

An
Coimisiún
Pleanála

Sean O'Donohoe (Abbey) Limited
c/o Eimear & Patrick O'Donohoe
Abbeyknockmoy
Tuam
Galway
H54 HX29

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- (ii) all objections made are subsequently withdrawn, or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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Facs
Láithreán Gréasáin
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AN COIMISIÚN PLEANÁLA
LDG- _____
ACP- _____
17 OCT 2025
Fee: € _____ Type: _____
Time: 05:52 By: *Hand*

Hand

O'Donohoe's

ABBEYKNOCKMOY Telephone: (093) 43535 / 43062

Spar Supermarket and Filling Station

• Off-Licence and Deli • Lounge Bar • Car Wash • Funeral Directors

SUBMISSION AN COIMISIÚN PLEANÁLA

ON BEHALF OF

SEAN O'DONOHUE (ABBEY) LIMITED

IN RESPECT OF

**GALWAY COUNTY COUNCIL (N63 ABBEYKNOCKMOY VILLAGE ACTIVE TRAVEL)
COMPULSORY PURCHASE ORDER NO. 4 2025 (PHYSICAL INFRASTRUCTURE, FIRE
AND EIMEARGENCY SERVICES AND CLIMATE CHANGE)**

**AN COIMISIÚN PLEANÁLA
CASE REFERENCE - CH07.323535**

Dated 17th October 2025

TAKE NOTICE that on behalf of the above named Company, we hereby object to the proposed Compulsory Purchase Order.

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.

O'Donohoe's of Abbeyknockmoy is a business in its fourth generation being operational since 1895 when a pub and grocery store was purchased by Michael O'Donohoe. The company Sean O'Donohoe (Abbey) Limited was incorporated in 1979. The business situate on the main Galway-Roscommon N63 road is currently run by third and fourth generation of the O'Donohoe family, namely Sean O'Donohoe, his son Patrick O'Donohoe and Patrick's wife Eimear O'Donohoe, the latter of who are the directors of the company that operates the business Sean O'Donohoe (Abbey) Limited.

Initially the business was situate solely on the southern side of the Galway-Roscommon road and comprised of a bar / lounge, supermarket, petrol pumps and wool store. In 2002, on foot of planning permission 99/2908, the business expanded with the development of the supermarket and filling station on the northern side of the Galway-Roscommon road, immediately across the road from the public house and adjoining residential premises.

The company currently employs thirty nine staff between full-time and part-time employees.

The O'Donohoe family have always generously supported local causes. Sean O'Donohoe granted a long lease in respect of two pitches to the local soccer club, St. Bernard's Soccer Club in respect of lands situate behind the licensed premises. St. Bernard's Soccer Club celebrated its fiftieth anniversary in 2022 and has celebrated many successes over the years. In 2013, Sean O'Donohoe and his late wife Eithne O'Donohoe offered to give a long lease in respect of a site to the rear of the supermarket premises to Abbeyknockmoy Parish Society Limited in order to secure planning permission for the construction of a playground in the Abbeyknockmoy community. This planning permission was granted in 2015 and a thirty-five year lease was entered into in 2017 in respect of the playground site which as aforesaid is situate immediately behind the rear of the supermarket premises.

The O'Donohoe family and the directors of Sean O'Donohoe (Abbey) Limited namely Patrick and Eimear O'Donohoe, are extremely concerned in relation to the adverse effect and repercussions that the proposed CPO will have in respect of their business.

They are also concerned and take serious issue with the assertion that the property between their business premises and the public road is somehow regarded by the local authority as public road, when this property is registered in their names, and has always been maintained by them and not the local authority.

The O'Donohoe's are extremely concerned in relation to the adverse effect and loss of trade which will certainly be caused to their business as a result of removal of car parking spaces immediately in front of their forecourt filling station business as well as the public house and residence across the road.

They are also extremely concerned in relation to the removal of car-parking spaces from the front of the commercial premises adjacent to the supermarket and forecourt premises from which the pharmacy, takeaway and local Credit Union operate.

