



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312110-21

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<b>Development</b>	Proposed new improved access driveway on the R311 regional road to serve an existing house and lands.
<b>Location</b>	Drummannaglieve, Newport, Co. Mayo.
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	21767
<b>Applicant(s)</b>	Séamus Walsh.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Séamus Walsh.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	23 June 2022.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a rural site located on the northern side of the regional road R311 within the townland of Drummagnaglieve circa 1.5km to the northeast of Newport in County Mayo. The R311 links Newport and Castlebar and is listed as a strategically important regional road within the Mayo County Development Plan 2022-2028. The roadway in the vicinity of the site is characterised by severe bends and is marked by a continuous white line. Doogan Lough is located opposite to the south of the site.
- 1.2. The appeal site has a stated area of 1.3 hectares and is occupied by an existing derelict dwelling and outbuildings at its northern end. Access is by way of a driveway located along the western boundary of the site and entrance off the regional road at the western extremity of the appeal site frontage. Sightlines at the existing entrance are severely restricted in both directions due to the curvature of the road / location on a severe bend. At the eastern extremity of the site frontage the site adjoins an existing entrance and access road serving the adjoining property.

## 2.0 Proposed Development

- 2.1. The application involves permission for the provision of a new improved access driveway on the R311 regional road to serve an existing dwellinghouse and lands.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 8 November 2021 Mayo County Council issued notification of the decision to refuse permission for the following reason:

*“The proposed development is contrary to Section 16.1.4 of the Mayo County Development Plan 2014-2020 in that in order to protect existing and future capital investments and the safety and carrying capacity of Strategically Important Regional Roads like the R311, development along such roads will be restricted outside the 60km/hr speed limits. The proposed development would endanger public safety by reason of traffic hazard.”*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planner's initial report noted from the site visit that a shed is under construction within the landholding. Further information was requested including demonstration of compliance with Section 16.1.5 of the Mayo County Development Plan standards for development, a revised layout plan detailing levels and labelling all structures associated with the revised site access. A revised layout to provide for a double recessed entrance with a 4m setback. The Planning Authority noted concerns regarding unauthorised development on the site.

Report following response to the request for additional information considers the proposal to be contrary to Section 16.1.4 of the Development Plan. The substantial shed under construction on the adjacent site is noted. Restrictions on exempted development would apply by reference to Article 9 (1)(iii) of the Planning and Development Regulations 2001 as (amended) namely "Development to which Article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users.

### 3.2.2. Other Technical Reports

Planner's report refers to an initial roads design report requesting provision of a double recessed entrance.

Roads Section report following submission of additional information recommended that the existing entrance be fully decommissioned. Access setback area to be constructed such that it is suitable for parking vehicles and to prevent deterioration of public road / setback interface. No loose material permitted along the entrance. Gradient of setback area to be finished in surface to fall away from the road. Surface water arising to be suitably managed. Applicant responsible for the adjustment of services infrastructure. Existing roadside drainage to be maintained and uninterrupted.

### 3.3. **Prescribed Bodies**

No submissions

### 3.4. **Third Party Observations**

No submissions

## 4.0 **Planning History**

I am not advised of any planning history on the appeal site.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1 The Mayo County Development Plan 2022-2028 refers.

I note that the decision of the Planning Authority was taken while the previous plan Mayo County Development Plan 2014 was in force. I note that the decision of the Planning Authority refers to Section 16.1.4 of that plan which is as follows:

“In order to protect existing and future capital investment in and the safety and carrying capacity of Strategically Important Regional Roads, development along such roads will be restricted outside the 60km/hr speed limits except: where such proposals, subject to a Road Safety Audit (see traffic assessments in Section 16.2 below), can demonstrate that they do not interfere with the traffic safety of the Strategically Important Regional Road and comply with the categories listed hereunder:

Residential Development (one or more houses)

a) The provision of a new dwelling house for farmers, their sons or daughters, a favourite niece/nephew and/or any persons taking over ownership and running of a farm, who wish to build on the family farm holding (a farm holding shall consist of at least 4Ha where a suitable vehicular access cannot be created from another roadway or utilising an existing access

b) The provision of a new dwelling house where an existing inhabited dwelling house is in need of replacement and provided the existing house will not be used for further habitation

c) Extensions to existing houses or domestic garages

d) In a situation where force majeure applies in respect of landowners on such roads or their immediate family members.

Where permission has been granted for a rural house based on the above criteria an occupancy condition (see Occupancy Condition Section 3) shall normally be imposed under Section 47 of the Planning and Development Act 2000, as amended.”

5.1.2 Within the Current **Mayo County Development Plan 2022-2028** I note the following

**Policy MTP 26** To enhance regional accessibility between key settlements in County Mayo and their regions and to safeguard existing and future capital investment through the protection of the capacity, efficiency and safety of Strategically Important Regional Roads (Table 6.6).

