP

- This objective requires that buildings be set back 35m from the route edge of the N17 Tuam Bypass Scheme and where an overlap occurs with the Tuam Claremorris Road Scheme, the 400m reservation shall apply until approval is received for this Scheme, at which point the setback will be reduced to 35m.
- Specific Objective Maps 2A and 2B refer to RT30 which seeks to “improve traffic management on existing N17 at Kilmore/Farranmartin”; and Objective RT30 seeks to “improve traffic management at the existing N17 in the Townlands of Kilmore/Farranmartin by the provision of a 4 lane divided roadway with suitable junctions, between the proposed Inner Relief Road Junction and Local Road L6140 to Cloonfush”.
- Objective RT 30 refers to the “existing N17 in the Townlands of Kilmore/Farranmartin” however site is located in the Townland of Killeenlaun to the S of the existing N17, and not the Townlands of Kilmore/Farranmartin.
- The proposed building setback of 53m from the site boundary (N17) is in excess of the required 35m minimum setback and the N17 (Tuam/Claremorris Road Scheme) is not relevant.
- Proposal is compatible with LAP Objective RT3.

Spatial Planning and National Roads Guidelines (2012):

- Section 2.5 sets out the circumstances within which local authorities may consider provision for a certain level of development provided that a Road Safety Audit is undertaken and that a proliferation of new accesses is avoided, and the proposal complies with these provisions.
 - A Stage 1 Road Safety Audit has been undertaken.
 - The proposed single access onto the N17 was designed to replace the 2 junctions proposed by the TII along this section of the existing N17.
- Following completion of the Bypass, the current N17 will be downgraded and the speed limits directly in front of the site will have to be reassessed as it would not be good practice to have a transition zone, allowing an increase in speed, on the approach to a major roundabout junction with a motorway.

Other matters:

- The retail floorspace is 100sq.m. and not 500sq.m.
- The existing vehicular access to the tractor facility will be decommissioned.
- The existing tractor facility will be moved further W (E) under 16/1202.
- Willing to accept a condition which omits the Drive Thru Restaurant.

6.2. Response submissions

No submissions received for the planning authority, prescribed bodies or observers.

7.0 Assessment

The main issues arising in this case relate to:

- Principle of development
- Design and layout
- Movement and access
- Appropriate Assessment
- Other issues

7.1. Principle of development

Permission is being sought to construct a new service station on a c.1.09ha site. The facility would include an amenity building (c.610sq.m. gross) which would comprise a convenience shop with off-licence (c.100sq.m. net) and three restaurants including a drive thru facility, along with petrol pumps, car parking and ancillary works.

The proposed service station would be located within an area covered by the County Galway Development Plan, 2016 to 2021 and the Tuam Local Area Plan 2011-2017 which designates the site for industrial use under Zoning Objective "I". Petrol filling stations and cafes are open for consideration within this objective however restaurants, takeaways, drive thru restaurants, and comparison and convenience shops are not normally permitted. Notwithstanding this, retail shops are permissible uses at petrol filling stations subject to certain floorspace restrictions.

Section 4.11.9 of the Retail Planning Guidelines (2012) and section 4.21 of the current Development Plan state that the floorspace of a shop associated with a petrol filling station should not exceed 100sq.m. net. Objective R10 of the Development Plan states that proposals for shop facilities at petrol stations will be considered on their individual merits, having regard to the 2012 Guidelines and subject to traffic implications. Section 10.5.7 of the Tuam LAP states that the Council will have regard to the existing level of service in the surrounding area, and the 100sq.m. floorspace restriction is replicated in section 10.5.7.1 which states that the

sale of goods from a petrol station may only be permitted as an ancillary small-scale facility and where it would not adversely affect the vitality and viability of the town centre and established neighbourhood shops.

The proposed development would be located at the western periphery of Tuam and over 2km from the town centre. The surrounding area is zoned for industrial and commercial uses and there are several commercial buildings in the vicinity. Three other petrol filling stations are located within 1km of the appeal site including one on the opposite side of the road to the proposed development. The roundabout junction for the M18/M17-Tuam Bypass-N17 is located to the W of the site.

