



An
Bord
Pleanála

Inspector's Report ABP-311229-21

Development	Entrance road to housing estate and associated site works.
Location	Rathdubh, Kilbride, Swinford, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21202
Applicant(s)	Frescobol Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Frescobol Holdings Ltd.
Observer(s)	Alan Lynskey
Date of Site Inspection	6 th April 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.1817 ha and is located to the south of, and partially within Rathdubh, a housing development c. 1 km east of the centre of Swinford.
- 1.2. The southern portion of the appeal site includes part of a local access road (L13306), known locally as 'Old Cullane Road'. The L13306 is a cul-de-sac and connects with the N26 to the west of the appeal site.
- 1.3. The northern part of the site is located within the Rathdubh development and consists of a linear strip of land to the side and rear of no. 40 and 41 Rathdubh. There is a level differential of c. 4 metres between Old Cullane Road/L13306 and the lands at no. 40 and 41 Rathdubh.
- 1.4. A commercial garage and a petrol filling station are located on the southern side of Old Cullane Road/L13306. The petrol filling station and commercial garage are served by vehicular entrances onto the Old Cullane Road/L13306. There is a footpath on the southern side of Old Cullane Road. There are two houses further east along Old Cullane Road.
- 1.5. Based on my site inspection, I note that a base layer of stone is in situ along the route of the proposed access road and there are a set of metal gates at the boundary with Old Cullane Road/L13306.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of an access road connecting Rathdubh to Old Cullane Road/L13306.
- 2.2. The applicant provides a rationale for the proposal in the documentation submitted with the planning application. The applicant (Frescobal Holdings Ltd) state that it has recently acquired the site, along with 27 houses, which are largely unoccupied. Upon reviewing the existing access arrangement, which is provided from the north via the L53346, the applicant states that it has concerns regarding safety arising from poor sightlines. The applicant proposes a new vehicular entrance to the south of Rathdubh, provided from Old Cullane Road/L13306. The applicant states that the proposed access has better sightlines than the current access, is a quieter road and is a safer

option. Letters of support from residents within Rathdubh accompany the planning application.

- 2.3. The length of the proposed road is c. 70 metres. A carriage width of 7 metres is indicated. A 2-metre-wide footpath is indicated on the western side of the proposed road.
- 2.4. The drawing entitled 'Proposed Roadway Layout' submitted with the planning application indicates the provision of traffic bollards to the north of the appeal site. The bollards are proposed as optional, should the Planning Authority wish to attach a planning condition requiring their provision. The applicant states that the bollards would prevent through traffic connecting to the N26, whilst allowing for pedestrian permeability. The proposed bollards have not been referred to in the development description contained in the public notices. I note that this area is not located within the red or blue line boundary of the site however I note that Land Registry documentation submitted by the applicant indicate that the applicant owns the area where the bollards are proposed.
- 2.5. The removal of hedgerow, road signage and landscaping/tree planting are also proposed.
- 2.6. Drawings submitted as further information indicate a timber post and rail fence along the southern site boundary.

3.0 Planning Authority Decision

3.1 Request for Further Information and Clarification of Further Information

Prior to the decision of the Planning Authority to refuse permission for the proposed development, the Planning Authority requested Further Information and Clarification of Further Information.

3.1.1 Further Information was requested as follows:

- Clarify legal right to use existing entrance to north.
- Submit sightline drawing at existing entrance to north.

- Submit sightline drawing at proposed entrance to south.
- Submit elevations of proposed boundary treatment.
- Submit cross sections between house no. 40 and 41 Rathdub, details of levels, gradients and drainage details.
- Submit details of compliance with Condition 1 (d) of PA Ref. P01/2622.
- Confirm that all existing road surfaces, road layout, footpaths and kerbs in Phase 2 Rathdubh are finished to an acceptable standard.
- Submit details of public lighting in Phase 2 Rathdubh.
- Confirm compliance with Conditions of PA Ref. P01/2622, and any other works conditioned/agreed under PE00/07 and T1507.