**MTP 28** It is an objective of Mayo County Council, in relation to lands adjoining Strategically Important Regional Roads to which to which speed limits greater than 60 km/h apply, to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to Strategically Important Regional Roads, unless it can be demonstrated that the development is required for economic or social reasons and cannot be accessed from a non-Strategically Important Regional Road.

**7.3 Access onto Strategically Important Regional Roads** To ensure regional accessibility between key settlements is maintained and to safeguard existing and future capital investment of the County’s Regional Road Infrastructure it is necessary to protect the capacity, efficiency and safety of Mayo’s Strategically Important Regional Roads as listed in Chapter 6 Movement and Transport Table 6.6.

Access visibility requirements within 80kmh speed limit are 120m. (Table 4)

## 5.2. Natural Heritage Designations

The Newport river SAC is within 200m to the northwest of the site. The Clew Bay Complex SAC is within 1.8km to the west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal is submitted by Paul Roddy, agent for the first party. Grounds of appeal are summarised as follows:

- There are no proposals to develop a new dwelling at the site.
- Applicant has found it increasingly difficult to access the property due to the location of the access on an acute bend of the R311.
- The sole purpose of the application is to provide an improved access driveway to the existing property. Standards 16.1.4 of the Mayo County Development Plan refers to new properties and are not relevant.
- Regarding contention that unauthorised development is being carried out on the site it was noted that the dry storage shed being constructed is exempt development under Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations. In any event the dry storage shed is outside the redline site boundary.
- There is a clear and present danger in continued use of the existing entrance.
- Sole purpose of the proposal s to decommission the existing driveway and considerably improve the current deficient sightlines at this dangerous location by providing a safer driveway serving the lands and the existing house.
- Lands are on an “out farm” with regular access by farm machinery.

### 6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

### 6.3. **Observations**

No submissions.

## 7.0 **Assessment**

7.1. From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the key focus for assessment relates to the matters raised within the grounds of refusal regarding the traffic hazard and the question of compliance with the provisions of the Mayo County Development Plan.

7.2. The Council's reason for refusal was as follows:

"The proposed development is contrary to Section 16.1.4 of the Mayo County Development Plan 2014-2020 in that in order to protect existing and future capital investments and the safety and carrying capacity of Strategically Important Regional Roads like the R311, development along such roads will be restricted outside the 60km/hr speed limits. The proposed development would endanger public safety by reason of traffic hazard."

7.3. The first party contends that Section 16.1.5 of the Mayo County Development Plan is not relevant to the proposal as the access is a replacement of an existing hazardous access and should not therefore be assessed as a new entrance. I consider that this is a reasonable argument. I have noted in any event that in the intervening period since the decision of the Planning Authority the Mayo County Development Plan 2022-2028 has been adopted and is now in force. The current development plan maintains a restrictive approach to the provision of additional access points to strategically important regional roads to which speed limits greater than 60km/h apply (MP28). In light of the nature of the proposed development which seeks to replace an existing extremely hazardous entrance I consider it appropriate that the development should be considered on its merit.

- 7.4. I note that the landowner currently accesses the property from an extremely hazardous entrance. The right of access is established notwithstanding the fact that the existing dwelling is currently uninhabited. I consider that the proposed entrance location and design will significantly improve the safety of the entrance to the property and the safety of the regional road and therefore should be welcomed. I also note that the Council's Roads Engineer indicated no objection subject to conditions. I have noted the relevant considerations of the development plan including the requirement in relation to regional roads for access visibility of 120m. The submitted layout plans indicate that sightlines of 160m in both directions can be achieved.
- 7.5. On the issue of the existing shed under construction, I note that this is outside the redline boundary of the current site and is not relevant to the current appeal. I note that matters of enforcement are beyond the remit of the Board.
- 7.6 Having regard to the nature and scale of the proposed development, impact pathways to Natura 2000 would be restricted to hydrological pathways. The physical distance from the appeal site to the nearest European site is such that any impact from the hazard source will be well diminished along the pathways in question by the time it reaches the receptor. Having regard to the nature of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European sites, potential for significant effects, including direct indirect and in-combination effects on the integrity of the European sites in view of their conservation objectives can be ruled out.

### **Recommendation**

Having regard to the pattern of development in the area, the design and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 13/10/21 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing entrance shall be disused and permanently closed off by way of suitable fencing and landscaping with native species in the first planting season following commencement of development.

Reason: In the interest of traffic safety.

3. The access driveway and entrance shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

4. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. The site shall be landscaped using only indigenous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

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Bríd Maxwell  
Planning Inspector

7<sup>th</sup> September 2022