Having regard to the provisions of the Tuam LAP for lands zoned "I" for industrial use, the proposed petrol filling station is compatible with the zoning objective for the site. However, the presence of three other petrol filling stations on both sides of the N17 in close proximity to the appeal site is noted, including the facility located directly opposite the site. Having regard to this existing level of provision, it is possible that the proposed development could give rise to a proliferation of similar uses along this section of the N17, which is an issue that requires consideration under Section 10.5.7 of the Tuam LAP. However, in my opinion, the main cause for concern of relevance to the Board relates to the combined impact of the two opposing petrol filling stations of traffic movements in the area. This concern and other traffic related issues will be assessed in section 7.3 below.

In relation to the retail element, the applicant has confirmed that the proposed net retail floor space would not exceed 100sq.m. and the Retail Assessment Report, that was submitted by way of Unsolicited Further Information, concludes that the proposed shop will not have an adverse impact on Tuam Town Centre or any neighbourhood shops. Having regard to the scale and location of the proposed retail element (100sq.m. net) and the established character of the surrounding area, I am satisfied that the proposed convenience shop and off licence would not have an

adverse impact on the vitality and viability of Tuam town centre. Furthermore, there are no neighbourhood shops in the vicinity and it is unlikely that the proposed shop would draw trade from the nearby discount store (Lidl) to any significant extent. The retail element of the proposed development, which is compatible with national, county and local planning policy, is therefore acceptable in principle.

Having regard to the provisions of the Tuam LAP for lands zoned “I” for industrial use, the three proposed restaurants, including the drive thru facility, are not compatible with the zoning objective for the site. The restaurant element of the proposed development is therefore not acceptable in principle. The applicant’s willingness to accept the omission of the drive thru restaurant by way of a planning condition is noted, as is the acceptability of a café use within the “I” zoning objective.

The proposed development would occupy a c.1.09ha site in close proximity of the roundabout junction for the M18/M17-Tuam Bypass-N17. The proposal would comprise a range of retail and restaurant uses, and a large proportion of the site would be dedicated to the parking of cars, coaches and HGVs. The applicant stated in the appeal submission that the service station would serve the new M18/M17 Tuam By-pass and not the town. Having regard to the foregoing, I have concerns that the proposed service station would function more as an off-line motorway service station than a regular petrol filling station at this location. Furthermore, in the event that the Board concur that the three restaurants are not compatible with the “I” zoning objective for the site, the omission of this element of the proposal would have a knock on effect on the need for, and viability of, the car, coach and HGV parking areas. It is also noted that the preferred location of Transport Infrastructure Ireland (TII) for a service station along the motorway network is located further S in the vicinity of the junction with the M6.

Whilst a petrol filling station with convenience shop and off licence (100sq.m net) would be acceptable in principle at this location, the three restaurant uses would be incompatible with the “I” zoning objective for the site, and the scale of the overall development would not be in keeping with the proper planning and sustainable development of the area.

7.2. Design and layout

The proposed development would be located within an open, low lying and flat Class 1 landscape (least sensitive) on the western periphery of Tuam and to the E of the M18/M17-Tuam Bypass which is currently under construction. The surrounding area is characterised by a mix of industrial, commercial and agricultural uses and there are several buildings on either side of this section of the N17 Tuam to Galway road. The rectangular shaped site is located on the S side of the N17 and it comprises a tractor maintenance and repair facility that is bound on three sides by agricultural lands. The applicant also owns the adjacent lands to the E.

The proposed development would comprise a new service station and associated site development works on a c.1.09ha site. The works would include a new vehicular entrance off the N17 in the NE corner of the site which would run along a N-S axis, and the four entrance points to the service station would be off this internal access road. This road would also provide access to the neighbouring site to the E which was recently refused planning permission under Reg. Ref. 16/1201 for the relocation of the applicant’s tractor maintenance and repair facility. The proposed development would include a centrally located amenity building with a forecourt area and pump island to the N, a 106 space car park to the NW and W, and HGV and coach parking area to the S. The proposed development would have a contemporary design and functional layout. The c.610sq.m. amenity building would be c. 20m wide, c.30m deep and c.6.5m high, the pump island forecourt would be c.19m wide and c.26m deep under a c.6m high canopy, and there would be one illuminated totem sign (c.6.5m high) located along the road frontage with the N17.

The County Development Plan and the Tuam Local Area Plan contain several policies, objectives and development management standards for petrol filling stations that are applicable to the proposed development.