3.1.2 Further Information submitted on 16/06/2021:

- Rathdubh Phase 1 is owned by another party. There is an implied right of way from the local access road to Rathdubh Phase 2. The applicant has made an application to Mayo County Council to have the development taken in charge. Enforcement action has not been initiated against the developer.
- Sightlines at the existing entrance and proposed entrance are indicated on revised drawing dated 2nd June 2021.
- Boundary treatment details and cross sections are indicated on the drawing entitled 'Proposed Roadway Layout'.
- The applicant is not the developer of Rathdubh and therefore cannot demonstrate compliance with PA Ref. P01/2622. The Planning Authority had an obligation to bring enforcement proceedings against the developer but this process is now statute-barred. Notwithstanding this, it is the applicant's intention to erect safety fencing along the boundary with the stream as outlined in this condition.
- Road surfaces are not to an acceptable standard. The Planning Authority had an obligation to bring enforcement proceedings against developer but this

process is now statute-barred. Notwithstanding this, it is the applicant's intention to complete the road layout, footpaths and kerbs within Phase 2 Rathdubh.

- Public lighting is depicted on revised drawing dated 2nd June 2021. It is the applicant's intention to upgrade public lighting within Phase 2 of Rathdubh.
- The applicant is not the developer of Rathdubh and has no obligation to confirm compliance in respect of the Conditions of PA Ref. P01/2622, and any other works conditioned/agreed under PE00/07 and T1507. The applicant is however willing to assist the Planning Authority to undertake works to complete Phase 2 of Rathdubh, provided these do not relate to the obligations of the original developer. Reference is made to specific time frames for enforcement and the obligation on the Planning Authority to bear the expense of bringing the estate up to the required standard.
- The existing access to the north of the site is a traffic hazard due to insufficient sightlines. The purpose of the application is to eliminate this traffic hazard for the residents of Phase 2 of Rathdubh. The proposed entrance has greater sightlines, offering a much safer means of exit.

3.1.3 Clarification of Further Information was requested as follows:

- Re-submit sightline drawing at existing and proposed entrance. Sightline should be to nearside edge of the tarred carriageway.
- Submit details of the gradient of the proposed access road.

3.1.4 Clarification of Further Information submitted on 15/07/2021

- Sightlines at the existing entrance are indicated on the revised drawing entitled 'Existing Entrance Sight Lines'.
- Sightlines at the proposed entrance are indicated on revised drawing entitled 'Proposed Roadway Layout'.
- The gradient of the proposed access road is indicated on the revised drawing entitled 'Proposed Roadway Layout'.

3.2 Decision

The Planning Authority issued a Notification of Decision to **Refuse** Permission on the 10th August 2021 for two reasons which can be summarised as follows;

1. The proposed access, being located at an elevated location to the rear of the existing houses, would result in overlooking of these properties and would reduce the residential amenities of these properties.
2. The proposal for a new access would result in additional traffic movements and would be contrary to Policy 16.1.1 of the Mayo Development Plan 2014 - 2020, which requires access points to kept to a minimum. The proposed development would therefore endanger public safety by reason of traffic hazard and obstruction of road users.

3.3 Planning Authority Reports

3.3.1 Planning Reports(s)

3.3.2 The first report of the Planning Officer (dated 27th April 2021) includes the following comments;

- Noted that a new access at this location may constitute a traffic hazard given its location onto a cul-de-sac, in proximity to commercial development, and maybe unnecessary given the existing access which is located within town speed limits.

Request for Further Information recommended.

3.3.3 The second report of the Planning Officer (dated 12th July 2021) includes the following comments;

- Regarding Item 2 and 3 of the Further Information Request, the applicant has not indicated sightlines in accordance with the Mayo County Development Plan. Sightline should be to nearside edge of the tarred carriageway.

- Regarding Item 5 of the Further Information Request, the gradient indicated on the submitted site plan appears to indicate a gradient greater than the +-7% minimum requirement as per the Mayo County Development Plan. Confirmation of gradient is required.

Request for Clarification of Further Information recommended.

