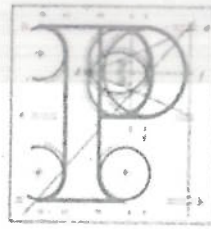


Our Case Number: ACP-323535-25



An
Coimisiún
Pleanála

Eimear & Patrick O'Donohoe
Abbeyknockmoy
Tuam
Galway

Date: 21 October 2025

Re: Galway County Council (N63 Abbeyknockmoy Village Active Travel) Compulsory Purchase Order
No.4 2025
In the townlands of Cullagh South and Cullagh North, Abbeyknockmoy, County Galway

Dear Sir / Madam,

An Coimisiún Pleanála has received your letter of objection in relation to the above mentioned compulsory purchase order.

In respect of same, please note that in circumstances where:

- (i) no objections are received by the Commission within the period provided for making objections, or
- (ii) all objections made are subsequently withdrawn, or
- (iii) all objections made relate exclusively to matters which can be dealt with by a property arbitrator the Commission will inform the local authority as appropriate and, in such circumstances, the local authority can itself confirm the order with or without modification or refuse to confirm the order in accordance with the provisions of section 216 of the Planning and Development Act, 2000, as amended.

The Commission has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Commission will inform you on this matter in due course.

If you have any queries in the meantime please contact the undersigned officer of the Commission at laps@pleanala.ie Please quote the above-mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Lauren Griffin
Executive Officer
Direct Line: 01-8737244

CH02

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AN COIMISIÚN PLEANÁLA
LDG- _____
ACP- _____
17 OCT 2025
Fee: € _____ Type: _____
Time: 18.52 By: Hand 

Abbeyknockmoy
Tuam
County Galway
H54 YA26

17th October 2025

BY HAND
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V0902
BY HAND

RE: PATRICK O'DONOHUE AND EIMEAR LOUGHNANE O'DONOHUE
ABBEYKNOCKMOY, TUAM, COUNTY GALWAY
GALWAY COUNTY COUNCIL COMPULSORY PURCHASE ORDER (No. 4) 2025
- N63 ABBEYKNOCKMOY VILLAGE ACTIVE TRAVEL, COUNTY GALWAY
PLOT REFERENCE NO. 104.01 AND 104.02
AN COIMISIÚN PLEANÁLA REFERENCE: CH07.323535

Dear Sir/Madam,

TAKE NOTICE that we Patrick O'Donohue and Eimear Loughnane O'Donohue hereby object to the compulsory purchase of the property shown on the map attached to the aforesaid Compulsory Purchase Order dated the 27th August 2025 in respect of lands comprised of Plot 104.01 and 104.02 of the above entitled Compulsory Purchase Order ("CPO").

The Grounds of Objection are set out below;

Preliminary Objection

It is submitted the basis upon which the suitability of the lands the subject matter of a CPO, which is a fundamental proof required in order for a CPO to be confirmed, is based on a fundamental mistake as to the availability of land in order to implement the Part VIII scheme of development the subject matter of a decision of 16th April 2024. In that decision, upon which this proposal is based, proposed a series of works on lands which are private lands which have never been dedicated to public use, which are entirely within the ownership of Partick O'Donohue And Eimear Loughnane O'Donohue and in respect of which no works may be carried out or no proposal implemented without either the consent of these landowners having first been obtained or having been carried out pursuant to a CPO purchase confirmed by the Commission.

The application for the CPO excludes critical lands which are wrongly and inappropriately considered to be lands forming part of a public road but where the essential requirements for a public road, namely that these lands have existing over them a public right of way, that these lands have been dedicated by the owners of the land clearly and unambiguously for public use, that that dedication had been accepted and had been implemented including the maintenance of these lands by the Local Authority, and where the lands have not been maintained by the true owners.

None of these elements apply to the lands included in the Part VIII proposal within the ownership of Patrick O'Donohoe and Emer Loughnane O'Donohoe and therefore the basis upon which the County Council seek to have the CPO confirmed namely that these lands are necessary and suitable for the implementation of the Part VIII proposal proceeds on a fundamental mistake of fact. The lands within the ownership Patrick O'Donohoe And Eimear Loughnane O'Donohoe and in particular those lands identified in the scheme as being part of scheme to create a revised entrance, involve the removal of parking space that has been installed and maintained by Patrick and Eimear Loughnane O'Donohoe, lands which are required to be maintained as a parking area as part of their planning permission, and the creation of a public open space on these lands which will fundamentally undermine and is conflict with a condition of the planning permission authorising the construction of the said dwelling house and could never, either as a matter of law or fact, be deemed to be part of a public road.

In the light of the County Council's approach in the documentation accompanying the CPO which is entirely based on these lands being necessary and suitable for the implementation of the Part VIII, a confirmation of these lands would be entirely inappropriate as the scheme could not proceed on this basis, the lands would have been compulsorily acquired by the County Council on a fundamentally incorrect and inappropriate basis.

On the basis therefore the scheme cannot, and it is respectfully submitted should not be confirmed.

Sean O'Donohoe is the owner of his residence and licensed premises to include the property between the structures of his residence and licensed premises and the public road. Sean O'Donohoe is the landowner of the property where the supermarket and forecourt is situate. Abbeyknockmoy Post Office also operates from these premises, Sean O'Donohoe being the post master. Sean O'Donohoe (Abbey) Limited has an equitable interest in the lands where the supermarket, forecourt, post office and licensed premises operate.

Patrick O'Donohoe and Eimear Loughnane O'Donohoe are the registered owners of their principal residence and the ground immediately outside same. The O'Donohoe's are also the owners of the portion of ground outside the Pharmacy / takeaway and credit union.

Properties affected by this scheme have not been identified in the CPO notwithstanding that these parties, the owners and occupiers of these properties are affected as much if not more than anyone else. Basic scrutiny by Galway County Council would have identified these issues.