In relation to building lines and setbacks, DM Standard 21 of the Development Plan requires a 90m setback from the existing or proposed realigned carriageway surface edge for motorways and interchanges; and a 35m setback from the existing or proposed realigned carriageway surface edge of national primary and secondary routes. Objective RT2 of the Tuam LAP seeks to protect the route of the M18/M17 Gort to Tuam Motorway and a building setback of 90m minimum is required in areas with a speed limit >50kph, whilst Objective RT3 seeks to protect the route of the N17 Tuam Bypass Scheme as shown on the Specific Objectives Maps 2A/2B and a building setback of 35m minimum is required.

The existing tractor repair building is set back c.25m from the W site boundary and c.67m from the boundary with the M18/M17 motorway which is under construction. The proposed amenity building would be set back c.33m from the W site boundary and c.75m from the boundary with the motorway. The proposed building would not comply with the 90m set back required under DM Standard 21 of the Development Plan and Objective RT2 of the Tuam LAP. However, it is noted that the proposed building would be set back an additional 8m from the motorway boundary than the existing building. The applicant has offered to relocate the proposed building further E on the site so as to increase the setback, however I do not consider this to be necessary and the proposed set back is considered acceptable.

The existing tractor repair building is set back between c.20 and 25m from the existing N site boundary with the N17, and the proposed amenity building would be set back c.60m from the N boundary with the N17 (as proposed to be realigned). The proposed building would therefore comply with the 35m set back required under DM Standard 21 of the Development Plan and Objective RT3 of the Tuam LAP.

In relation to development management, DM Standard 11 of the Development Plan requires compliance with standards related to location, road frontage and access, lighting and signage. Section 10.5.7 of the Tuam LAP states that the preferred location for petrol filling stations is within the 50kph or 60kph speed limit; a high quality of design is required with limited signage and lighting; a 30m road frontage is generally required with a 0.6m high wall along the frontage and 2 x 8m wide access points; and the pump island should more than 7m from the road boundary.

The proposed development would be located within a 50-60kph speed zone, and it would have a contemporary design without excessive signage and lighting which is acceptable. It would have a c.70m road frontage to the N and 120m frontage to the internal access road to the E, the boundaries would be defined by a mix of grass verges, low walls and footpaths, and the 4 one-way access points off the internal access road would be c.7m wide which is acceptable. The pump island would be located in excess of 7m from the frontage with the N17 and the internal access road, and a single totem pole would be located along this frontage, which is acceptable.

Having regard to the foregoing, I am satisfied that the proposed development would broadly comply with the building line set backs specified under DM Standard 11 of the Development Plan and Objectives RT2 and RT3 of the Tuam LAP, and the development management standards set out under DM Standard 11 of the Development Plan and Section 10.5.7 of the Tuam LAP.

7.3. Movement and access

Section 2.5 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) seeks to avoid the creation of additional access points or the generation of increased traffic from existing accesses to national roads within certain speed zones. The Guidelines state that where the plan area incorporates transitional zones (50 to 60 kmh) a limited level of direct access to facilitate orderly urban development may be considered subject to the submission of a road safety audit, however the proliferation of entrances should be avoided.

Objective TI6 of the County Development Plan seeks to ensure compliance with the Guidelines and Table 5.1 identifies the M18/M17 Gort -Tuam motorway scheme, the Tuam Bypass and the N17 pavement overlay as priority transportation infrastructure projects. At local level, Objectives RT2 and RT3 of the Tuam LAP seek to protect the route of the M18/M17 Motorway and the N17 Tuam Bypass, Objective RT31 seeks to provide for future upgrades at M17/N17 roundabout at Kilmore whilst the proposed route of the Tuam Inner Relief Road is indicated on Maps 1A, 1B, 2A and 2B.

As previously stated, the proposed service station would be located on the western periphery of Tuam and to the E of the proposed roundabout junction formed by the intersection of the proposed M18/M17 Gort to Tuam Motorway, the proposed N17 Tuam Bypass (dual carriageway) and the existing N17 Galway to Tuam National Primary Road. This infrastructure is currently under construction. The appeal site and the adjacent site to the E, which is also owned by the applicant, are located in the S side of the N17. The route of the proposed Tuam Inner Relief Road traverses the adjacent site to the E from SE to NW and it crosses over the NE section of the appeal site in the vicinity of the proposed vehicular access off the N17. This road is not yet under construction. Land Use Zoning Maps 1A/1B, and Specific Objectives Maps 2A/2B of the Tuam LAP illustrate the road layouts in more detail.

