

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Louth County

Planning Register Reference Number: 16/485

An Bord Pleanála Reference Number: PL 15.247383

APPEAL by Escadia Limited care of Stephen Ward Town and Planning Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth and by others against the decision made on the 12th day of September, 2016 by Louth County Council to grant subject to conditions a permission to Ballygowan Sampar Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of one number single-storey, licensed convenience retail supermarket (1,608 square metres gross floor area, 1,140 square metres net retail area) with ancillary storage, bin store, plant areas, ESB switch room and signage; one number commercial kiosk (120 square metres) for retail use or café/restaurant use; 86 number surface level car parking spaces, 15 number bicycle parking spaces, landscaping, including new public plaza, boundary treatment and all associated site and engineering works necessary to facilitate the proposed development on lands at Sean O'Carroll Street, Cappocksgreen, Ardee, County Louth. Vehicular access to the site will be via the existing roundabout on Sean O'Carroll Street, pedestrian access will be from Sean O'Carroll Street and a new pedestrian path will connect the site with the adjoining pedestrian walkway along the former railway line to the south-east of the site.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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

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, would be contrary to the Spatial Planning and National Roads – Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in January, 2012, and would materially contravene section 7.3.3 in the Louth County Development Plan 2015-2021 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 and would endanger public safety by reason of a traffic hazard. 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 April 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 centres 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, 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.

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

Dated this day of 2017.