3.3.4 The third report of the Planning Officer (4th August 2021) includes the following comments;

- Required sightlines at the proposed entrance have been met.
- The new access would contribute to additional through traffic, contrary to planning policy regarding the proliferation of access points and is unnecessary given that the existing access is located within town speed limits.
- The proposed access, being located at an elevated location to the rear of the existing houses, would interfere with the residential amenity of these properties, and the proposal does not create a sense of place or form an integral part of the overall development.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.3.5 Other Technical Reports

3.3.6 Area Engineer's Report (dated 29th April 2021 – was not received in time to be incorporated into the initial Planner's report). The following comments are included;

- Sightlines, gradients, and kerb radius to comply with Mayo CDP requirements.
- Surface water should be connected into existing housing development.

3.3.7 Area Engineer's Report dated 7th July 2021 recommends that permission be granted. The following comments are included;

- Sightlines, gradients, and kerb radius to comply with Mayo CDP requirements.

3.4 Prescribed Bodies

None received.

3.5 Third Party Observations

3 no. observations were received by the Planning Authority. The following is a summary of the main issues raised in each third-party observation:

Alan Lynskey Observation

- Alan Lynskey states that he is the registered owner of Folio MY 45885, which is to north of appeal site.
- The applicant (Frescobol Holdings Ltd) purchased 2.78 ha. and 27 houses without a right of way across Folio MY 45885 and there was no charge over Folio MY 45885.
- The applicant purchased a house within Phase 1 and sought to have Phase 1 taken in charge by Mayo County Council. If the Council took this area in charge it would create a public right of way, however Mayo County Council did not proceed with the taking in charge of this area.
- The applicant made a commercial decision to purchase 27 houses within Phase 2 without the necessary right of way over the access road from the L5346 to Phase 2. The applicant is now seeking a second access into Phase 2 so that the 27 house can be sold.
- Under PA Ref. P00/2977, which concerned 52 houses, permission was sought to have access from the L13055 (from the south) however this was not considered acceptable and the permission which was granted had its access provided from the L5346 to the north and across Folio MY45885.
- There is a history of enforcement on the site, the effect of which meant that the previous developer was unable to complete the sale of a number of units. A receiver was appointed and the applicant purchased part of the site and 27 houses, without a right of way.
- Details of visibility and topographical levels at the proposed access have not been indicated.

- The existing/permitted access to Rathdubh is within the 50kmhr speed limit while the proposed access is outside the 50kmhr speed limit. It is the policy of Mayo County Council to keep access points to a minimum and as such the proposal for a second access outside the 50kmhr speed limit is contrary to planning policy.
- The applicant has indicated an openness for the Planning Authority to block private right of way however it is not open to the Planning Authority to interfere with the property rights of an individual to allow another to profit.
- Reference is made to errors in a Folio.
- The elevated position of the proposed access road would impact the residential amenity of houses within Rathdubh.
- The narrow access between houses is a hazard.
- The applicant is unable to achieve the minimum kerb radii.
- The proposal is contrary to PA Ref. P01/2622 and related enforcement proceedings.
- The observer is open to the applicant purchasing a right of way over his land.

Philip and Mary Browne Observation

- No information has been submitted to support the applicant's assertion that the existing access is unsafe.
- The proposed access would give rise to traffic safety issues arising from the increase in traffic using Old Cullane Road. The land between Rathdubh and Old Cullane Road is zoned residential and this could result in greater traffic using Old Cullane Road in the future.
- The use of bollards is optional and therefore could result in the 19 houses to the north of Rathdubh also using Old Cullane Road.
- Articulated lorries sometimes park along Old Cullane Road reducing the road to one lane.

- Old Cullane Road is busy due to the petrol filling station. Articulated lorries using the petrol filling station use Old Cullane Road and take up the full width of the road.
- Residents of Rathdubh may opt to use the entrance through the petrol filling station and a shortcut to the N26.
- There are a number of existing entrances along Old Cullane Road in close proximity to one another.
- The current access arrangement represents the safest option, being within the 50 kmph limit and has excellent sightlines, whereas Old Cullane Road exits onto the N26 at a location where the speed limit is 60 – 80 kmph and where there are obstructions to visibility.

Patricia and Tony Brennan Observation

- The proposed development will devalue property in the vicinity and will hinder the development of adjoining property.
- The existing access arrangement serving Rathdubh is adequate.
- The proposal could result in congestion.

