



An
Bord
Pleanála

Inspector's Report

ABP-319863-24

Development	Permission for a development which consists of the construction of a new vehicle site entrance.
Location	Keeraun, Ragoon, Galway, H91P2CC
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	24/60072
Applicant(s)	Rita Conneely
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Mary Keane.
Observer(s)	None
Date of Site Inspection	3 rd September 2024.
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.26ha, is located along the Ballymoneen Road (L-50240) which is a local road. The site currently comprises of a single storey bungalow dwelling which is located in the southern section of the subject site and is served with a shared access from the Ballymoneen Road.
- 1.2. A natural stone boundary wall which is typical of the surround area, runs along the eastern boundary of the site. There are number of farm buildings located with the south-west of the site which are not indicated as being in the ownership of the applicant. The Barna Stream is located c. 259m to the west of the subject site.

2.0 Proposed Development

- 2.1. This is an application for permission for the construction of a new vehicular site entrance.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification to grant permission on the 9th May 2024 subject to 2 no. conditions.

3.1.1. Conditions

Condition no. 2 stated:

Prior to the commencement of development a revised site layout plan shall be submitted to the Planning Authority for written agreement which shall include a three metre setback to be implemented at the roadside frontage immediately adjoining the edge of the margin of the roadway for a linear distance of 50 metres, from the frontage point parallel to the most southerly point associated with the internal driveway works to an end point at the north easterly extent of the site frontage. This space shall be cleared, graded, levelled and surfaced to a standard that meets the requirements of Galway City Council. The development shall be completed in accordance with the agreed details.

Reason: In the interest to traffic safety and the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

It is noted that the Planners Report states that the site is zoned A – Agriculture. From a review of the current Galway City Development Plan 2023-2029, the site is zoned under objective G-Agriculture and High Amenity.

The planning authority planning report is summarised as follows:

- The current cottage on site would utilise the existing farm complex/yard entrance however permission has been sought (under Reg Ref 24/60030) on a portion of the landholding for an extension to an old family cottage.
- The applicant is now seeking permission for an entrance and car parking area for the existing dwelling and now be located to the north of the dwelling.
- The report notes no issue in principle with regards to the proposed development.
- Reference is made to works proposed for the proposed N6 project which abuts the southern portion of the site but do not extend to the proposed entrance; and
- Reference is made to the submission received from Transport Infrastructure Ireland (TII) and comments made have been noted.
- The report notes no issue in principle with regards to the proposed development and recommends a grant of permission.

3.2.2. Other Technical Reports

Active Travel - The report is summarised as follows:

- Site frontage directly abuts the proposed route corridor with the GCRR project.
- Comments from the TII are noted.
- The application should be assessed in conjunction with concurrent and adjoining development under file ref no. 24/60030 and whereby a condition is

recommended to be attached to provide for a 3m set back along the entire roadside frontage.

3.3. Prescribed Bodies

A submission was received from Transport Infrastructure Ireland which makes reference to the requirements of the Spatial and National Roads Guidelines for Planning Authorities (2012, DoECLG) and will rely upon the Planning Authority to abide by such.

3.4. Third Party Observations

The Planning Authority received 1 no. submission. Concerns raised related to the location of the proposed entrance being dangerous and impeding upon other entrances within the vicinity.

4.0 Planning History

There is no relevant planning history pertaining to the subject site.

Within the vicinity

PA Ref 2460030 Permission GRANTED for the conversion of an existing shed which is a former cottage and ancestral home, into part of proposed new dwelling house by extending the former cottage, together with all associated site works.

ABP - JP61.311264 Permission REFUSED for a Social Housing Development comprising 71 no. residential dwellings (63 no. social housing units and 8 no. Traveller Appropriate Accommodation units) at Keeraun, Ballymoneen Road, Ragoon, Galway. The reason for refusal can be summarised as following:

- Constitute piecemeal development:
- Would be excessively car dependent and would lead to conflict between road users including traffic, pedestrians and

cyclists and seriously endanger public safety by reason of traffic hazard.

ABP-311761-22 Permission REFUSED for the demolition of disused two storey house and construction of 58 residential units, including all associated site works. The reason for refusal was as follows:

- piecemeal development and would be contrary to policy 2.5 of the City Development Plan.
- would lead to conflict between road users including traffic, pedestrians and cyclists and seriously endanger public safety by reason of traffic hazard.
- not satisfied, that the proposed development would not adversely affect the integrity of European site(s).