The CPO as drafted is proceeding under a fundamental misapprehension. It is assuming that the land in front of our dwellinghouse, in front of the dwellinghouse of Sean O'Donohoe, the licenced premises of Sean O'Donohoe's Bar & Lounge and the property between O'Donohoe's Supermarket and forecourt and the adjacent commercial buildings and the public road are a public road when in fact they are not. These portions of property have never been dedicated to public use and at all times the use of the land was by licence as opposed to right. Furthermore, the local authority has never maintained same. We have been responsible for the tarring, maintenance and upkeep of the property in front of and outside our principal residence. Sean O'Donohoe / Sean O'Donohoe (Abbey) Limited has been responsible for the tarring, maintenance and upkeep of the property registered in the name of Sean O'Donohoe.

Our family are also the owners of a portion of ground outside the pharmacy/takeaway and the Credit Union, and all of these properties, that is the Post office, the licensed premises, our own dwelling house, the supermarket, are all properties affected by the scheme.

The properties have not been identified in the draft CPO prepared by the Acquiring Authority notwithstanding that I and the other owners and occupiers are very seriously and adversely affected by the nature and effect of the CPO on these properties and on the uses and activities that are carried out therein.

The Acquiring Authority have a statutory obligation to identify the owners (which includes lessees, tenants and occupiers) of these properties and list those persons in the schedule to the CPO. This is an obligation that arises under the legislation pursuant to which the CPO has been made and is a mandatory obligation, and the failure to identify all of the properties in terms of ownership, lessees, tenants and occupiers is a fundamental defect that does not permit the said CPO to be deemed an invalid Order nor does the Commission have any jurisdiction to proceed to consider and determine the application.

There is a fundamental obligation furthermore arising from a number of judgments of the Supreme Court including *Clinton v. An Bord Pleanála*, *Reid v. The Industrial Development Authority*, that the primary test is the effect on the owners/persons with a legal interest in the property and where the most fundamental requirement to address this issue is that those interests be properly identified in the first instance, the nature of their interest to be identified and the impact of the acquisition on those owners be addressed. There is no information as is required under the statutory scheme in respect of these owners, lessees, licensees, tenants and/or occupiers which would permit the County Council to assert that they prepared the

CPO with the necessary diligence or carried out the appropriate investigations to identify these matters and therefore the Board cannot consider this to be a valid application for the confirmation of a CPO.

The Acquiring Authority have failed to consider or address the relevant matters which the Commission are required to consider as part of an examination of the application and whether it is appropriate to confirm or annul or modify the CPO.

The documentation lodged with the Commission proceeds on the basis that the land in front of the dwelling house, the land in front of the licensed premises or part it, the land in front of O'Donohoe's Supermarket and forecourt, and the land in the vicinity of the commercial buildings are or form part of a public road when the said presumption is both wrong as a matter of law and as a matter of fact.

The land which has been identified as a public road has never been dedicated to public use, has been used and maintained in a manner which could never give rise to a presumption that it was ever dedicated to public use, has been maintained at all times as lands in respect of which any use was subject to a licence/permission on the part of the owner/lessee/tenant and where therefore, having regard to the definition of a public road under the Roads Act can never be deemed to be a public road. These lands could never be used as of right nor were they ever such as be capable of falling within the definition of public road as defined in the 1993 Roads Act. The owners/lessees/tenants/occupiers of the various properties have maintained these lands, have never dedicated these lands to public use and accordingly these are not public roads and it amounts to a slander on the title of this property to represent, as is the case in the documentation lodged that the areas identified in respect of private lands protected under Articles 40.4 and 43 and in respect of the dwelling house in addition under Article 40.5 are part of a public road.

Insofar as any such assertion is contended for by the Acquiring Authority it is made without any evidence or any proof and there is a fundamental conflict of fact and an error of law in respect of any such assertion in respect of this property.

The entire basis therefore of the design in respect of which the acquisition of land is sought to be justified upon is predicated on a fundamental mistake of fact as well as a fundamental mistake of law.

In those circumstances because the Acquiring Authority, Galway County Council, has not identified the correct parties in the schedule to the draft CPO, and in failing to identify them have not addressed the effect of such an acquisition on those parties nor could they, then the procedures adopted for the making of this CPO is fundamentally flawed, invalid and void.

European Law

The scheme which is relied upon in respect of the proposed development namely a greenway is a “road” for the purposes of Council Directive 2011/92/EU.

Schedule V of the Planning and Development Regulations, 2001 prescribes that any private road in respect of 2 kms requires a mandatory Environmental Impact Assessment (EIA). A greenway is a public road within the definition of “road” in the 1993 Roads Act and for the purposes of Schedule V of the Planning and Development Regulations, 2001.

Without prejudice to the matters set out above, even if it is a subthreshold development, any such activity is still required to be the subject matter of a preliminary examination for the purposes of Council Directive 2011/92/EU and in failing to direct their minds to the obligations under 2011/92/EU and which would fundamentally change the nature of the application made in respect of a CPO, the Council do not have jurisdiction to proceed with the development.

The proposed development furthermore requires a Stage II assessment for the purposes of Council Directive 92/43/EEC, the Habitats Directive. In *King v. Irish Water* Simons J. in giving the judgment in the High Court concluded that a stand-alone compulsory purchase application will form part of a multi-stage consent procedure which requires engagement with the Habitats Directive. The scheme underlying the acquisition is proximate to a number of water courses which feed into the River Clare and ultimately to Lough Corrib and therefore impacts on and affects a number of European Sites and ultimately where Lough Corrib discharges into Galway Bay which contains equally both Special Areas of Conservation (SAC) and Special Protection Areas (SPA) under the Birds Directive. At a minimum the application requires to be accompanied by a Stage I screening for Appropriate Assessment and no such screening has been prepared or is included and it appears that there has been no consideration of the Habitats Directive.

Galway County Development Plan 2022 to 2028

The proposed development amounts to a material contravention of the Galway County Development in circumstances where the said scheme is not identified in the said Plan in the terms in which it is now sought to acquire the lands in the said Galway County Development Plan 2022 to 2028 and following decisions in the High Court in *Keogh v. Galway City Council*, *Roughan v. Clare County Council* and in *The Attorney General (McGarry) v. Sligo County Council*, in the absence of a specific objective which would identify the development as is required by law, the proposed development cannot be reconciled with or be other than a material contravention of the said Development Plan.

