

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 23/60237

Appeal by An Taisce of 5 Foster Place, Temple Bar, Dublin against the decision made on the 8th day of September, 2023 by Louth County Council to grant subject to conditions a permission to May Ard Developments care of Genesis Planning Consultants of Dean Swift Building, Armagh Business Park, Hamiltonsbawn Road, Armagh in accordance with plans and particulars lodged with the said Council.

Proposed Development: Large-scale Residential Development, provision of a total of 122 number residential units along with provision of a crèche. Particulars of the development comprise as follows: Site excavation works to facilitate the proposed development to include excavation and general site preparation works; the infilling, raising and reprofiling of ground levels within the site as required with inert materials; the provision of a total of 48 number residential dwellings which will consist of 2 number two-bed units, 44 number three-bed units and 2 number four-bed units. The dwellings range in height from single storey to three storey; the provision of a total of 74 number apartments/duplex units consisting of 17 number one-bed units, 32 number two-bed units and 25 number three-bed units. The apartment blocks range in height from two storey to three storey in height; provision of a creche at ground floor within apartment block H; provision of associated car parking at

surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche, duplexes and apartment units; provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site; provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities; creation of a new access point from Castleguard Road with associated works to include for a cycleway and footpath to the southern and eastern site boundaries; provision of internal access roads and footpaths and associated works; provision of residential communal open space areas to include a formal play area along with all hard and soft landscape works with public lighting, planting and boundary treatments to include boundary walls, railings and fencing; provision of 1 number ESB substation; internal site works and attenuation systems which will include for provision of a hydrocarbon and silt interceptor prior to discharge into the surface water network in Castleguard Manor; all ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water and ESB networks, all at lands at Dawsons Demesne, Ardee, County Louth.


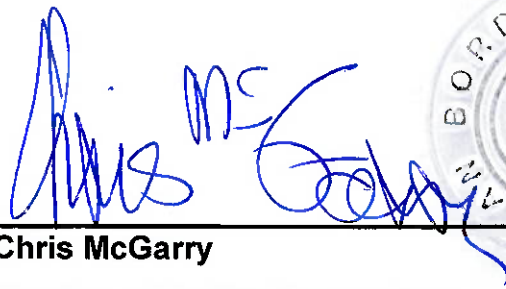
Decision

Having regard to the nature of the condition, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 6(b) and the reason therefor.

Reasons and Considerations

Having regard to the totality of the obligations set out in Condition Number 6 overall, including the requirement to carry out a detailed archaeological impact assessment, including consultation with the Department and written agreement of the Planning Authority, and incorporating further archaeological test trenching as recommended in accordance with Condition Number 6 (a), it is considered that the wording of Condition 6 (b) as set out by the planning authority in its decision to grant permission, is clear, usable and relevant to the exercise of impact assessment, all to ensure the definition of a buffer area of 20 metres around the extent of the recorded monument LH017-012001.

In deciding not to accept the recommendation of the Inspector to amend the wording, the Board felt that the substance of the issues raised in the appeal, by all parties, was satisfactorily provided for in the original wording of the full Condition Number 6. Furthermore, it was considered that the suggested amendment did not materially alter the obligations already set for the developer under Condition Number 6.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of December 2023.