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2023-2029

The subject site is Zoned G – Agriculture and High Amenity which seeks to provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity.

Other relevant sections:

Chapter 11 – Land Use Zoning and Development Standards and Guidelines

- 11.3.1(g) Car Parking Standards

5.2. Natural Heritage Designations

The subject site is located c. 1.87km to the north of the Galway Bay Complex SAC, 2.2km to the north of the Inner Galway Bay SPA, and 3.9km to the west of the Lough Corrib SAC.

5.3. EIA Screening

The 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 (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been received from Mary Kean, the adjoining landowner. Grounds of the appeal can be summarised as follows:

1. Access and Traffic Safety

- No requirement for additional vehicular
- Will lead to intensify of traffic onto the Ballymoneen Road and thereby materially contravene the high amenity zoning objective for the site.
- Lack of footpath will lead to negative impact upon road users and pedestrians
- It is submitted that the Ballymoneen Road is a substandard in terms of road alignments and is deficient in terms of widths

2. Planned Upgrades

- Stated that the application should be considered premature pending the completion of the Galway City Ring Road and associated improvements to the Ballymoneen Road.

3. Consent

- No reference within planning application documentation if neighbouring land owner gave consent or if consent would be required to undertake the works.

4. Precedent

- Precedent along the road has been for refusal for additional vehicular access based upon traffic hazards.

6.2. Response from first party to third party appeal

Points to noted include:

1. Access and Safety

- Acknowledges that there is an existing entrance and point out that the existing entrance is a shared access which also serves a farmyard complex which is outside of their ownership. The applicant does not own the existing entrance but only has a right of way.
- There will not be an increase in traffic onto the subject road .
- The requirements of condition no. 2 of the grant of permission requiring a 3m set back over the length of 50m will greatly improve the facilities and safety of pedestrians and cyclists. In addition, it will also provide for a safe passing bay for vehicles utilising the Ballymoneen Road.

2. Consent

- No work is required to any adjoining land which is not in the applicant's ownership.

6.3. Planning Authority Response

No response received.

6.4. Observations

No observations received.

7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Access and Traffic safety
- Other Matters

7.1. Principle of development

- 7.1.1. The appeal site is located on a site zone G – Agriculture and High Amenity under the Galway City Development Plan 2023-2029 which seeks to provide for the development of agriculture and protect areas of visual importance and/or areas of high amenity. As previously noted the Planning Authority in their assessment makes reference to the land use zoning as Objective A. This is not considered to have any implication on the assessment undertaken by the Planning Authority.
- 7.1.2. The appellant raised concerns with regard to the proposed development being a material contravention of the land use zoning. The applicant sought permission for the provision of vehicular entrance to serve the existing dwelling on the subject site.
- 7.1.3. I consider that a vehicular entrance would be ancillary to the permitted use on site and as such is acceptable in terms of the land use zoning and therefore is not a material contravention of the plan.

7.2. Access and Traffic Safety

- 7.2.1. The proposed vehicular entrance is located along the Ballymoneen Road approximately 280m from the junction with the Ragoon Road. The Ballymoneen Road is a local road and rural in nature. There is an existing dwelling located on the subject site which is currently accessed via a shared vehicular access located to the south of the dwelling. The current access also provides access to the farm complex and an additional dwelling which is located to the west of the subject site.
- 7.2.2. The shared access is not in the ownership of the applicant but there is a right of way. The applicant is seeking permission to now provide for a new vehicular access to serve her dwelling which will be located to the north of the existing dwelling and will still provide access and egress from the Ballymoneen Road.
- 7.2.3. The ground of the appeal raises concerns over the need for a separate access given that one already exists, and that the proposal will give rise to an intensification traffic movements on the Ballymoneen Road. Concern was also raised over the provision of an additional entrance to serve a dwelling which was subject to con-current planning application which was made outside of the ownership of this applicant, and does not form part of the current appeal before the Board. Permission was granted for that subject dwelling on the adjoining land to the south with access via the existing entrance.