The report from Valerie Loughnane, Senior Planner, forms no basis upon which an argument can be made that the proposed development is consistent with the Plan. The said report confuses the obligations under the Development Plan provisions of the Planning and Development Act, 2000 which is a matter of domestic law with the obligations under European Community law where there is a reference to "*development consent*". The said reference fundamentally misunderstands the nature of the Part VIII procedure which could never amount to a development consent as the only basis upon which a development consent can be obtained for a Local Authority development is through the procedures provided for through An Bord Pleanála, now the Commission and therefore that report is fundamentally in error and misconceived.

There is no basis or no detail and critically no reasons given which could allow the Board to conclude, in the absence of this scheme having been specifically identified in the Plan, that the development is other than a material contravention of the Plan. Accordingly, the Council have no jurisdiction to make and the Board have no jurisdiction to confirm a CPO in those circumstances.

Insofar as there is a contrary position adopted, this represents a fundamental dispute of fact as between the parties which can only be resolved through an oral hearing which would allow for these issues to be addressed directly to the Council.

Conventional Approach to CPOs

The Council set out no basis in the documentation grounding the making of the CPO nor give any information which would allow the Board on any basis to determine that the proposed CPO should be confirmed. Traditionally the matters that have been addressed by the Board include the need for the said land, the suitability of the land, the alternatives considered by the Council and the issue of compliance with the Development Plan – the issue of the Development Plan has already been addressed in the paragraphs set out above.

In respect of the other three criteria, it is submitted that there has been no basis set out in respect of the any of the criteria that was generally applied and accordingly:

- (i) No basis has been set out in the documentation submitted which would justify the need for these lands. Indeed these lands which appear to have been identified are based on a fundamental misunderstanding of the manner in which the existing rights and obligations in respect of this land may be exercised and therefore the entire scheme is based on a fundamental illegality and is entirely misconceived. There is no information which would allow the Board to consider on the basis of need that the Council have complied with the onus of proof which is entirely on the Acquiring

Authority to demonstrate by way of appropriate submission and documentation of the need for the scheme.

In respect of the suitability of the land for the scheme, these matters require to be addressed in detail and in respect of the incorporation of some of the issues addressed above would require the type of considerations which are addressed in the EIA directive and/or the preliminary examination for EIA, the issues required to be addressed at a Stage I and if required a Stage II Appropriate Assessment and none of these matters have been addressed in the CPO documentation notwithstanding the judgment of Simons J. in *King v. Irish Water*.

There is no information therefore that would permit the Board to deal with the suitability of the lands and indeed in the absence of this information the precautionary approach must be applied and the application must be refused on the basis of a potential conflict with the necessary obligations under European Community law.

There is no information on reasonable alternatives considered notwithstanding that this is a matter which the Commission requires to be addressed as a minimum and where these requirements are specifically addressed by Simons J. in *King v. Irish Water*, but in this case no such information has been submitted which allow for a consideration of these matters.

The failure to address the impacts of the proposed acquisition on the various legal interests which is the most fundamental requirement and in respect of which the Acquiring Authority are required to provide appropriate information is a grave and irredeemable defect in the documentation lodged. There has been no consideration of the impact of the acquisition on the various landowners (as required to be described in the Schedule to the CPO), and accordingly the obligations that arise under *Reid v. The Industrial Development Authority*, and *Clinton v. An Bord Pleanála* simply cannot be addressed.

In relation to our own property plot reference number 104.01 and 104.02):-

1. The reduction in the size of our plot of land will have a negative impact on the development potential thereof by us or one of our children in the future.
2. We also respectfully submit that the need for a footpath along this section of the road is not justified. While we appreciate the desire for active travel, we do not believe that the current provision of footpaths is inadequate for the current usage of same, whether by walkers or cyclists. Up to recent years, there was no provision of footpaths from the village to the roundabout on the N63 past Brooklodge Church, Ballyglunin H54 W602 which is a distance of 5 kilometres. We feel that the existing paths are more than adequate for the usage of same. By way of comparison, the town the Galway side of

Mountbellew only has footpaths principally on one side of the road on until one reaches the town Square.

3. With regard to the "new driveway entrance for dwelling" proposed at our home, first of all, this portion of property is not included in the CPO, and contrary to a view expressed by the County Council, this is not currently part of the public road. This portion of property was included in our planning application, we are the registered owners of it, and we tarred this portion of property at our own expense. Condition 3 of the planning permission for our home, being planning permission reference 03/5949 provides for "a parking space not less than 15 meters long and 3 meters wide shall be provided by the developer immediately adjoining the edge of the margin of the roadway. This space shall be surfaced and be to such a level as to prevent the discharge of surface water onto the roadway, to the satisfaction of the planning authority". The reason provided is "so as to provide adequate accommodation for parked and moving traffic". We never dedicated this property to public use, and it is not part of the public road. We ourselves park our cars there daily, visitors and licensees use same on a daily basis. We allow licensees (including customers of our supermarket and forecourt business to include large vehicles to temporarily park there, and this is a safe location for such vehicles to park. We would submit that by removing the availability of this space, drivers of such vehicles will find alternative but less safe places to park in the village, where they may be less visible depending on location if they mount the foot path on the other side of the road, but regardless of where they park without the current spaces available, they will pose a potential danger to other road users/ or those who might be actively travelling. We have previously observed drivers of large vehicles part on the footpath outside the Cois na Abhainn estate, and indeed across from the Cois nah Abhainn estate.

