

**An
Bord
Pleanála**

**Board Order
ABP-309398-21**

Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 191002

Appeal by Bernard and Therese Gogarty care of Smyth and Son, Solicitors of Rope Walk, Drogheda, County Louth against the decision made on the 14th day of January, 2021 by Louth County Council to grant subject to conditions a permission to Thomas Callan care of Foresight Design and Planning of Grangebellew, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention permission for an existing agricultural vehicular entrance and associated works at Priorstown/Milltown, Termonfeckin, County Louth as amended by the revised public notice received by the planning authority on the 15th day of December, 2020 providing for significant further information.

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 its nature and scale, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board is satisfied that retention of the agricultural entrance at the location proposed would be appropriate and considered that the road junction is capable of catering for the additional traffic movements generated. The Board is satisfied that required standards for this type of development onto the public road network could be met and considered that the proposed development would be acceptable in terms of traffic safety and convenience.

It is also considered that the existence of another entrance to the lands did not preclude the current application.

It is not considered that the development proposed to be retained would give rise to an undue negative effect on the scenic amenity of the countryside in a manner that would be contrary to Policy RD 9 set out in the current Louth County Development Plan.

It is not considered that the development proposed to be retained would endanger public safety by reason of a traffic hazard and obstruction of road users of the road junction it opens directly onto.

Conditions

1. The development shall be completed and retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 15th day of December, 2020, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Within three months from the date of this order, the agricultural entrance shall be constructed as shown on drawing number FDPC/TC/10/FI "Site Plan" dated October, 2020. Furthermore, no impediment to sight visibility shall be placed, planted or allowed to remain that could interfere with sight visibility from the site entrance onto the local roads as shown on the updated "Site Plan".

Reason: In the interest of public safety.

3. Prior to use of the entrance for which permission for retention has been granted, the agricultural entrance to the north shall be closed and shall remain permanently closed thereafter.

Reason: In the interest of public safety.

4. Within the first available planting season following completion of development, an indigenous hedgerow shall be planted behind the visibility splays. Any plant which fails shall be replaced and permanently retained thereafter.

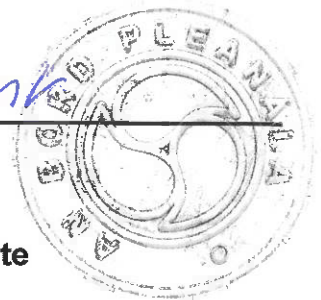
Reason: In the interest of visual amenity.

Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this *31st* day of *May* 2021.