

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Louth County

**Planning Register Reference Number: 15/844**

An Bord Pleanála Reference Number: PL 15.247017

**APPEAL** by An Taisce of The Tailors' Hall, Back Lane, Dublin against the decision made on the 7<sup>th</sup> day of July, 2016 by Louth County Council to grant subject to conditions a permission to Rotax Property Limited care of Brady Hughes Consulting of 26 Magdalene Street, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition and clearance of existing farm buildings and change of use to car park together with all associated site development works at Rope Walk, Drogheda, County Louth, as amended by the further public notice received by the planning authority on the 16<sup>th</sup> day of June, 2016.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the "RE" Zoning Objective for the area as set out in the Drogheda Development Plan 2011-2017 and the pattern of urban development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Development Plan, would not seriously injure the amenities of the Ropewalk/Magdalene Street neighbourhood or of property in the vicinity, would not seriously injure the architectural or cultural heritage of the site, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16<sup>th</sup> day of June 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The recommendations, mitigation measures and strategy as set out in the archaeology conservation plan and archaeological strategy shall be implemented in full.
- (b) Following the completion of the stripping of topsoil/overburden from the site and the recording of the upper level archaeological features and structures, a plan of the site shall be prepared and shall be used to inform the creation of an information panel on site which will show the location of the principle features uncovered and explain their significance. The location of the proposed panel shall be submitted to, and be agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure the continued preservation of the site, its features and other objects of archaeological interest and protect the character and setting of the town wall circuit and the preservation and enhancement of the amenity associated with the presence of the walls within the historic urban pattern.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures, measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, off-site disposal of construction/demolition waste, and details of how it is proposed to manage excavated soil and, details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

**Reason:** In the interests of public health and safety and residential amenity.

4. (a) Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.
- (b) Cognisance shall be taken of the requirements of BS 5228 Part 1 1997 (Noise and Vibration Control on Construction and Open Sites).

**Reason:** In the interest of sustainable waste management, orderly development, and the prevention of pollution.

5. Physical infrastructure and servicing arrangements to enable the proposed development, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health, traffic safety and orderly development.

6. During the course of construction work, the developer shall provide on-site, a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works, and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

**Reason:** In the interest of sustainable waste management and the visual amenity of the area.

7. Site development and building works shall be carried out only between the hours of 0800 to 1600 Mondays to Saturdays inclusive, and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances, where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**