In relation to property owned by Sean O'Donohoe (plot reference number 103.01):-

4. Previously it was represented to us that it was proposed to put a pedestrian crossing at "Treacy's farm" (Plot 103.01) registered in the name of Sean O'Donohoe. We submitted that this is too close to the bend in the road and would unnecessarily entice people onto private property. We submitted that a more appropriate location for a pedestrian crossing would be at or near the Abbeyknockmoy Health Centre, where people would be attending, and this would be a safe distance from the bend in the road. We understand that Galway County Council has approval in principle to include provision for a zebra crossing inside the 50 kmph speed limit zone and north of the Cnoc na gCaor estate, however we have not seen any drawings of this. By putting the zebra crossing at this location, obviates the need for a footpath outside plots 103.01, 104.01 and 104.02

5. We do not believe that the Scheme proposed is conducive to securing compliance with speed limits. We feel that there are more effective ways of achieving the objective of drivers adhering to the speed limits. In particular, we would suggest perhaps an island or islands on the main road, with the appropriate flashing orange light and pedestrian crossings, and with the appropriate road signage indicating the existence of such island(s). We would submit that these should be located at a number of locations between the health centre, and the Roscommon side of the entrance to the Granary estate. We do not accept the argument that these cannot be put on a national road when they are on national roads the length and breadth of the country.

In relation to the properties from which commercial businesses operate, i.e. O'Donohoe's Spar Supermarket and forecourt, Abbeyknockmoy Pharmacy, Crystal Pizza and West Midlands Credit Union and O'Donohoe's Bar and Lounge:-

6. We refer to a copy of the report prepared on our behalf by Anthony Scarry of APS Consulting Engineers. Of exceptional concern to us as directors of Sean O'Donohoe (Abbey) Limited who operates the supermarket / filling station and licensed premises, are the following:
 - (a) The effect of the proposed Active Travel Scheme and CPO on the business of Sean O'Donohoe (Abbey) Limited is that it will render the continued use of the business impossible and inoperable because it proposes to create a public right of way in a place that is critical to the businesses and the effect would be that the continued use of same would become impossible if this scheme goes ahead.
 - (b) The application for planning permission for the supermarket/forecourt clearly includes this portion of property as being in the ownership of the O'Donohoe's. Galway County Council acknowledged this by granting this planning permission on foot of these plans.
 - (c) We vehemently oppose the proposal to have a footpath / cycle lane and/or landscaping immediately in front of our business premises and on our private property.

The availability of this area has been and is of paramount importance to our business and passing trade, and the availability of parking to our customers, in particular drivers of large vehicles, i.e. buses for example where a bus tour is passing and stops by for refreshments in our supermarket, lorries, etc.

It is also used by bus drivers to collect schoolchildren and to drop off passengers on route from Galway to Roscommon / Longford. To remove the availability of this portion of road frontage which is used on a daily basis for temporary parking would have serious and adverse consequences

for our business and passing trade. We have serious and genuine concern about the negative impact of same on our business and therefore the security of the employment of our forty employees. We would also submit that if this area were not available, drivers of large vehicles would be caused to park on different paths outside the Cois na hAbhainn estate more frequently, causing further hazards and obstructions for road users as alluded to in the preceding paragraph. Furthermore, it would not be safe for passengers getting off public transport, where they could potentially collide with a cyclist.

There was a common thread in submissions by community members that they want parking in front of businesses retained. This is an acknowledgement of the need for parking for our licensees and school/public transport.

- (d) The proposed cycle lane will be obstructed by traffic entering and exiting our supermarket / filling station.
- (e) We do not feel it is safe to put a cycle lane immediately in front of the pharmacy / takeaway / credit union businesses. We feel that this will put the safety of customers of these businesses at risk, in particular when exiting these premises. We would submit that these premises need the car parking available to them at the front of their premises.
- (f) With regard to the proposals for the area immediately outside O'Donohoe's pub, this area is used multiple times daily as a bus stop for buses travelling to Galway and is a safe location for this purpose. We are of the view that an elevated path/ cycle lane would cause congestion as the buses would pull up on the main road, which would hinder visibility for traffic overtaking the buses so close to a bend in the road, and potentially cause an accident.

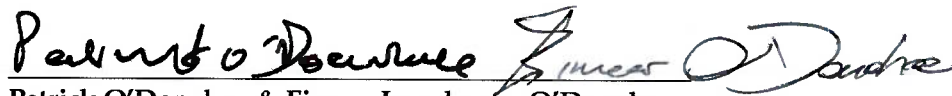
In addition with regard to Sean O'Donohoe's principal residence, Sean O'Donohoe, Patrick O'Donohoe and the O'Donohoe family have always had the benefit of parking their cars outside the O'Donohoe family home.

This whole area is the heart of Abbeyknockmoy village, and while active travel may be desirable to some, we would respectfully submit that safety and security of employment are of more paramount importance. We cannot justify the effect on our business relative to what is being acquired. If extinguishment of our constitutional property rights is to take place, we respectfully submit that we are entitled to the entire commercial value with regard to our commercial premises in addition to compensation for our private residences. We have an entitlement to assert our property rights enshrined under the Constitution of Ireland and have an obligation to protect our business and the security of employment we currently offer to our loyal staff, many of whom are resident in the community.

Given all of the foregoing, we call upon An Coimisiún Pleanála to refuse to confirm the order in accordance with the provisions of Section 216 of Planning and Development Act, 2000 as amended.

Kindly acknowledge receipt of this letter of objection.

Yours faithfully,


Patrick O'Donohoe & Eimear Loughnane O'Donohoe

Document Details

Client: Patrick & Eimear O'Donohoe

Project Name: LA12/23 Part 8 Application for Active
Travel scheme in Abbeyknockmoy Village

Project Number: 2469

Document Title: Part 8 Submission

Applicant: Galway County Council

Development Location: Abbeyknockmoy Village, Co. Galway

Planning Authority: Galway County Council

Planning Ref No. LA12/23

1.1 Introduction

The proposed application relates to the construction of a new combined cycleway/footpath along with alterations to existing footpaths, side road junction and provision of a pedestrian crossing facility.

This submission is being made on behalf of our clients, Eimear & Patrick O'Donohoe, who live in the village and are directors of Sean O'Donohoe (Abbey) Limited, a company which operates the public house, petrol filling station, convenience shop and post office located in the centre of the village. Their family home is located immediately adjacent to the L2128 junction.

Our clients have serious concerns regarding the proposed development and the impacts that it will have on their business and family home. The proposal in its current form will have a number of significant negative impacts on their business, family home and property rights as outlined below.