The appeal site is currently occupied by a tractor maintenance and repair facility and the adjacent lands to the E are undeveloped. Planning permission was recently refused under Reg. Ref. 16/1201 for the relocation of this facility to the adjacent site for reasons related to lack of access and traffic safety, inappropriate use and visual amenity. There is currently one vehicular access off the N17 to the appeal site whilst the adjacent lands to the E appear to be accessed via a field gate.

The local road network, including the existing N17, will be affected by the aforementioned infrastructure works in the vicinity of the appeal site. The roundabout junction which is currently under construction to the W will be located within c.35m of

the appeal site. Transport Infrastructure Ireland (TII) has proposed two new access points off the realigned N17 to the appeal site lands and the adjacent site to the E. The proposed access to the appeal site would be located within c.80m of the roundabout and the access to the adjacent site would be located within c.150m.

The applicant has proposed a different vehicular access arrangement to the appeal site and adjacent lands to that proposed by TII. The proposed access to the service station site would be off the N17 at a point in the NE corner of the appeal site and via a new internal access road which would run along a N-S axis. The proposed access off the N17 would be located within c.100m of the new roundabout to the W which is under construction, and it would be partly located within the route of the proposed Tuam Inner Relief Road which would cross the NE corner of the site. The proposed internal access road would provide access to the proposed service station to the W as well as to the neighbouring site to the E and the adjoining agricultural lands to the S. The single proposed access off the N17 would replace the existing access points and the two access points proposed by TII.

Transport Infrastructure Ireland (TII) stated that the proposed development would create an adverse impact on the national road network and would be at variance with national policy as set out in the 2012 Guidelines in relation to control of frontage development on national roads.

The Council's Roads and Transportation Unit recommended the refusal of planning permission for reasons related to traffic safety as the proposal would not comply with the new layout for the public road network designed by TII. This layout involves a roundabout in close proximity to the appeal site and the approach to the roundabout fronts the proposal site. The Roads Unit stated that this design is based on the existing vehicular use of the appeal site lands and not the traffic use associated with the proposed development. The Roads Unit concluded that the proposed development would create a situation where the new layout would not be appropriate for the anticipated traffic movements which would lead to a risk of collisions.

The view of the Roads Unit was not altered by the unsolicited further Information and the Unit remained concerned that the design would still have an impact on what was designed and audited by TII, and to introduce changes there, without the approval of the TII, may compromise the carrying capacity and safety of the public road.

The Roads Unit also raised concerns that the FI submission altered the proposed access location eastwards of the access originally submitted and that it amalgamated the two accesses designed by TII to the appeal site and adjacent lands. It is noted that the proposed access is located in a similar location off the N17 in the drawings submitted to the planning authority on 04th May 2016 and on 02nd September 2016. The drawings submitted on 04th May 2016 indicate the applicant's proposed access to the site but not the access proposed by TII. However, the drawings submitted 02nd September 2016 (Drg. No.DD-101) indicates the two accesses proposed by TII along with the single access proposed by the applicant to serve the appeal site and the adjacent site. The Roads Unit also raised a further concern in relation to Objective RT3 and the N17 Tuam Bypass Scheme to the E of the town in that the proposed new access seems to interfere with the lands reserved for this route. However, having examined Land Use Zoning Map 1A and Specific Objectives Maps 2A/2B of the Tuam LAP, it would appear that the new access could interfere with the lands reserved for the Tuam Inner Relief Road and not the N17 Tuam Bypass Scheme, and Objective RT3 is therefore not applicable.

The Council's reason for refusal took account of the concerns raised by the TII and the Roads and Transportation Unit. The reason referred to the lacunae in the Road Safety Audit Stage 1 on the basis of commercial intensity relative to the existing use of the lands. The proposal was considered to be incompatible with national and local roads policy and it would give rise to a traffic hazard.

