

ANITA ARNUM
ARNUM FAMILY
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Date	14.11.2022
Our reference	2022/81292-7
Your reference	
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Dispensation from building limit – cadastral unit number. 152 property unit number. 11 – fv. 565 – Austrheim municipality

We refer to you application dated 11.10.2022

The case is about

A dispensation has been applied for regarding the building limit against county road 565 Austrheimvegen to set up a road barrier at cadastral unit number. 152 property unit number. 11 in Austrheim municipality.

Resolution

With authority in Road Act [§ 30](#) and [§ 34](#) we grant a dispensation from the building limit towards the county road 565 to establish a road barrier at cadastral unit number. 152 property unit number. 11 in Austrheim municipality.

Terms for dispensation

1. The measure must be in accordance with the situation plan, dated 11.10.2022
2. The distance from the measure to the roadside at Austrheimvegen must be at least 5 meters.
3. If the measure leads to changes in the access to the property, sufficient area must still be built to be able to turn around the property to avoid reversing onto a public road. Visibility requirements for the property's exit must be followed.
4. The measure must not be used for purposes other than those for which the dispensation applies.
5. The limit values for noise and air quality in circulars [T-1442](#) and [T-1520](#) from the Ministry of Climate and Environmental Protection must be satisfied.
6. Compensation cannot be claimed for damage and inconvenience as a result of the measure being located near the county road 565.

7. The work must have started within three – 3 – years of the dispensation being granted, otherwise the dispensation will lapse.

Justification for the permit

The building limit shall take care of traffic safety, maintenance and operation of the road network, land requirements for any expansion of the road, and the environment on the properties along the road.

The County Council use guidelines defined in cf. "Rammeplan 2021-2024". The establishment of businesses, housing and measures along the road network leads to the need for exits and new measures along the road. In order to handle this development, there is a need to categorize the county roads. The county roads are divided into different maintenance classes based on how many exits and measures close to the road they can withstand, without compromising traffic safety and the roads functions.

The county road is categorized as a class 2 road, which means it is an important main road. The speed limit on site is 80 km/h and annual average daily traffic (AADT) is 1100. This means that the county road essentially sets a building limit of 50 meters. However, this measure will reduce the traffic in the exit. The County Council sees this as an improvement of the traffic situation at the site. The safety zone on site is 5 meters, which means the barrier is clear of the safety zone. Consideration has been given to moving the barrier further away from the county road. This is because when a car stops outside the barrier, the driver must go outside and unlock the barrier. This creates a dangerous situation where the car is parked in the safety zone. Nevertheless, the County Council believes that there will be parking outside the barrier if the barrier were to be moved further away from the county road. Therefore, after careful evaluation and an overall assessment of the circumstances on site we give permit for the requested measure.

The right to appeal

You can appeal the decision, cf. the Public Administration Act [§ 28](#). Information about appealing can be found in the form: «[Melding om rett til å klage over forvaltningsvedtak](#)». The deadline for appealing is three weeks from the decision being received. The appellate instance is "Klagenemda for Vestland fylkeskommune", post@vlfk.no or Postboks 7900, 5020 BERGEN. The appeal will be forwarded to the appellate instance.

You have the right to familiarize yourself with the documents in the case, cf. section 18 of the Administrative Procedure Act [§ 18](#).

With regards

Tone Bøyum

senior engineer

INV – Forvaltning Bergensområdet

Andreas Sivertsen Våge

advisor

INV – Forvaltning Bergensområdet

The letter is electronically approved and therefore has no handwritten signature

Copy sent to:

AUSTRHEIM KOMMUNE