Our clients cannot support the current proposal in its current form for the reasons set out below and would strongly urge the authority to consider their concerns.

1.2 Need for scheme

While improvements to the infrastructure in the village are welcomed and may be desirable, we would respectfully submit that the current provision of footpaths in the village is not inadequate for the numbers of people using them.

It is considered that the need for a footpath along the northern side of the roadway has not been demonstrated and that a second crossing point on the western approach to the village would offer a better design solution as outlined below.

The report accompanying the application only considers the potential positive impacts of the proposal in relation to active travel. No consideration of any kind is given to the negative impacts that the scheme will have on the existing businesses, residents, and visitors to the village.

1.3 Pedestrian crossings

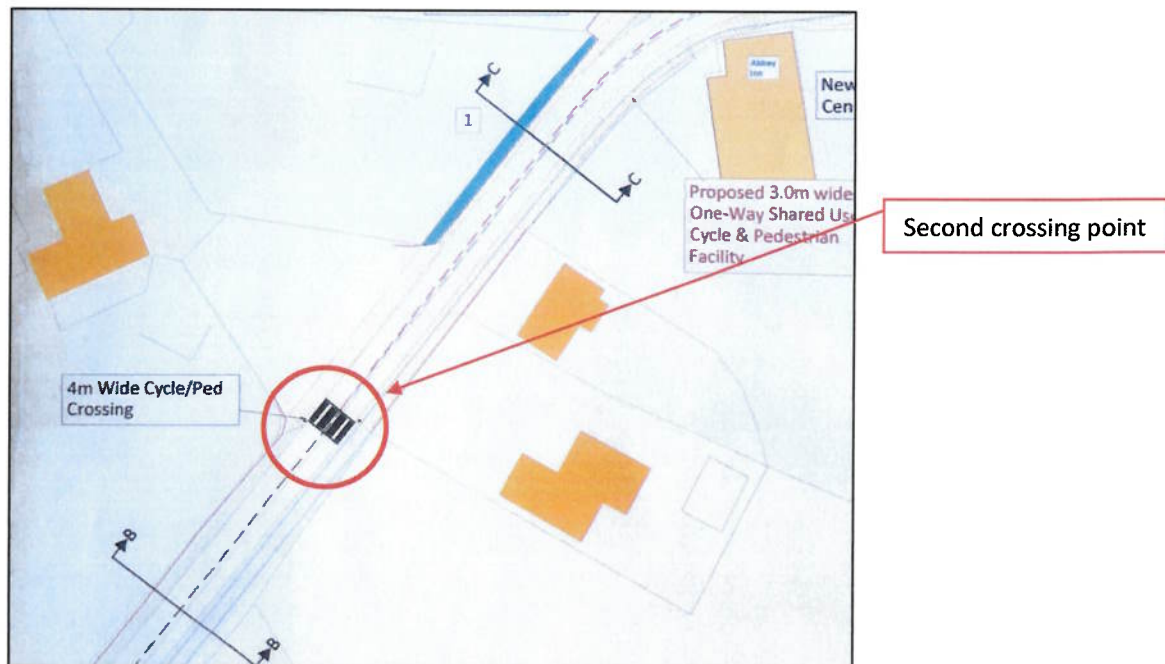
Our clients consider that a second pedestrian crossing point should be provided at the western side of the village. The proposed development is being designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). DMURS acknowledges that pedestrians will follow the desire line (i.e. take the shortest route), even if this conflicts with the location of formal crossings and pedestrian control measures. DMURS also identifies that well designed and frequently provided crossings are critical to the balancing of movement priorities, the design of crossings, and the frequency at which they are provided, will have a significant impact on pedestrian/cyclist mobility and comfort and the flow of vehicular traffic and that the location and frequency of crossings should align with key desire lines and be provided at regular intervals.

It is well documented that vehicle speeds have increased significantly on the western approach to the village since the upgrading of the N63 road between the village and the M17 motorway junction. This is evidenced in the traffic counts included in the application. The current design proposal does little or nothing to remedy this.

It is considered that the current design does not afford a safe and convenient means of access for pedestrians going to and coming from the Health Centre, Mannion's public house, Cnoc na gCaor housing development, Mannion's funeral home and the bus collection/drop off point. This will lead to a dangerous situation where pedestrians are forced to cross a busy road without any formal pedestrian control measure.

The provision of a second raised pedestrian crossing on the western approach to the village would align with the principals of DMURS and would greatly assist in the reduction of speed of vehicles approaching the village from the west. This would provide a similar level of provision in other recently completed active travel measures in local villages, such as Barnaderg where the introduction of a raised pedestrian crossing on both sides of the village core has greatly reduced traffic speeds.

The need for a second crossing was clearly identified by the local authority and was included in the earlier draft design proposal for the scheme. Our clients feel that it is incumbent on the local authority to include a second pedestrian crossing on the western side of the village. This would encourage a reduction in traffic speeds on this section of roadway and give some piece of mind to current residents, pedestrians, and cyclists.



Second crossing point on western side of village. Extract from draft proposal.

1.4 Loss of parking & drop off spaces

The proposed design will result in a significant loss of parking spaces which serve the existing businesses in the village. The loss of parking spaces includes the loss of 6-7 spaces to the front of the credit union/takeaway/pharmacy retail units, 3-4 spaces to the front of the petrol filling station forecourt and the loss of 4-5 spaces to the front of the public house/dwelling. Potentially up to 15-16 parking spaces will be lost as a result of the scheme. Many of these spaces are regularly used as pick up and drop points for the many buses serving the village, including for school pickup and drop-off.

The loss of the existing roadside car parking spaces will undoubtedly lead to customers parking within the petrol station forecourt. This will reduce the space available for customers wishing to access our client's petrol station forecourt, convenience shop and post office. The increase in traffic and parking within the forecourt area will give the impression that forecourt is busier than may be the case thereby discouraging passing motorists from entering and using the business. This will have a significantly negative impact on our client's business. It will also give rise to increased traffic congestion within the site and increase the potential for accidents.

