



An
Bord
Pleanála

Inspector's Report

ABP-318259-23

Development

Retention of agricultural entrance and associated site works. Permission for alterations to existing entrance to include the provision of a separate access to the house and agricultural lands, and associated site works.

Location

Rooaunmore, Ardrahan, Co. Galway.

Planning Authority

Galway County Council

Planning Authority Reg. Ref.

2360842

Applicant

CRB Property Consultants Limited

Type of Application

Permission & Retention

Planning Authority Decision

Refuse Retention and Refuse
Permission

Type of Appeal

First Party

Appellant

CRB Property Consultants Limited

Observers

None

Date of Site Inspection

17th January 2024

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of the R347 in the townland of Rooaunmore, c. 1.5 km west of Ardahan, Co. Galway.
- 1.2. The appeal site has a stated area of 3.6 Ha. The particulars submitted with the appeal refer to site as accommodating farm land, a turbine, and an agricultural shed which was the subject of a recently determined Section 5 referral.
- 1.3. The current access arrangement entails a gated vehicular entrance and a pedestrian gate serving the dwelling. To the west of/adjoining this entrance is a recently constructed agricultural entrance (a set of metal gates hung on metal posts) serving lands to the rear/north of the dwelling. A curved stone wing wall is situated to the east of the entrance serving the dwelling. The apron to the front of the entrance serving the dwelling is finished in tarmac. There is an un-plastered block wall to the east and west of the agricultural entrance. The area to the front of the recently constructed agricultural access comprises compacted hardcore.
- 1.4. The roadside boundary to the appeal site comprises a stone wall set back from the road edge to provide a paved verge. The dwelling to the west provides a similar arrangement.
- 1.5. The adjacent area is rural in character. There are a number of detached dwellings in the vicinity. There is a continuous white line along the R347 at the appeal site. The posted speed limit at the location of the appeal site is 80 kmph.
- 1.6. The blue line boundary of the appeal site extends to include an area of third party land east of the vehicular entrance where it is proposed to undertake works to provide/maintain visibility.

2.0 Proposed Development

- 2.1. The proposed development comprises;

Retention permission for –

- A gated agricultural entrance and associated site works.

Permission for -

- Alterations to the existing entrance to include the provision of a separate access to the dwelling and agricultural lands and associated site works. Each of the separate accesses have gates and stone pillars. The accesses are accommodated within a bell-mouth type entrance arrangement. The width of the access to the R347 is c. 7.5 metres. A 1.1 metre high boundary wall finished in natural stone is proposed along the outer/roadside boundary. This outer wall is set back 3 metres from the road edge.

2.2. The planning application was accompanied by a cover letter which states;

- that the proposed development will provide separate entrances for the agricultural land and dwelling;
- that the design of the proposal entails the provision of a single access point off the R347, with both entrances set-back from the road;
- that the entrance serving the agricultural lands will be minimally used;
- that the proposed arrangement ensures that there will be no conflict between vehicles using each entrance, and;
- that adequate sightlines have been demonstrated.

A letter of consent from the adjoining landowner in relation to works required to achieve and maintain sightlines accompanied the application.

The applicant also notes that utility poles will be relocated to facilitate sightlines.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to **REFUSE** retention and permission on the 19th of September 2023 for 2 no. reasons (see below);

1. The proposed development is located along the R347, in the absence of any justification proposed significantly enlarged entrance and the absence of satisfactorily demonstrating entry visibility sight lines for same, the applicant has failed to satisfy the requirements of DM standard 27 and 28 of the Galway

County Development Plan 2022 - 2028. Accordingly to grant approval for the proposed development would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise and would be contrary to policy objective NNR 2, DMS27 and DMS 28 of the current County Development Plan., and to the proper planning and sustainable development of the area.

2. In the absence of surface water management details the planning authority consider that likely significant effects on European Sites cannot be screened out. Therefore, if permitted as proposed the planning authority cannot be satisfied that the proposed development for retention will not cause significant effects on the qualifying interests and conservation objectives of protected European Sites and would fail to accord with Policy Objective NHB 3¹ of the Galway County Development Plan 2022 - 2028 and would be contrary to proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The report of the Planning Officer generally reflects the refusal reasons in the Notification of Decision to refuse retention and permission. The report notes that the R347 is not a Restricted Regional Road in Table 6.3 of the Galway County Development Plan 2022 - 2028.