The proposed removal of these car parking spaces (with the exception of one disabled car parking space being designated outside the pharmacy) will inevitably lead to significant loss of trade to the O'Donohoe's business. It is inevitable that if these spaces are removed, that customers of the pharmacy, takeaway and credit union will park in O'Donohoe's forecourt and perhaps not even come into O'Donohoe's business. This will cause passing motorists and customers to assume that the forecourt/supermarket is too busy and congested and will prompt them to travel to an alternative filling station / forecourt in the next village along their journey with their business. The forecourt itself has fourteen designated carparking spaces, aside from those at the eight pumps contained in the forecourt. The forecourt generally operates on the basis that once fuel is filled, a customer will move their car into one these designated spaces so as to allow free flow of use of the pumps in the forecourt. If customers from the adjacent commercial premises are using

the designated spaces, in addition to the loss of business to O'Donohoe's, this will cause serious congestion in the forecourt and a potential safety hazard for customers and staff.

Furthermore, the parking area to the front of the filing station and retail units has and is used as a pick-up point for school buses serving Holy Rosary College Mountbellew and St Cuan's College Castleblakeney. Two school buses serve these school pick-ups at 8 a.m. each morning in the village. Both buses park for approximately fifteen minutes in front of the shop forecourt and the aforesaid adjacent semi-commercial building. The proposed provision on foot of the CPO for on street bus stops is not adequate to meet these school buses needs. Significant local lobbying took place in recent years by parents of school going children to secure these buses, and while the buses are a necessity, so too are the parking outside of these premises for same.

The impact of the proposed CPO with removal of the aforesaid parking at the front of the premises will be a permanent loss of ground which has been maintained by the O'Donohoe family and Sean O'Donohoe (Abbey) Limited, and not the local authority. The tarring on the ground in itself and the difference from the road tar is ample evidence of this. The O'Donohoe family and the directors of Sean O'Donohoe (Abbey) Limited dispute the assertion of Galway County Council, its servants or agents, "that the areas of ground in front of the public bars, the dwellinghouse, the service station forecourt and the pharmacy are considered to be part of the 'public road'." Certainly in relation to the property in the ownership of Sean O'Donohoe, Patrick O'Donohoe and Patrick O'Donohoe and Eimear (Loughnane) O'Donohoe, they have maintained these portions of property which Galway County Council now seeks to assert is a public road. They have been responsible for the tarring and maintenance of these portions of property. Perusal of the Tailte Eireann website confirms this as does documents issued by Galway County Council's office previously in respect of this matter that these portions of property are in the ownership of the O'Donohoes. The O'Donohoes have allowed licencees i.e. their customers and bus operators to park immediately outside their commercial premises and indeed both of their residential premises. The loss of the aforesaid parking spaces will have a significant adverse effect on the O'Donohoes' business and there will be no alternative location for customers to park and access the business premises. It will be very difficult to quantify these long terms losses.

With regard to the premises on the southern side of the road, i.e. the residence of Sean O'Donohoe, and the licensed premises known as Sean O'Donohoe's bar, the O'Donohoe's are concerned in relation to the unwarranted interference with their property rights and the potential loss of business which would result from the interference with and removal of parking outside this property. Sean O'Donohoe and his family members including Patrick O'Donohoe, have as owners of the property, always enjoyed the privilege and benefit, have had the benefit of parking their cars and business vehicles outside Sean's residence. In addition, trucks delivering stock to the bar premises park immediately outside the bar, as do customers/staff. Furthermore, Sean O'Donohoe had allowed bus operators, including public/school buses to stop immediately outside his licensed premises to collect or drop of passengers. Where are these customers and

staff going to park, assuming the O'Donohoe's still open for business after sustaining the losses of the proposed imposition of this CPO. Where are these buses going to stop when travelling in the direction of Galway?

The position now being asserted by Galway County Council is a complete u-turn on previous and current policy in relation to the definition of "public road", and the O'Donohoe's are shocked at the sheer audacity of Galway County Council's, whether under the advices of Transport Infrastructure Ireland or otherwise, that "that the areas of ground in front of the public bars, the dwellinghouse, the service station forecourt and the pharmacy are considered to be part of the 'public road'." The O'Donohoe's wish to point out the following contradictions in this regard:-