While it is acknowledged that there are some car parking spaces to the rear of the existing retail units occupied by the pharmacy, credit union and takeaway, it is important to consider that these spaces do not afford any means of safe and convenient access to the retail units for wheelchair users or mobility impaired pedestrians. There are currently no accessible parking spaces designated within this car park. There is currently no accessible means of access leading from the car park to the retail units without the requirement to navigate a number of steps.

DMURS identifies that a lack of on-street parking facilities can contribute to the obstruction of footpaths and cycle paths/lanes as a result of drivers mounting kerbs and parking on footpaths and cycle lanes where demand for on-street parking exists and is not catered for. Demand for on street parking clearly exists within the village and should be provided in any development proposal. The provision of on street parking will also contribute to traffic calming and provide a buffer between pedestrians/cyclists and vehicles.

The parking area to the front of the petrol filling station and retail units is used as a pickup point for school busses serving Holy Rosary College, Mountbellew. Two busses serve the school and pick up students each morning in the village. Both buses park for fifteen minutes during pick-up. Our clients consider that the proposed provision of on street bus stops is not suitable or adequate to accommodate these school busses.

The removal and reduction in the number of parking spaces within the village will have a significantly negative impact on the existing businesses and does not appear to have been afforded any consideration in the proposal. We would ask that this matter is further considered.



Existing parking spaces to front of retail units.



Existing parking spaces to front of public house & dwelling house.



Existing parking spaces to front of petrol filling station & shop.



School bus pickup at front of retail units.



Two school buses picking up passengers in front of petrol filling station & retail units.

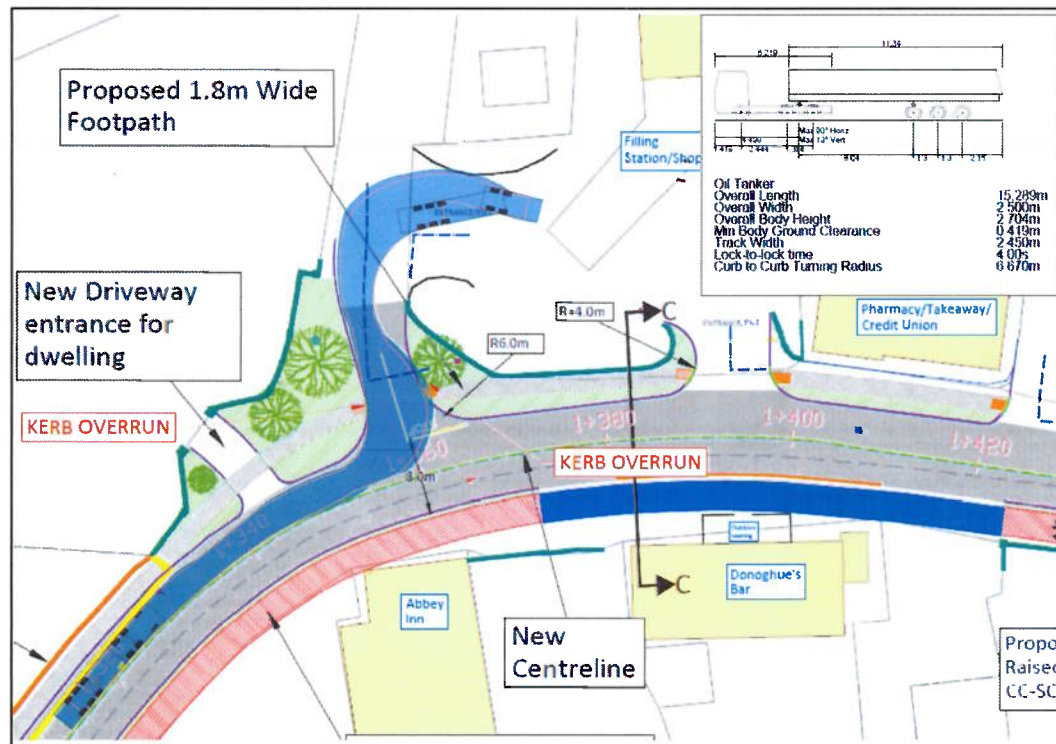
1.5 Petrol station deliveries & access

The petrol filling station regularly receives fuel deliveries by means of articulated fuel tanker and the shop deliveries are carried out by articulated truck. The petrol filling station also serves a large number of HGV & bus customers. The proposed alterations to the L2128 junction will significantly impact on heavy goods vehicles (HGV) entering, exiting & using the petrol filling station/shop.

As an example of the deficiency in the design proposal swept path analysis for an oil tanker entering and exiting the site via the L2128 junction are outlined below. They clearly indicate that it will not be possible for an oil tanker to access and leave the petrol filling station without overrunning the kerbs in a number of locations and completely crossing over the oncoming traffic lane on the L2128 roadway. It is not possible for the tanker to manoeuvre into position at the stop line without partially blocking the opposite lane. This will cause a traffic obstruction and have the potential to cause collisions.

