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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 19699**

**Appeal** by Padraig Lynch care of Michael Halligan Planning Consultants of Seapoint House, Balbriggan, County Dublin, by Escadia Limited care of Stephen Ward of Jocelyn House, Jocelyn Street, Dundalk, County Louth and by Aldi Stores (Ireland) Limited care of John Spain and Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 8<sup>th</sup> day of October, 2020 by Louth County Council to grant subject to conditions a permission to the said Aldi Stores (Ireland) Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of: (a) demolition of all existing buildings, structures and hard surfaces onsite; (b) construction of a single storey discount foodstore (to include off licence use) with gross floor area of circa 1,760 square metres (net retail area 1,315 square metres); (c) new vehicular/pedestrian/cyclist access from Jervis Street (N52) (including proposed future access to adjoining lands) with new access from Jervis Street to include demolition of the existing stone boundary wall (adjacent to Jervis Street); (d) 87 number car parking spaces and 12 number bicycle spaces; (e) erection of two number double sided, free standing identification signs located adjacent to the proposed vehicular entrance to the site from Jervis Street

(N52) and adjacent to the pedestrian entrance to the north of the site; two number single-sided internally illuminated gable signs on the south and north gables, one number single-sided vinyl sign at entrance door (east elevation) and one number single sided poster display sign (east elevation); (f) all landscaping/lighting, boundary treatment, engineering and site development works (including a single storey ESB substation), all at a site at Jervis Street, Ardee. County Louth. The site is bound by Jervis Street (N52) to the south and Ash Walk to the north and east and has a site area of circa 0.75 hectares. (A portion of the site is within the overall curtilage of a Protected Structure (Santa Barbara [Former Hospital Superintendent's House] – there is no works proposed to the Protected Structure). Further public notices were received by the planning authority on the 16<sup>th</sup> day of September, 2020.

## **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 Town Centre zoning objective for the site, its proximity to the town centre of Ardee, and the nature, design and scale of the proposed retail development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area. The proposed development would not result in a traffic hazard or undue negative impact on the amenity of adjoining properties and would be in accordance with the provisions of the Louth County Development Plan 2015-2021, and in particular with the Louth Retail Strategy 2014, and the 'Retail Planning Guidelines for Planning Authorities' (2012). 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 September, 2020 and by the further plans and particulars received by An Bord Pleanála on the 4<sup>th</sup> day of November, 2020 and on the 3<sup>rd</sup> day of December, 2020, 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. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority revised plans indicating the following:
  - (a) The removal of the meeting room to the north-eastern corner of the development as shown in Drawings Numbers 16.71.200 Rev.2 and 16.71.103 Rev. 2 received by An Bord Pleanála on the 4<sup>th</sup> day of November, 2020. The window detailing to the northern elevation shall be continued to wrap around the eastern corner of the building at this location to provide visibility from Ash Walk.
  - (b) Revised landscaping proposals which provide details of surface materials and street furniture to the public realm, and details of the planting plan and species to be used throughout the site. Native trees and shrubs shall be used in the development. Where other planting is proposed, they should be taken from the approved list from the All-Ireland Pollinator Plan.
  - (c) Details of the covered bicycle stand along the northern boundary of the site.
  - (d) The remainder of the external finishes and elevations shall be implemented as shown on Drawing number 16.71.300 Rev. 2 received by An Bord Pleanála on the 4<sup>th</sup> day of November, 2020.
  - (e) The landscaping plan shall be implemented within the first planting season following completion of construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within

the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.

4. 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:
  - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

**Reason:** In the interest of amenities, public health and safety.

5. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. The developer shall ensure that all recommendations identified in the Bat Survey shall be implemented in full, including the following:
- (a) A full bat survey shall be carried out across the full development site by a suitably qualified ecologist during the active season prior to the demolition of any structures.
  - (b) No landscaping or removal of vegetation to be carried out during the bird nesting season (1st March to 31st August).
  - (c) Any destruction of bat roosting site(s) must be done by a suitably qualified bat ecologist and under licence granted by the National Parks and Wildlife Service.

**Reason:** To protect the biodiversity of the area.

8. The developer is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
- (a) The archaeologist is required to notify the relevant Government Department, in writing, at least four weeks prior to commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
  - (b) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-1994), having consulted the site drawings and relevant development plans.

- (c) Having completed the work, the archaeologist should submit a written report to the relevant Government Department and the planning authority.
- (d) Where archaeological material/features are shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the relevant Government Department will advise the developer/applicant with regard to these matters.
- (e) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the relevant Government Department.
- (f) Should features of significance be uncovered, the applicant shall engage with the planning authority to determine whether the historical features should be incorporated into the development.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 9. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.



10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, no additional advertising signs, flags, emblems or other advertising devices shall be erected externally on the building or anywhere on the site unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interests of orderly development and visual amenity.

12. The developer shall comply with the following transportation requirements:
  - (a) Adequate visibility shall be made available and maintained as indicated on Drawing Number 16.71.103 Rev. 1 received by the planning authority on the 30<sup>th</sup> day of August, 2019, for a minimum of 49 metres on either side of the proposed Access Road/Jervis Street junction from a point 2.40 metres back in from the edge of the carriageway over a height of 1.05 metres to 0.60 metres above road level.
  - (b) A 2.0 metres wide footpath for the full length of the visibility splay i.e. 49 metres shall be provided to the west of the proposed Access Road/Jervis Street junction.
  - (c) The relocation and reinstatement of the existing stone wall to the west of the proposed access must be completed prior to

commencement of construction. The wall must be reinstated to the same form and visual appearance as it currently has.

- (d) No demolition work can commence on site until the visibility splays have been provided.
- (e) The proposed kerb line shall be constructed along the line of the existing kerb line to the north of the site, to ensure that the proposed access road cross section (linking Ash Walk to the N52 as per the Ardee Local Area Plan) is not compromised.
- (f) The developer shall note that the roadside kerbing and footpath sections at crossover points shall be suitably lowered and dished to the requirements of the planning authority.
- (g) The proposed Access Road, shown coloured yellow on Drawing Number 16.71.103 Rev. 1 received by the planning authority on the 30<sup>th</sup> day of August, 2019, shall be extended a distance of 7.465 metres in a northern direction and terminate at the blue line boundary as shown.
- (h) The details of the construction of the proposed access road shall be agreed in writing with the planning authority prior to commencement of development.
- (i) Maintenance of the proposed footway along the north, east and south of the proposed development site shall be the responsibility of the developer.
- (j) Proposed boundary treatments, including retaining walls shall be designed and their construction supervised and signed off by a chartered structural engineer.

- (k) The proposed development shall make provision for the charging of electric vehicles to 10% of the permitted car parking spaces.

Details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of public safety and orderly development.

*Terry Prendergast*

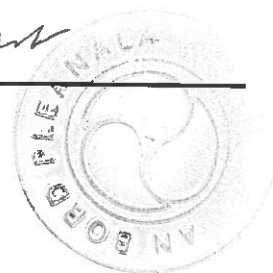
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**Terry Prendergast**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this 11<sup>th</sup> day of May 2021