4.0 Planning History

Rathdubh comprises two phases. Phase 1 consists of 19 no. houses permitted under PA Ref. 97/1525 and P98/318. Phase 2 consists of 44 no. houses permitted under PA Ref. P01/2622 and P07/2118.

The following planning history is referenced in the report of the Planning Officer.

Appeal Site

- PA Ref. P97/1525 – permission granted for 13 houses.
- PA Ref. 98/318 – permission granted for 6 houses.
- PA Ref. P00/2977 – permission granted for 52 houses (not implemented).
- PA Ref. P01/2622 - permission granted for 42 houses.

- PA Ref. P07/2118 - permission granted for 2 houses.

5.0 Policy Context

5.1 National Policy

5.1.1 *Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012. Department of Environment, Community, and Local Government.*

The Spatial Planning and National Roads Guidelines seeks to maintain the efficiency, capacity and safety of the national road network. The Guidelines provide that the strategic traffic function of national roads should be maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads. Regarding road safety, the Guidelines provide that the intensification of existing accesses to national roads gives rise to the generation of additional turning movements and this can introduce additional safety risks to road users.

5.2 Development Plan

5.2.1 The *Mayo County Development Plan 2014 – 2020* is the relevant development plan.

The Draft Mayo County Development Plan 2021-2027 is currently at material amendments stage and is due to be adopted in July 2022, coming into effect 6 weeks after.

The provisions of the Mayo County Development Plan 2014 – 2020 relevant to this assessment are as follows:

Policy 16.1.1 - *Road infrastructure shall allow for the safe and efficient movement of vehicles and pedestrians. Access points shall be kept to a minimum and shall provide safe ingress/egress for vehicles and pedestrians/cyclists.*

Policy 16.3.1 - *The minimum visibility requirements from a development onto the public road in a rural or urban setting shall be as set out in Table 3.*

5.3 Natural Heritage Designations

The appeal site is not located within or close to any European site.

5.4 EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

This is a first-party appeal against the decision of Mayo County Council to refuse permission for the proposed development. The grounds of appeal can be summarised as follows:

Reason 1 (overlooking of property within Rathdubh).

- The properties which are cited in the first reason for refusal as being overlooked by the proposed access road are already overlooked by the local access road to the south of the site. Hedgerow provides screening at present however this may need to be removed in the future as it is underneath powerlines.
- The proposed development provides screen planting to the rear of the dwellings and along the proposed access road. The location of the road has been carefully considered with reference to distance to dwellings to ensure that sunlight is not affected.
- A consultation exercise has been undertaken with residents of Rathdubh. Letters of support were received from 15 of the 17 residents consulted. The 2 outstanding properties are understood to be in control of financial institutions.

Reason 2 (Additional traffic movements).

- The estate to the north incorporating house no.'s 1-19 are owned by another landowner.
- The access to the north is unsafe in respect of sightlines.
- Bollards will be introduced as part of the proposal to eliminate through traffic from north to south.

6.2 Planning Authority Response

None received.

6.3 Observations

One observation was received from Alan Lynskey and can be summarised as follows;

- Folio MY 45885 is in the ownership of the observer. The applicant acquired 27 houses within Phase 2 of Rathdubh. The means of access for the applicant's properties is to the north however the applicant did not acquire a right of way over the access as part of the purchase.
- The proposed development includes provision for a second vehicular access. A pedestrian access across Folio MY 45885 is also proposed. The observer did not give permission for the occupiers of the 27 houses to cross Folio MY 45885.
- The applicant claims to have an implied right of way over Folio MY 45885 however no documentation has been provided to support this claim.
- Whilst permission for the proposed development would not grant a pedestrian right of way over Folio MY 45885, it would result in the occupiers of the 27 houses crossing Folio MY 45885 without permission as it is a shorter route to Swinford town centre.
- The option is available to the applicant to purchase a right of way over Folio MY 45885, as has been done by the other 17 owners within Phase 2.
- The proposal for a second access is contrary to the Mayo County Development Plan and the Planning Authorities decision should be upheld.

- The proposed access road would create a hazard where it connects into the existing estate road within Rathdubh.
- The applicant has constructed a new access to Rathdubh Phase 2 along the route of the proposed access route, facilitating tradesmen to access and work on the 27 houses owned by the applicant.