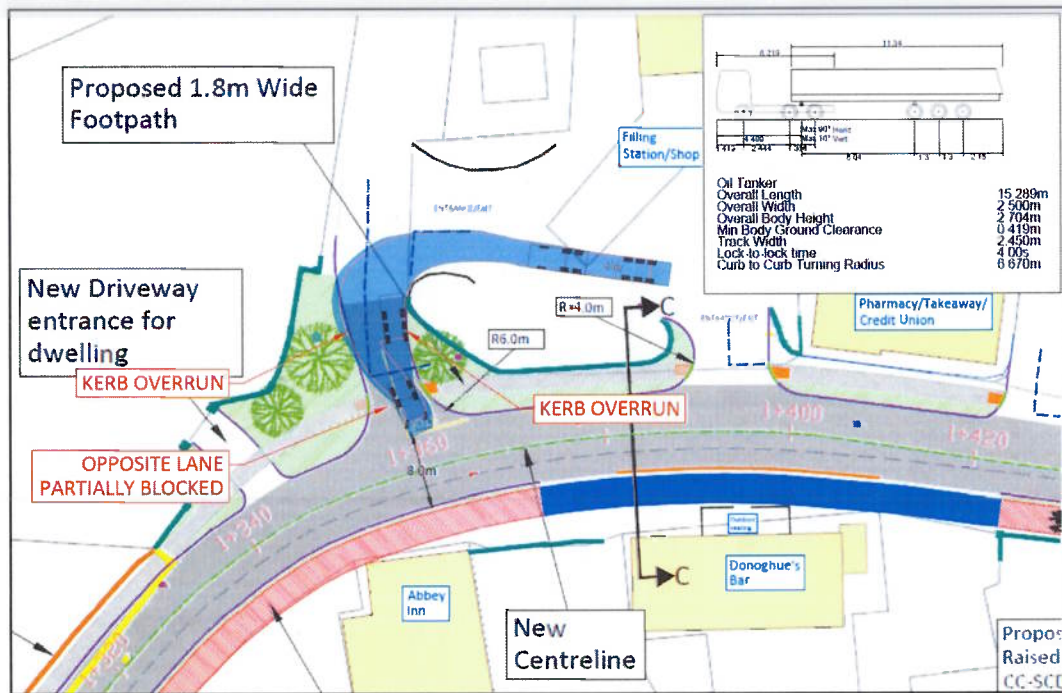
It will not be possible for a fuel or other delivery trucks to safely access the petrol filling station/shop if the proposed alterations are carried out as planned. The proposed alterations to the L2128 junction taken together with the loss of parking spaces to the front of our client's dwelling house and across the frontage of the petrol filling station will significantly reduce the access to our client's business for HGV drivers.

We would ask that the proposal is given proper consideration in this regard and that all vehicle types which currently access the site, or could reasonably be expected to access the site, are considered and accommodated in order to minimise the negative impacts on our client's business.



Oil tanker entering petrol filling station.

Extract from drawings No. P8-N63AT-LP-03



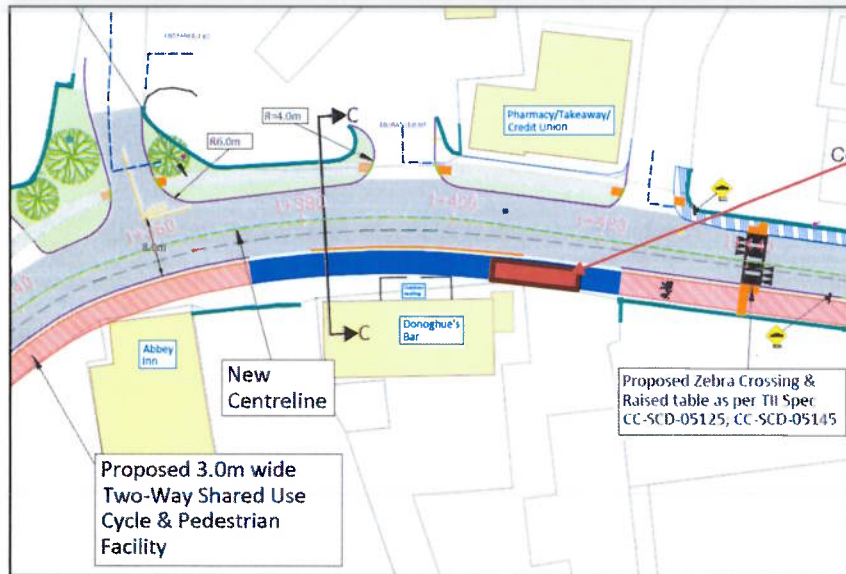
Oil tanker exiting petrol filling station.

Extract from drawings No. P8-N63AT-LP-03

1.6 Loss of delivery area for public house

The proposed design will result in the loss of the existing parking and delivery area to the front of O'Donohoe's public house. This area has been used as a delivery area to accommodate articulated truck deliveries for four generations. The proposed double kerb arrangement between the road edge and shared surface will make it impossible for an articulated delivery truck to safely park and offload deliveries. It does not appear that the loss of this delivery area or how deliveries can take place to the public house has been considered in the design.

We would ask that this element of the proposal is redesigned to accommodate access for deliveries to the public house.

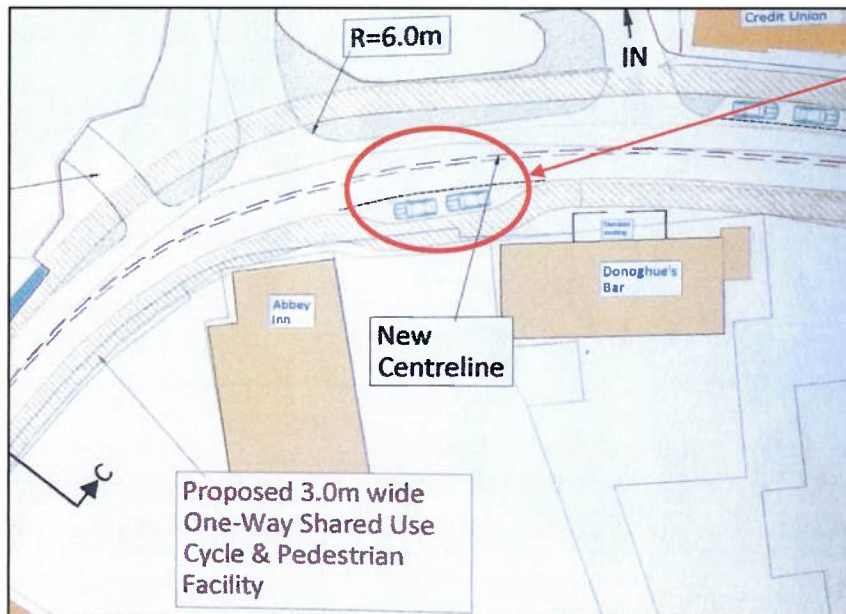


Existing delivery area for public house

1.7 Access to public house residence

We note that the proposed design will result in the loss of the existing parking spaces to the front of the residence located above O'Donohoe's public house. It is considered that the design of the shared surface across the front of the public house and residence may unduly restrict access to the dwelling house and impact on the existing long established parking spaces serving the residence. The need for parking spaces in this location was identified and included in the draft plan.