- 7.2.4. The applicant has outlined that they have a right of way over the existing entrance which also serves the farm complex to the west, that is not within their ownership. The applicant submits that the proposed development would provide them with a private, safe and efficient access to serve their dwelling. The planning authority raised no objection to the proposed entrance.
- 7.2.5. The current access is utilised by both farm traffic and traffic generated by the subject dwelling. In addition, on foot of the permission granted on the adjoining land to the south the entrance will now serve an additional residential dwelling. The proposed access would provide for a more secure and safe environment for egress and access for the residents of the subject dwelling without the movement of farm machinery. In addition, the applicant has indicated clearly on drawing no. 566-00 'Site Layout Plan', submitted to the Planning Authority on the 15th March 2024, that sightlines can be achieved of up to 70m in both directions.
- 7.2.6. Therefore, I consider that the proposed access would not constitute a traffic hazard and would be an improvement on the existing shared access with the farmyard. Furthermore, I am of the opinion that the provision of this additional vehicular access will not add any additional traffic utilising the Ballymoneen Road given that it will serve an existing dwelling.

7.3. Other Matters

7.3.1. Consent

The appellant raises that there was no 3rd party consent to include land outside the applicants ownership within the applicant. The applicant has states in their response that there is no requirement to undertake works on adjoining land outside of their ownership. Section 34(13) of the Planning and Development Act 2000 (as amended) states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.3.2 Road Improvement

The appellants raised concerns that the proposed development is premature pending the provision of the Galway City Ring Road, associated improvements to the Ballymoneen Road and the capacity issues also pertaining to the Ballymoneen Road. A report on file which was received from the Active Travel Section of Galway City

Council notes that site frontage of the subject site abuts the route corridor associated with the Galway City Ring Road Project and that the Ballymoneen Road (L-50240) is identified on the Land Use Zoning Map in the City Plan for improvement works. A submission was also received from Transport Infrastructure Ireland. I note comments therein and that no concern was raised within such.

On recommendation by the Active Travel Section of the local authority condition no. 2 was included which required a 3m setback for a linear distance of 50m. I am of the opinion that the works proposed are minor in nature and will not impede upon any potential planned road upgrades within the vicinity of the site and will not adversely affect the current capacity of the Ballymoneen Road.

7.3.3 The third-party appeal also raised concerns with regard to pedestrian and cyclist safety on foot of the lack of public footpaths along this section of the Ballymoneen Road. The provision of condition no. 2, which provides a 3m set back and which was also applied to the con-current application for lands located immediately to the south of the subject site, will now allow for the provision of a footpath at this location. In the instance that if the Board are of a mind to grant permission, it is recommended that a condition requiring a 3m set back, be included.

7.3.4 Planning Precedent

The third-party appeal notes that there have been a number of refusals along this section of the Ballymoneen Road for developments which have included the provision of a new vehicular entrance. Specific reference was made to JP61.311294 (71 no. units by Galway City Council). Amongst other reasons, permission was refused for reasons relating to a traffic hazard. In this regard I noted that each application is assessed on its own merit having regard to policies, standards and objectives at local and national levels.

8.0 AA Screening.

Having regard to the modest scale of the proposed development, its location within an appropriately zoned area and the foreseeable emissions therefrom, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

Having regard to the above, I recommend that permission be granted for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

The proposed development which is seeking permission for a new vehicular entrance to serve an existing dwelling complies with the provisions of the Galway City Development Plan 2023-2029. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the surrounding area, would not be visually detrimental to the area would not impact upon the capacity of the Ballymoneen Road and would not constitute a traffic hazard.

11.0 Conditions

1.	<p>The 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 received by the planning authority on the 15th March 2024, 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>Prior to the commencement of development details shall be submitted for the written agreement of the Planning Authority for a set back three (3) metres along the road frontage of the subject site.</p> <p>Reason: In the interest of traffic safety.</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.

Kathy Tuck
Planning Inspector

9th September 2024

Appendix 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319863-24		
Proposed Development Summary	Construction of a vehicle site entrance		
Development Address	Keeraun, Ragoon, Galway, H91 P2CC		
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	
		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	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

Appropriate Assessment Screening

I have considered the proposed development of a new vehicular entrance in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located c. 1.87km to the north of the Galway Bay Complex SAC, 2.2km to the north of the Inner Galway Bay SPA, and 3.9km to the west of the Lough Corrib SAC.

The proposed development comprises of a new vehicular entrance.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: _____ **Date:** _____