1. Sean O'Donohoe has previously had a portion of his lands on the Galway side of the property the subject of this CPO, in the adjoining townland of Cuilliagh South acquired by Galway County Council on foot of a CPO (CPO no. 1, 2015). The map attached to that CPO and indeed the Deed of Transfer on foot of that CPO clearly indicated that a portion of the property which Galway County Council sought to acquire, and for which he received compensation, already formed part of the public road.
2. Similarly other property owners affected by the same CPO received compensation for a portion of the "public road" which was registered in their ownership.
3. There is a further CPO affecting lands owned by Sean O'Donohoe and other property owners on the Roscommon side of the property the subject of this CPO, in the adjoining townland of Liss (N63 Liss to Abbey Realignment Scheme - CPO no. 1, 2021). The map attached to the CPO also indicates that portions of property which Galway County Council seeks to acquire and for which Galway County Council is currently negotiating compensation with the relevant property owners including Sean O'Donohoe, already forms part of the public road.

How can Galway County Council assert that "the areas of ground in front of the public bars, the dwelling house, the service station forecourt and the pharmacy are considered to be part of the 'public road' as defined in the Roads Act 1993, i.e a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority", firstly when Galway County Council previously acquired land from Sean O'Donohoe and other local property owners, part of which was/is the public road, and paid or are negotiating compensation for same, and secondly when Galway County Council has not now or ever maintained the portion of property on either side of the road which they now wish to define as "public road". It is nonsensical to think that a State entity can make such irreconcilable representations.

The O'Donohoe's by (solicitor's) letter dated the 24th July 2025 corresponded with Galway County Council advising that they have always maintained the ground in their ownership and requested

production of evidence grounding this assertion. They have not received any reply to this correspondence.

O'Donohoe's through their engineer Anthony Scarry of APS Consulting Engineers Limited have made a very detailed submission to Galway Council, a copy of which is **enclosed**. It is considered that the need for a footpath along the northern side of the roadway has not been demonstrated and the removal of parking spaces to the front of the commercial premises will have a significant adverse effect on their passing trade.

You will note in addition to our submission, various other submissions were made by other local residents and Irish Water in relation to the active travel scheme. There is a general consensus amongst most of the local residents that they did not wish to see the parking removed at the front of the business premises in the village for reasons I have alluded to above.

The impact to the business will not just be confined to the works period and the area proposed in respect of said works but will this be a long-term impact on the business which will necessitate the engagement of actuaries and accountants to assess and put a figure on the sum of damages which will be due to the company for loss of business as well as to the O'Donohoe's as owners of the property.

In addition there is the potential risk to sustaining the employment of the existing workforce should the anticipated loss of trade unfold so as well as the long term loss of revenue for the company, the proposed removal of the aforesaid parking spaces from the front of the business premises has a potential long term impact to employment in the locality.

In terms of calculation of losses the following will need to be attended to:-

1. The permanent loss of land value will need to be assessed by a professional valuer.
2. The permanent removal of potentially six to seven car parking spaces (for cars) in front of the adjacent premises to the front of the pharmacy / takeaway / Credit Union premises as well as the potentially three parking car parking spaces lost to the front of the forecourt premises on the northern side of the N63 in addition to the loss of carparking spaces on the southern side immediately outside the public house/residential premises, will incur a long term cost to the business. There are few alternatives for provision of parking in the locality. As the O'Donohoe's have entered into a long term lease in relation to the ground to the rear of their supermarket in relation to the local playground, they do not have the option to extend parking to the rear of their supermarket and forecourt premises. If the local authority want to acquire this property, they will need to provide alternative parking for the O'Donohoe's customers.

3. There are currently no details provided by the local authority in relation to the proposed duration of the works nor the time of year it is proposed that these will be carried out. The impact would need to be assessed when a work schedule is made available which would assist with the determination of the scale of losses arising.
4. Professional fees incurred and legal, valuation, accounting, actuarial and other advisory fees will also be incurred.

In conclusion, presently there is insufficient information about the proposed CPO to enable any assessment of the inevitable losses that will be incurred by the company. It is however quite clear that the CPO which does not include the ground immediately in front of the O'Donohoe family's commercial premises will lead to significant losses.

The draft scheme purportedly approved under Part 8 asserts that part of the lands is subject of the scheme do not form part of the public road. The scheme appears to be proceeding on the basis that the family home of Patrick O'Donohoe and Eimear Loughnane O'Donohoe, the forecourt, pharmacy, public house and residence purports to include land not part of the public and occupied by owners. The O'Donohoe's are entitled to have their constitutional rights as property owners recognised.