In response, the applicant states that the service filling station would be located on industrially zoned lands within an established commercial and industrial area and that it would serve the new M18/M17-Tuam By-pass and not the town. They submit that the two vehicular accesses proposed by TII would be replaced by a single

access, the N17 will be downgraded to a regional road after completion of the M18/M17 and Tuam By-pass, and that the site is located within the established speed limits for Tuam. The applicant states that the planning application, traffic report and Stage 1 Road Safety Audit now contain sufficient information to enable a full traffic assessment to be undertaken. The applicant submits that the new roundabout and road layout for the surrounding area will have sufficient capacity to accommodate the predicted level of traffic generated by the proposed service station. The applicant further submits that the proposed vehicular access arrangements are satisfactory as they will not give rise to excessive queues and that there would be a negligible traffic impact on the surrounding road network.

The appeal site is located along a section of the N17 on the outskirts of Tuam that is currently undergoing major infrastructural change and the new road layout for the surrounding area was designed by Transport Infrastructure Ireland (TII). The new roundabout to the W of the site will provide direct access to the national motorway network. The proposed development would be located along the approach to the roundabout and the vehicular access to the site would be directly off this approach road in close proximity to the roundabout. The proposed access to the appeal site was designed and located by TII on the basis of the current use of the lands as a tractor repair and maintenance facility and not the proposed use as a service station to serve the M18/M17, as stated in the appeal submission.

The applicant has proposed a different access arrangement that would serve both the proposed development and the adjacent lands to the E which are also owned by the applicant. The proposed access would be located to the E of the TII access to the appeal site and to the W of the TII access to the adjacent lands. Under the current proposal the two TII accesses would be omitted and replaced by the applicant's single access off the N17. As previously stated the route of the proposed Tuam Inner Relief Road traverses the adjacent site to the E and crosses the NE corner of the appeal site in the vicinity of the proposed shared access off the N17.

(It is noted that the proposed TII access off the N17 to the adjacent lands to the E of the site might not necessarily coincide with the proposed route for the Tuam Inner Relief Road as indicated in the Tuam LAP maps.)

The existing tractor repair and maintenance facility generates a small amount of traffic. The proposed service station would also include a shop and three restaurants along with more than 100 car parking spaces and space for coach and HGV parking. The existing and proposed uses would therefore generate substantially different amounts of traffic and each of these uses would have a significantly different relationship with the surrounding road network. The proposed use of the site as a service station did not inform the access to the site as proposed by TII and this agency has raised serious concerns about the impact of the proposed development on the surrounding road network in terms of access, capacity and traffic safety. Furthermore, given that the applicant proposes to alter a section of a road and junction layout that was designed by TII and replace it with their own arrangements, in my view these arrangements should be assessed and audited by TII prior to any decision being made as to their suitability or not.

The proposed access would also be located in close proximity to the new roundabout at a point where operational speeds are relatively high irrespective of the speed limit for the area and the level of construction activity that is currently taking place. The applicant has also confirmed that the proposed service station would serve the M18/M17 and not just Tuam Town. Therefore, a substantial proportion of traffic seeking to access the service station would originate from the new roundabout to the W. Vehicles would have to cross the carriageway at a point where there are a number of other accesses off the N17 to commercial and industrial uses, including the petrol filling station of the opposite side of the road to the appeal site which has an entrance and exit off the N17. As previously stated, the 2012 Guidelines advise against the proliferation of entrances within transitional zones.

The Stage 1 Road Safety Audit submitted by the applicant concluded that there was adequate information available for them to conclude that the both the new road layout and the new roundabout would have sufficient capacity to assimilate any additional traffic generated by the proposed service station, and that the new access would not have an adverse impact on traffic safety. These conclusions are noted.

However, having regard to the pattern of development in the vicinity and the new road layout for the surrounding area which is both under construction and proposed, and to the scale, intensity and traffic generating potential of the proposed service station, taken in conjunction with its proximity to, and location along, the approach road to the M18/M17-Tuam Bypass roundabout to the W, I am satisfied that the proposed development would give rise to an increased risk of collision along this section of road. The proposed development would be incompatible with national and local transport planning policy; it could interfere with the realisation of a road proposal for the area; it would give rise to a traffic hazard and endanger the safety of other road users; and it would be contrary to the proper planning and sustainable development of the area.

7.4. Appropriate Assessment:

The applicant submitted a Screening Report which described the proposed development, identified four European sites that occur within 15km of the proposed works and decided that the Lough Corrib SAC (site code: 000297) required further consideration. A desk top study and field survey were undertaken. The ecological impact assessment identified the potential impacts during the construction and operational phases. The Screening Assessment concluded that there will be no adverse effects as a result of the proposed project on the conservation objectives or overall integrity of any European sites, and that an Appropriate Assessment was not required.