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

3.2.3. Other Technical Reports

None received.

3.3. Prescribed Bodies

None received.

¹ No plans, programmes, or projects etc. giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects.*

3.4. Third Party Observations

None received.

4.0 Planning History

Appeal Site (recent/relevant):

PA. Ref. 05/4581 – Permission GRANTED for a dwelling, treatment unit and percolation area (previously granted under outline permission no. 01/4784) and permission for the construction of a domestic garage.

PA. Ref. 01/4784 – Outline permission GRANTED for a house.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Galway County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Galway County Development Plan 2022-2028. The appeal site is located within the Galway County Transportation and Planning Study Area (GCTPS).

5.2.2. The provisions of the Galway County Development Plan 2022 – 2028 relevant to this assessment are as follows:

DM Standard 28 – Sightline distances required for access onto National, Regional, Local and Private Roads.

NNR 2 - Safeguard Regional and Local Roads.

5.2.3. In terms of Landscape Character Type, the appeal site is located within the 'Central Galway Complex Landscape' (see Appendix 4 of CDP), which has a 'low' landscape sensitivity. The appeal site is not affected by any protected views (see Map 08, Appendix 4) or scenic routes (see Map 09, Appendix 4).

5.3. Natural Heritage Designations

- Ardrahan Grassland SAC (Site Code 002244) – c. 0.5 km north.

5.4. EIA Screening

(See Form 1 attached to this report) The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse retention permission and permission. The grounds for appeal can be summarised as follows;

- The proposal will not affect the integrity of European Sites noting its limited scale, proposals for surface water and proximity to European Sites.
- The site is not within an area at risk of flooding.
- The proposal is intended to provide a separate entrance for both the dwelling and the agricultural landholding.
- The entrances have been designed to minimise their visual impact and impact on the road network.
- The proposal provides a single point of access onto the road.
- The agricultural entrance will be infrequently used.
- Both entrances are set back to ensure that vehicles entering can do so without causing a traffic hazard.
- Visibility splays have been indicated on the drawings submitted. Easterly and westerly splays are unobstructed. A letter of consent from the adjoining landowner has been submitted in relation to the maintenance of sightlines.
- The proposal only results in a small increase in the area of hard standing over that already permitted.
- Surface water generated by the proposal will be uncontaminated and will discharge to gullies and then a soakaway.

- An assessment of soil conditions/infiltration rates accompany the appeal.

6.2. Planning Authority

None received.

6.3. Observations

None received.

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 local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Refusal Reason No. 1 (Traffic Safety)
- Refusal Reason No. 2 (Appropriate Assessment)
- Issue Arising

7.2. Refusal Reason No. 1 (Traffic Safety)

7.2.1. The particulars submitted with the planning application refer to the proposal as providing separate entrances for the dwelling and agricultural lands. I note that the site/wider landholding facilitates two separate uses, an agricultural use and a residential use. In my opinion the facilitation of separate access arrangements and segregation of agricultural traffic from domestic traffic in the manner proposed is appropriate and would have benefits in terms of traffic safety within the site. I consider this to be an adequate justification for the proposal.

7.2.2. DM Standard 28 of the Galway County Development Plan 2022 – 2028 applies to new² entrances. The proposal entails the provision of a single access point to the R347, albeit with 2 no. accesses serving the dwelling and agricultural use within a splayed arrangement to the rear of the access point to the R347. On the basis of the nature of

² My emphasis.

the proposal where a single entrance to the R347 is proposed, the requirements as set out in Table 15.3 (sight distances requires for access onto National, Regional and Local roads) would in my opinion not be required. That being said, should the Board consider that compliance with DM Standard 28, and Table 15.3 is required I note that sightlines of 160 metres are required. The applicant has submitted a site plan indicating sightlines of 120 metres (measured from a location 3 metres from the road edge) in either direction from the proposed revised access. A letter of consent in relation to the maintenance of sightlines at the property to the east has been submitted. The area concerned is included within the blue line boundary of the site. Whilst sightlines of 120 metres have been indicated I note that sightlines in excess of 120 metres would be achievable to the west of the entrance. Noting the horizontal and vertical alignment of the road to the east I considered that vehicles travelling towards the site would likely be travelling at a speed less than the posted speed limit of 80 kmph. I consider that a design speed of 70 kmph would be more reasonable in this regard, which corresponds to a sightline requirement of 120 metres.

