



An
Bord
Pleanála

Board Direction
BD-002579-19
ABP-301017-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 13th 2019.

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 site of the proposed development is located at a significant junction linking the N2 and N33 national roads and the R171 regional road (Carrickmacross Road Roundabout). This junction forms an integral part of the national road network. The Board is not satisfied, on the basis of the information submitted with the application and appeal, that the proposed development, by reason of its scale, range of uses and functions,
 - (a) would not give rise to a significant intensification of use of this major junction, generating significantly increased multiple vehicular turning movements onto the busy national routes at this junction and accordingly interfere with the safety and free flow of traffic on the public road, thus endangering public safety by reason of traffic hazard; and
 - (b) would not militate against the preservation of the level of service and carrying capacity of the national road infrastructure at this location, contrary to the provisions of the Spatial Planning and National Roads: Guidelines for Planning Authorities 2012.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is remote from the commercial core of the town of Ardee. It would fail to deliver any synergies with the established town centre activities in Ardee and would conflict with Policy ACT1 of the Ardee Local Area Plan 2010-2016, which seeks “to preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town’s people and wider rural hinterlands” and with Policy EDE 33 of the Louth County Development Plan 2015-2021 which seeks “to promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The site is located alongside the heavily-trafficked N2 National Primary Road. It is proposed to construct an internal roadway along the western site boundary proximate to the N2. The Board is not satisfied, on the basis of the submitted information, that traffic on the internal roadway would not interfere with the safety and free flow of traffic on the N2 due to glare and confusion arising from contraflow traffic movements in close proximity to this road. Furthermore, the proposed internal circulation layout would lead to conflicting movements between pedestrians and vehicles within the forecourt area. The proposed development would, therefore, endanger public safety by reason of traffic hazard, and would be contrary to the proper planning and sustainable development of the area.

Note: In reaching its decision, the Board concurred with the view of the Inspector that the applicants had not demonstrated a need for this development, which is a significant service area, involving multiple restaurant type uses as well as a petrol filling station, and had not demonstrated that such a service area was supported by national or local policy. Furthermore, the Board was of the view that the 2009 planning permission for a petrol filling station, under planning authority register

reference number 09/065, which was a split decision by the planning authority to grant planning permission for a filling station but to refuse permission for a restaurant, did not qualify as justification for the proposed development (as had been suggested by the applicants' agents), and noted that, in any event, that planning permission had expired and therefore any precedent value of such a permission, even solely for a petrol filling station, could no longer apply, and would not represent a material planning consideration in relation to the present proposal, which has been considered solely on its own merits. However, while it noted that the issue of need was raised by parties to the appeal, the Board decided not to include a further reason for refusal in relation to this issue, having regard to the substantive reasons for refusal set out above.

[Please issue a copy of this Direction with the Order to the parties and to the prescribed body on file, TII.]

Board Member

Date: 14th March 2019

Philip Jones