



Board Direction

Ref: PL15.245481

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 19th 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The proposed retail development is located in close proximity to an important junction on the N33 'Link' Road between the N2, Ardee town and the M1 Motorway. Having regard to the location, nature and scale of the proposed development, it is considered that the additional traffic-turning movements which would be generated by the proposed development would interfere with the safety and free flow of traffic on the national road network, in contravention of the Spatial Planning and National Roads – Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012 and in contravention of Section 7.3.3 in the 2015-2021 Louth County Development Plan where it is stated policy 'to safeguard the capacity and safety of the national routes' including the N33. Furthermore, to grant permission for this development in those circumstances would create an undesirable precedent for similar types of development adjacent to junctions/interchanges on the national road network, which would conflict with national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed retail development is located on the outskirts of Ardee. Under the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012, and under the provisions of the Ardee Local Area Plan 2010-2016 and in particular Section 7.4 of this Plan wherein it is a "key strategic objective to consolidate and protect the role of the town centre as the principal retail and commercial centre of

the town”, sites in such locations may only be developed for large scale retail development where it has been demonstrated that the existing town centre would not be adversely affected. It is considered that the applicant has failed to adequately demonstrate under the sequential test, in accordance with the provisions of these Guidelines, that there are no alternative or sequentially preferable sites available that could accommodate the proposed development, within the town centre. Accordingly, having regard to the large scale of the proposed retail development and its location in relation to Ardee and the M1 Motorway, it is considered that the proposed retail development would adversely impact on the vitality and viability of the town centre of Ardee to an unacceptable degree, and would materially contravene an objective indicated in the local area plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Costs

The Board also considered the submission of 15th September 2015 from An Taisce, which was one of the third party appellants in this case, seeking an Order for costs against the planning authority pursuant to Section 145 of the Planning and Development Act 2000, as amended. The Board also gave consideration to the circumstances of the subject planning application and appeal, and the eventual outcome.

The Board decided not to direct the payment of expenses under Section 145 of the Act, for the following reasons and considerations:-

Reasons and Considerations

Having regard to the nature of this planning application and appeal, the issues arising and the eventual outcome, the Board considered that it would not be appropriate to direct the payment of compensation for expenses occasioned by the appellant in relation to this appeal.

Board Member: _____ Date: 20th January 2016
Philip Jones