If this CPO proceeds further without acknowledging their property rights, they will immediately take steps to seek the appropriate Court Orders to prohibit any scheme being proceeded with which purports to treat the land as a public road when occupied as part of their dwelling house/forecourt/supermarket, pub, as well as adjacent commercial premises and any which scheme would be contrary to the scheme under the 1996 Housing Act As Amended.

It would appear that planners use and abuse the planning process to take three metres back from individuals who secure planning permission be it for residential or commercial purposes, for the purpose of providing parking. As you well know the historic position has always been that the title for one's property goes to the middle of the road. How in this instance can the council assert ownership of same? Furthermore, you will note from the map attached to the CPO that they wish to acquire a portion of property, and leave a portion on which the public road traverses in our names. This in itself is an acknowledgement that we own the property.

We dispute the assertion in the Chief Executive's Order No. E4801 dated the 18th August 2025 that the memorandum of Mr Padraic Wall, Project Engineer, dated the 18th August 2025, as noted and agreed by Mr Sean Devaney, Senior Engineer, confirming that the description as outlined in the said memorandum is a true and accurate description of the lands set out in the Schedule to the Compulsory Purchase Order and is a true and accurate description of the lands which will be affected by the said N63 Abbeyknockmoy Village Active Travel. It omits to include the private property situate outside the principle residence of Patrick O'Donohoe and Eimear Loughnane

O'Donohoe, and the lands owns by Sean O'Donohoe and occupied by Sean O'Donohoe (Abbey) Limited on both the north and south of the N63.

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.

The Memorandum dated the 18th August 2025 indicates that development consent for the scheme was approved on the 15th April 2024 at the monthly meeting of the Tuam Municipal District, a copy of the minutes of this meeting confirming the recommendation. The minutes indicate that then local councillor, now TD, Peter Roche raised concerns in relation to the elimination of existing parking spaces in front of the forecourt, which would curtail local businesses. Councillor Karey McHugh concurred with him.

It was noted that submissions were made by 25 parties, including one by Anthony Scarry, Engineer on behalf of the O'Donohoe's / Sean O'Donohoe (Abbey) Limited. The elected members asked that people that made submissions be met on site. This has not occurred with all individuals.

On the proposal of Cllr. Roche, seconded by Cllr McHugh Farag, the following motion was agreed:-

"Re the proposed Active Travel Scheme Abbeyknockmoy that TII seek to allow for the open space in front of businesses be retained to allow users access these premises, particularly for disabled users (where sufficient space is available)."

This is not happening.

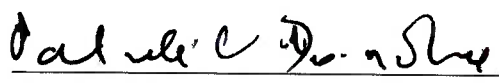
There was a common thread in submissions by community members that they want parking in front of businesses retained. This is an acknowledgement of the need for parking for our licensees and school/public transport.

The O'Donohoe's and Sean O'Donohoe (Abbey) Limited have always demonstrated enthusiasm for their community and its progress, however on this occasion, they must act to protect their property interests and rights, their business and the security of employment they provide within and around the community.

Given all of the foregoing, we call upon An Coimisiún Pleanála to refuse to confirm the order herein.

Kindly acknowledge receipt of this letter of objection.