Stage 1 Screening for Appropriate Assessment

The site is located within 15km of the following European sites:

European site	Designation	Site code	Distance
Lough Corrib	SAC	000297	c.1.5km
Lough Corrib	SPA	004042	c.14km
Levally Lough	SAC	000295	c.11km
Shrule Turlough	SAC	000525	c.15km

Having regard to the scale of the proposed development and the separation distances with the European Sites I am satisfied that all but one can of the sites be screened out at this stage. The appeal site is located within 1.5km of the boundary with the Lough Corrib SAC. There is a c.2.5km aquatic link between the appeal site and this SAC via an onsite drain that flows into the Suileen River which is a tributary of the River Clare that forms part of the forms part of the SAC.

Lough Corrib is situated to the N of Galway city and to the W of the appeal site, and is the second largest lake in Ireland, with an area of approximately 18,240 ha (the entire site is 20,556 ha). The Lough Corrib SAC is designated for the following list of Annex 1 habitats and Annex 2 species and the Conservation Objective seeks to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Annex 1 habitats	Annex 2 species
Oligotrophic Waters containing very few minerals Oligotrophic to Mesotrophic Standing Waters Hard Water Lakes Floating River Vegetation Orchid-rich Calcareous Grassland <i>Molinia</i> Meadows Raised Bog (Active) Degraded Raised Bog	Freshwater Pearl Mussel White-clawed Crayfish Sea Lamprey Brook Lamprey Atlantic Salmon) Lesser Horseshoe Bat Otter Slender Green Feather-moss Slender Naiad

Rhynchosporion Vegetation <i>Cladium</i> Fens Petrifying Springs Alkaline Fens Limestone Pavement Old Oak Woodlands Bog Woodland	
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The proposed development would not be located within the SAC or in close proximity to any areas covered by the Qualifying Interests for this SAC and there would be no direct or indirect loss of habitat or species. The proposed development would occupy a serviced site that is currently used for commercial purposes. Provided that best construction techniques are implemented during the construction phase and the underground tanks and hydrocarbon interceptors are properly maintained during the operational phase, the proposed development would not have any direct or indirect impacts on the Conservation Objectives and Qualifying Interests for the Lough Corrib SAC. Notwithstanding the major infrastructural works that are taking place in the surrounding area, there are no other plans or projects in the surrounding area that would give rise to the potential in-combination effects.

Having regard to the foregoing, I am satisfied that the proposed development, individually, or in combination with other plans and or projects would not be likely to have a significant effect on European site no: 000297 or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment is therefore not required.

7.5. Other issues

Drainage: The arrangements are considered acceptable subject to compliance with Council requirements and the site is not located within a flood risk zone.

Environmental services: The arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Infill material: The treatment so the infill material on site is considered acceptable subject to compliance with Council requirements and any other relevant agencies.

8.0 Recommendation

Planning permission should be refused for the proposed development.

9.0 Reasons and Considerations

1. Having regard to the scale of the proposed development and the provisions of the Tuam Local Area Plan 2011 to 2017 for lands zoned “I” for industrial use, the proposed restaurants would not be compatible with the industrial zoning objective for the site. Furthermore, having regard to the proposed range of retail and restaurant uses taken in conjunction with the extensive parking provisions for cars, coaches and HGVs, and the proximity of the proposed service station to a roundabout junction with the M18/M17 - Tuam Bypass – N17, the proposed development, which would serve motorway traffic, would not be compatible with the industrial zoning objective for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the policies and objectives set out in the Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG (2012), the County Galway Development Plan 2016-2021 and the Tuam Local Area Plan 2011-2017; to the pattern of development in the vicinity and the new road layout for the surrounding area which is both under construction and proposed; and to the scale, intensity and traffic generating potential of the proposed service station, taken in conjunction with its proximity to, and location along, the approach road to the roundabout junction with the M18/M17 - Tuam Bypass - N17; the proposed development would give rise to an increased risk of collision along this section of road network. The proposed development would not be compatible with national and local transport planning policy, it would give rise to a traffic hazard and obstruction of other road users, and it would endanger public safety. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride

Planning Inspector

07th February 2017