- 7.2.3. Non-compliance with DM Standard 27 of the Galway County Development Plan 2022 – 2028 is noted in refusal reason No. 1. DM Standard 27 applies to ‘Access to National and Other Restricted Roads for Commercial and Other Developments. The proposal does not entail access onto a national road and the R347 is not a ‘Restricted Regional Road’ in Table 6.3 of the Galway County Development Plan 2022 – 2028. In my opinion the requirements of DM Standard 27 do not therefore apply to the proposed development.
- 7.2.4. The Planning Authority also contend that the proposal would be contrary to Objective NNR2 of the Galway County Development Plan 2022 – 2028, which provides *‘safeguard the carrying capacity and safety of the County’s regional and local road network’*. Noting the nature of the proposal, that being a combined access serving a dwelling and agricultural lands/uses, the proposal would not in my opinion result in a significant intensification in the use of the access onto the R347 at this location when compared to the existing situation. I am therefore satisfied that the proposed development accords with the requirements of Objective NNR2.
- 7.2.5. In summation, having regard to the nature and extent of the proposed development, I am satisfied that the proposed development would not give rise to a traffic hazard or

cause an obstruction to road users, and that a refusal of retention and permission on this basis is not warranted.

7.3. Refusal Reason No. 2 (Appropriate Assessment)

7.3.1. The second reason for refusal cited by the Planning Authority concerns the likelihood of significant effects on European Sites arising from the proposed development, specifically in the absence of surface water management details.

7.3.2. I have considered the proposed development at Rooaunmore, Ardrahan, Co. Galway in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c. 0.5 km south of Ardrahan Grassland SAC³ (Site Code 002244). The proposed development comprises retention of a gated agricultural entrance and associated site works, and permission for alterations to the existing vehicular entrance to create a separate access for the dwelling and agricultural lands. The appeal submission notes that run-off from the site is to discharge to a soakaway. I note that there is no hydrological connection between the appeal site and Ardrahan Grassland SAC via surface water. Connectivity between the appeal site and Ardrahan Grassland SAC via groundwater would be weak noting the distances concerned. No other pathways between the appeal site and Ardrahan Grassland SAC exist.

7.3.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows;

- The nature and small scale of the development.

³ The Qualifying Interests of Ardrahan Grassland SAC are;

- Alpine and Boreal heaths [4060]
- Juniperus communis formations on heaths or calcareous grasslands [5130]
- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]
- Limestone pavements [8240]

- The location of the development site and distance from nearest European Site(s), and the lack of connections between the development site and European Sites.

7.3.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required. I submit to the Board that the second reason for refusal is not upheld.

7.4. Issue Arising

7.4.1. Development Contribution – Part 4 of the Galway County Council Development Contribution Scheme 2016 provides that Agricultural Development shall be exempt from Development Contributions. As the proposed entrance is to serve agricultural lands I consider that the proposal comes under ‘agricultural development’ for the purposes of the Development Contribution Scheme. In the event that the Board grant retention and permission for the proposed development a condition requiring the payment of a financial contribution is not required.

8.0 Recommendation

Having regard to the above it is recommended that retention and permission is granted based on the following reasons and considerations and subject to the attached conditions.

10.0. Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) Noting that the proposed development does not entail a new/additional access point to the R347, or a significant intensification of the existing access onto the R347,
- (c) The provisions of the Galway County Development Plan 2022-2028,

- (d) The location of the development site and distance from nearest European Site(s), and the lack of connections between the development site and European Sites,

it is considered that subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard and would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

11.0. Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought

to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Campbell
Planning Inspector

27th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318259-23		
Proposed Development Summary	Retention of agricultural entrance and associated site works. Permission for alterations to existing entrance to include the provision of a separate access to the house and agricultural lands, and associated site works.		
Development Address	Rooaunmore, Ardrahan, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		X	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 27th September 2024