We do not feel that this has been afforded sufficient consideration in the proposal.



Parking spaces adjacent to public house & dwelling. Extract from draft proposal.

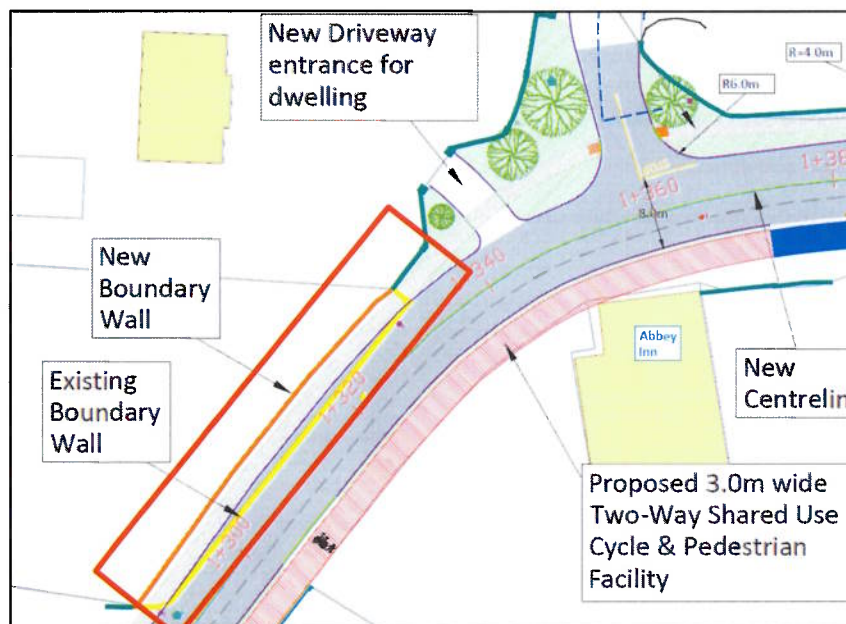
1.8 Land acquisition

It would appear that the acquisition of private land will be required in a number of locations in order to facilitate the proposal. This is acknowledged in the planning report accompanying the application. While it is acknowledged that landowner consent is not required prior to making the Part 8 application it is surprising and unfortunate that no meaningful consultation on this matter has taken place with our clients prior to making the application.

It would appear that lands will need to be acquired in a number of locations including in front of our client's dwelling house, the site adjacent to their dwelling house, petrol filling station, O'Donohoe's public house & adjacent residence as well as in front of the retail units. This will impact on our client's properties.

The setting back of the existing boundary wall to the front of the site adjacent to our client's family home in particular will have a significant impact. The proposal will result in the reduction in the size of the existing plot of land and consequently will have a negative impact on the development potential of the site.

Our clients feel that the need for a footpath along this section of the road is not justified and that the provision of a second crossing point on the western side of the village as outlined above would do more to provide safe and convenient access for pedestrians and cyclists in the village while also reducing traffic speeds and promoting active travel.



Extract from drawing No. P8-N63AT-LP-03 – existing wall to be setback.

1.9 Access to dwelling house

Our clients have concerns regarding the design of the access to their dwelling house and the proposal to reduce the width of the driveway by the introduction of kerbing and landscaping. The proposed kerbing and landscaping will remove the existing parking space to the front of the property. This space is regularly used by visitors to their home and by customers of the petrol filling station and shop. If the proposed design is implemented visitors to their home will be forced to park directly in front of the gates thereby blocking access to the property and also

blocking the proposed public footpath. Our clients will also lose an important parking space for large vehicles wishing to use the facilities of the shop and post office.

While our clients are happy to consider and facilitate improvements in the junction layout, they would ask that their concerns and impacts on their family home are addressed in any proposed redesign.

1.10 Lack of detail on plans

There are a number of areas of the proposal which lack detail and cannot be fully evaluated. These include the proposed road edge treatment across the frontage of the public house, the landscaped area to the front of our clients dwelling house and the proposed new boundary wall adjacent to their dwelling house.

The detailed section B-B and C-C show the proposed double kerb arrangement along the frontage of O'Donohoe's and Mannion's pubs. Section B-B appears to indicate some form of barrier or fence in addition to the double kerb. This should be clarified.

Landscaped areas are indicated in front of our client's dwelling house and petrol station. No details are provided in respect of these nor is it clear who will maintain and be responsible for these spaces.

No details are provided in relation to signage or road markings at the transitions between the raised shared surface and the unraised shared surface or whether the two different surfaces will have differing priority arrangements. No details are provided in relation to signage or road marking where cycle ways cross existing entrances. It is not clear if cyclists will be required to dismount and give way to vehicles crossing the cycle path.

We would ask that more detail is provided in relation to the points outlined above.

1.11 Impact on business

As outlined in this submission the proposed development will have significant negative impacts on our client's business. The business currently employs thirty-five people from the local area. Our clients have genuine concerns in relation to the impacts on the day-to-day operation of their business which will affect the long-term viability of the business and consequently the security of employment of thirty-five employees.

It is considered that these impacts have not been given due consideration in the application and we would ask that these important considerations are taken into account.

1.12 Conclusion

While our clients welcome investment and improvements to the infrastructure in the village, they would respectfully submit that the impacts on the businesses in the village cannot be ignored. Without viable businesses the village cannot be expected to thrive and grow. Our client's family has a long tradition of supporting the local community and has contributed significantly to a number of community projects over the years including the provision of two soccer pitches and the site for the local playground.

The current proposal will have significant negative impacts on our client's businesses and their homes. The proposal is unacceptable to them in its current form, and it is considered that these matters have not been given due consideration in the application.

It is notable that many of the issues raised by our clients have been raised in other submissions including the loss of parking, necessity for a second crossing point and measures to reduce speeds on the western approach to the village.

Our clients are in favour of the implementation of active travel measures within the village and would welcome improvements to the scheme which address the concerns outlined and adequately reflect the impacts of the scheme on the residents, businesses and visitors to the village.