Yours faithfully,

Patrick O'Donohoe & Eimear O'Donohoe

Directors

Sean O'Donohoe (Abbey) Limited

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

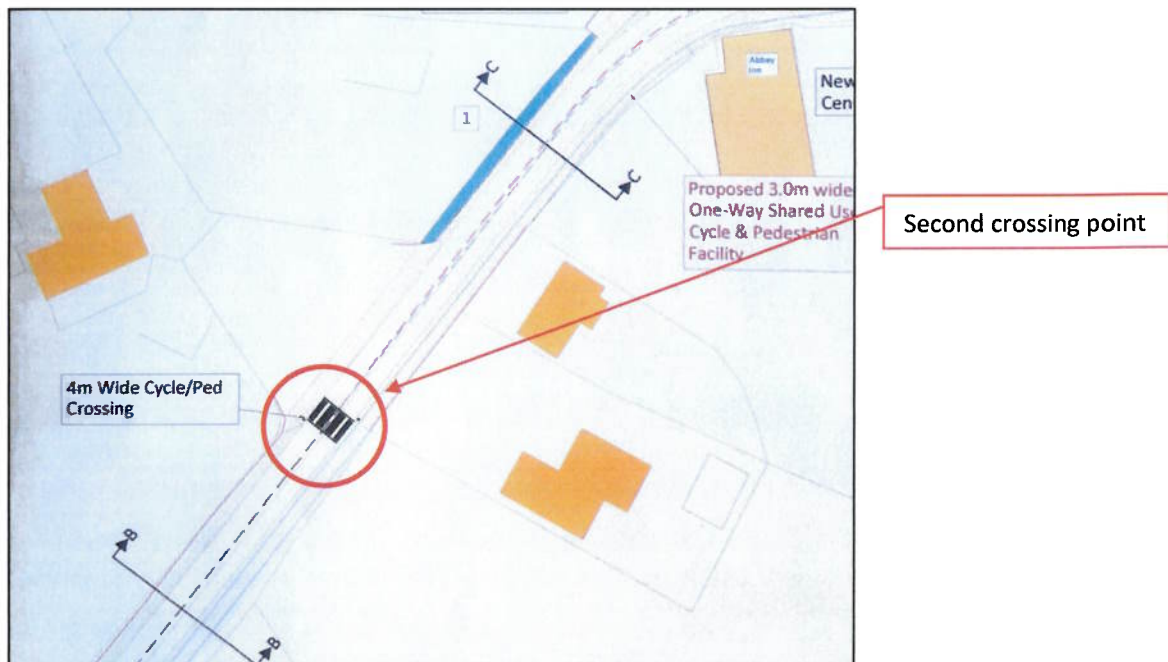
Our clients consider that a second pedestrian crossing point should be provided at the western side of the village. The proposed development is being designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). DMURS acknowledges that pedestrians will follow the desire line (i.e. 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.

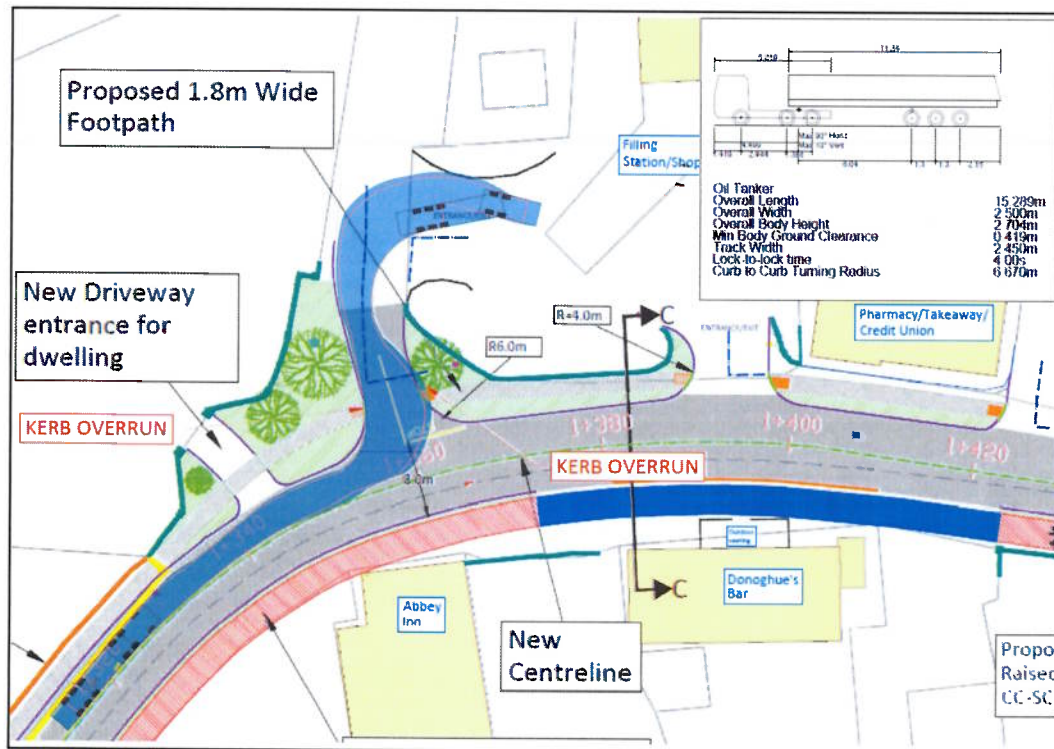
1.5 Petrol station deliveries & access

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.