7.0 Assessment

7.1 Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Impact on Residential Amenity.
- Place making/design.
- Access (inc. New Issue).
- Other Issues.
- Appropriate Assessment.

7.2 Impact on Residential Amenity

7.2.1 The first reason for refusal refers to the impact of the proposed development on the residential amenities of properties within Rathdubh, arising from overlooking from the proposed access road due to the height differential between the road and the houses within Rathdubh. Based on the sectional drawing submitted with the planning application, I note that ground levels at the junction between the proposed access road and the L13306/Old Cullane Road would be c. 4 metres higher than the ground levels at the rear of no.'s 40/41 Rathdubh. I share the concern of the Planning Authority regarding potential negative impacts on the dwellings within Rathdubh from overlooking. I also consider that negative impacts on these dwellings would arise from the headlights of vehicles being directed towards dwellings. I consider that the difference in ground levels would result in the headlights of vehicles entering Rathdubh

being directed into the rear bedrooms of a number of dwellings, with the most affected dwellings being 39, 40, 41 and 42 Rathdubh.

7.2.2 In response to the issue of overlooking, the appellant makes the case the L13306/Old Cullane Road already occupies an elevated position relative to the dwellings in Rathdubh. Noting the parallel relationship of the L13306/Old Cullane Road to the properties within Rathdubh, the presence of hedgerow to the south of these dwellings and the separation distance to the L13306/Old Cullane Road, I do not consider that the existing situation gives rise to a level of overlooking which could be considered comparable with the situation which would arise on foot of the proposal.

7.3 Placemaking/design

7.3.1 The proposed access arrangement would result in the majority of the dwellings within Rathdubh being served by the proposed access and as such the proposed access from the L13306/Old Cullane Road would become the primary access serving Rathdubh. I do not consider that the proposed access arrangement, whereby the rear of dwellings within the development would interface with the entrance to the development, to be an acceptable in the context of urban design/placemaking and I consider that it would result in a poor urban environment.

7.3.2 Additionally, I note that the applicant has indicated the provision of screen planting on the lands between the rear of the dwellings and the L13306/Old Cullane Road to address the potential for overlooking. I consider that this would render the area on either side of the proposed access road largely unsurveilled and would result in a propensity for anti-social behaviour to the rear of the dwellings concerned, potentially negatively impacting the residential amenity of these properties.

7.4 Access

7.4.1 The second reason for refusal cited by the Planning Authority refers to Policy 16.1.1 of the Mayo County Development Plan, which concerns the safe and efficient movement of vehicles and pedestrians, and which seeks to keep access points to a minimum.

7.4.2 The L13306/Old Cullane Road at this location has a posted speed limit of 50 kmph. Table 7 of the Mayo County Development Plan requires sightlines of 70 metres for a

local road with posted speed limit of 50 kmph. I note that the corresponding sightline requirement for a 50 kmph road, as set out in Table 4.2 of DMURS, is 45 metres. I consider that DMURS is the applicable policy in respect of sightline standards in this instance having regard to the advice contained in Circular PL17/2013. The applicant has indicated available sightlines of 160 metres to the west and 109 metres to the east from the proposed access. Accordingly, I consider that the required sightlines are achievable in both directions. The achievement of sightlines appears to be contingent on the removal of a roadside boundary, which I note is within the applicant's control.

7.4.3 Regarding the proposed access onto the L13306/Old Cullane Road, I note that there are 3 no. existing vehicular accesses serving commercial developments in close proximity to the proposed access. I also note the narrow nature of the L13306/Old Cullane Road and the propensity for HGV's to park along the road, which I observed during my site visit. Having regard to the multiplicity of entrances at this location, the width of L13306/Old Cullane Road and the number of houses which the proposal would provide access to, I consider that the proposed development would result in the potential for vehicular conflicts and would be a traffic hazard. In addition, I note the absence of developed pedestrian infrastructure, with a footpath on one side of the L13306/Old Cullane Road and no pedestrian crossing points in the vicinity of the proposal access.