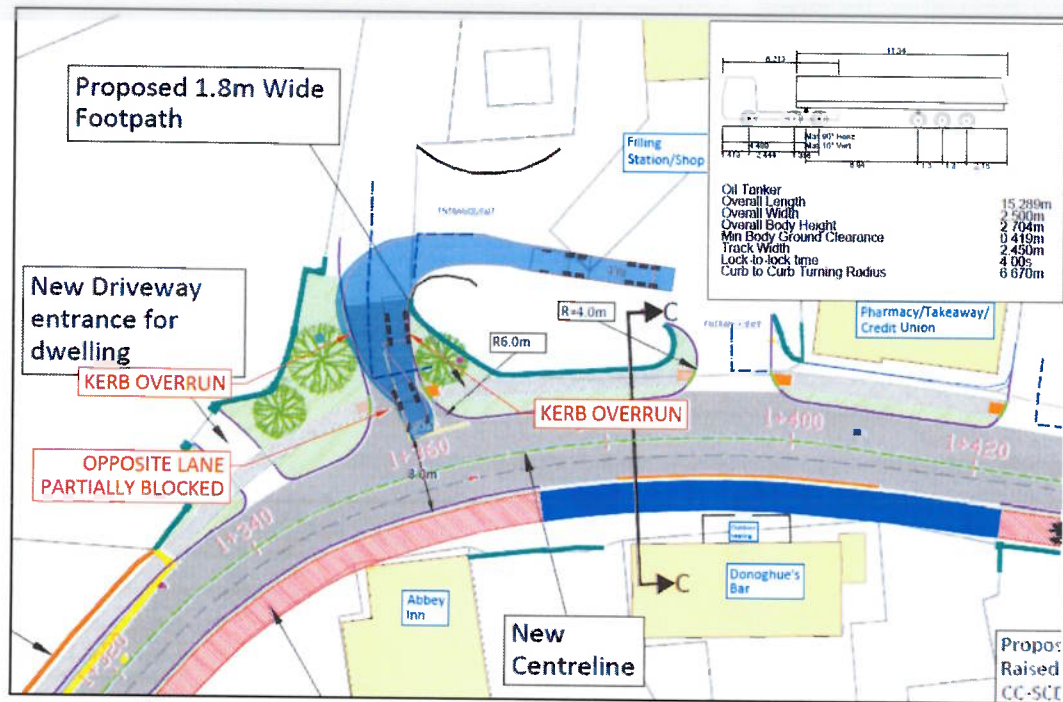
It will not be possible for a fuel or other delivery trucks to safely access the petrol filling station/shop if the proposed alterations are carried out as planned. The proposed alterations to the L2128 junction taken together with the loss of parking spaces to the front of our client's dwelling house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

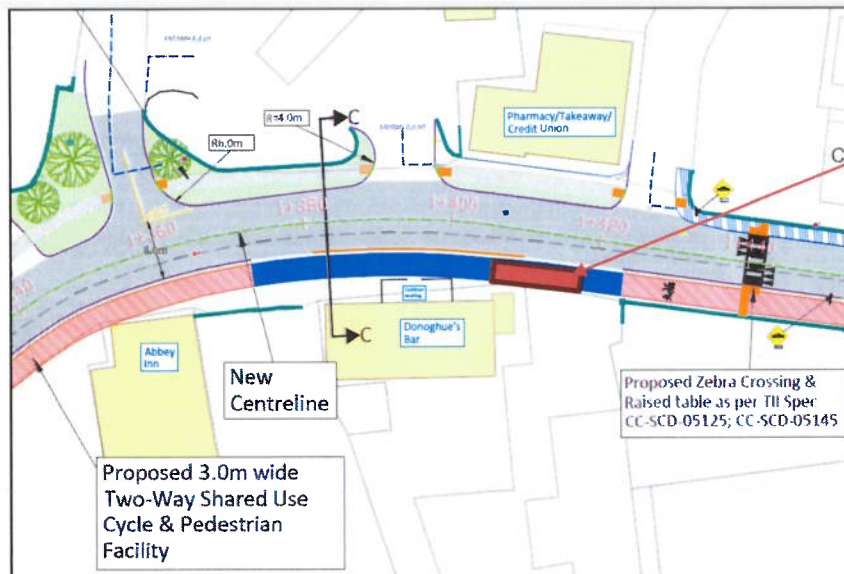
Extract from drawings No. P8-N63AT-LP-03



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.