7.4.4 Access onto N26 – New Issue

7.4.5 The proposal would result in an increase in the number of vehicles using the junction onto the N26, west of the appeal site. The impact of the proposed development on the N26 was not raised by the Planning Authority. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal, it may not be considered necessary to pursue the matter further. I note that the Spatial Planning and National Roads Guidelines seeks to protect the strategic traffic function of national roads by limiting the extent of development that would give rise to the generation of short trip traffic on national roads. I consider that the proposal would result in the majority of dwellings within Rathdubh using the N26 to access the L13306/Old Cullane Road and I do not consider that this would comply with the requirements of the Spatial Planning and National Roads Guidelines. Additionally, I consider that the proposed development would result

in additional turning movements at the junction between the L13306/Old Cullane Road and N26, resulting in additional safety risks to road users and as such the proposed development would not accord with the Spatial Planning and National Roads Guidelines.

7.4.6 The applicant contends that the existing access to the north from the L53346 is a traffic hazard, due to insufficient sightlines and on this basis is seeking to provide a second vehicular entrance to the south of the site, from the L13306/Old Cullane Road, which the applicant claims is safer by virtue of having better sightlines. The applicant has submitted a sightline drawing for the existing access onto the L53346 which indicates available sightlines of 16 metres to the west and 45 metres to the east. As the posted speed limit on the L53346 is 50 kmph, the required sightline is 45 metres, in accordance with DMURS. Notwithstanding the restricted sightline to the west, having regard to the amenity issues which arise from the proposed access to the south, the narrow nature of the L13306/Old Cullane Road, the multiplicity of commercial entrances in proximity to the proposed access, the absence of pedestrian infrastructure and the resultant identification which would arise from the majority of dwellings using the N26 to access the L13306/Old Cullane Road, I do not consider that the proposed access would be justified and I consider that a single entrance is sufficient to serve the development.

7.4.7 In the context of the existing, permitted entrance to the north, and having regard to the issues raised above in respect of traffic safety at the proposed access, and to the intensification of the junction with the N26, I consider that the proposed development would not accord with the provisions of Policy 16.1.1 of the Mayo County Development Plan, which seeks to keep access points to a minimum.

7.5 Other Issues

7.5.1 The issue of ownership and rights of way are raised in submissions by the applicant and the observer. The observer states that applicant acquired dwellings without acquiring a right of way which would enable the use of the existing access to the north of the site. The applicant states that it has an implied right of way over the lands which would enable the use of this access. Additionally, as part of the proposed development, bollards are to be installed to the north of the appeal site to prevent

through traffic from Phase 1 using the proposed access onto the L13306/Old Cullane Road. The observer to the appeal states that this would result in a situation where pedestrians would cross land in his ownership without his permission. Based on the information submitted I note that Rathdubh does not appear to be taken in charge and therefore no right of way would exist via the existing entrance. I consider that this is an issue for the parties and could be resolved. Section 5.13 of the Development Management Guidelines provides that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts. In this regard, I consider that the provisions of Section 34(13) of the Planning and Development Act 2000, as amended pertain. This provides that a person is not entitled solely by reason of a permission to carry out any development.

7.6 Appropriate Assessment

Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 Recommendation

Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the additional traffic turning movements the development would generate, on a narrow road with limited pedestrian infrastructure where there are a multiplicity of existing vehicular entrances serving commercial development located in close proximity to the proposed access, it is considered that the proposed development would endanger public safety by reason of traffic hazard. As such, the proposed development would contravene Policy

16.1.1 of the Mayo County Development Plan 2014 - 2020, which seeks to provide for the safe and efficient movement of vehicles and pedestrians.

2. The proposed development would result in the intensification at the junction between the L13306/Old Cullane Road and N26. The additional and conflicting traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the N26 and as such the proposed development would not accord the Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012, published by the Department of Environment, Community, and Local Government, which seeks to protect the strategic traffic function of national roads by limiting the extent of development that would give rise to the generation of short trip traffic on national roads.
3. Having regard to the elevated nature of the proposed access road relative to residential properties, in particular no.'s 39 - 42 Rathdubh, the proposed development would seriously injure the amenities of residential property by reason of overlooking and visual intrusion and would be contrary to the proper planning and sustainable development of the area.

Ian Campbell
Planning Inspector

9th May 2022