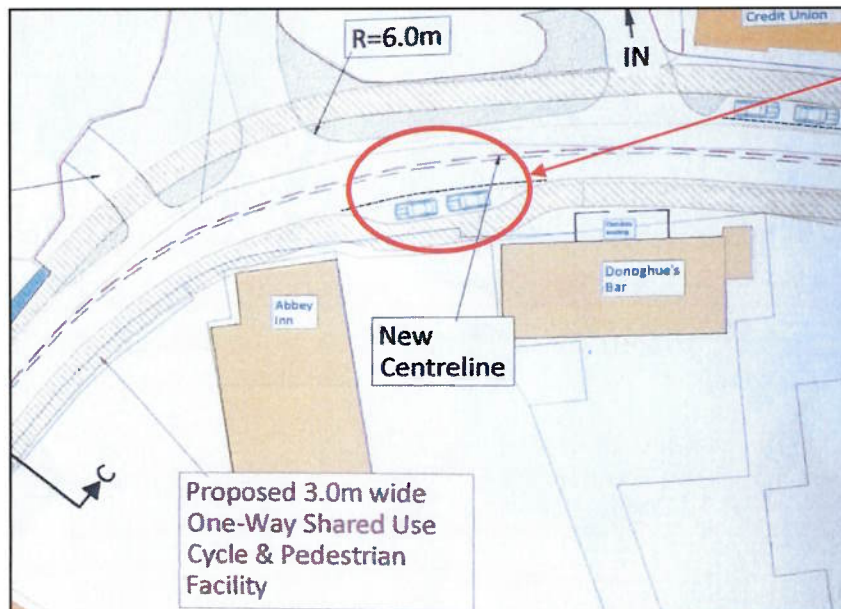


Existing delivery area for public house

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.

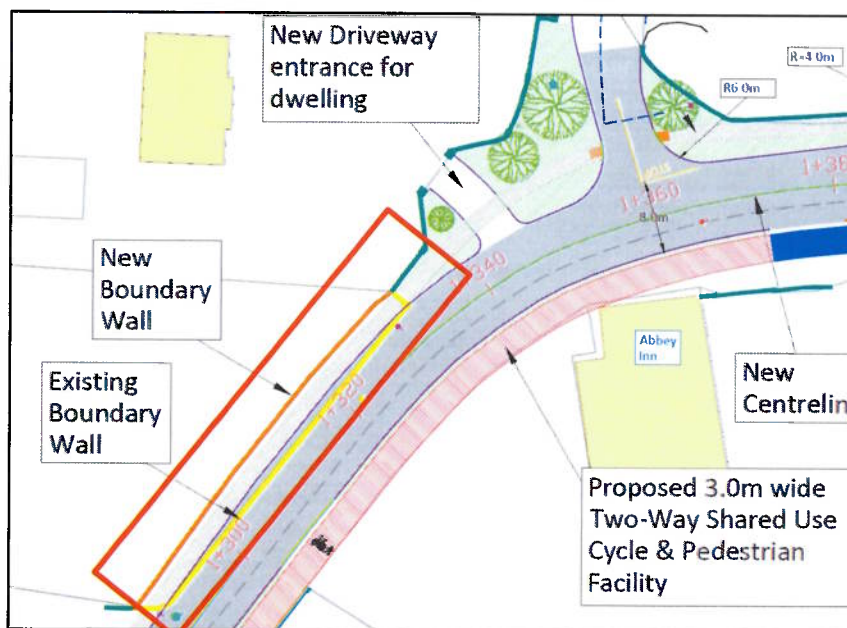
1.8 Land acquisition

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.