



An
Coimisiún
Pleanála

**Commission Order
ACP-323651-25**

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 25/60066

Appeal by Damian Roche against the decision made on the 29th day of August, 2025 by Louth County Council to grant, subject to conditions, a permission to Mary's House Ballapousta Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: First floor extension to the rear of existing childcare facility with amendments to all elevations, to provide two number classrooms to accommodate up to 44 ECCE children from hours 8am to 6pm, increasing total services users to a maximum of 94 children with new on-site wastewater treatment and modification to on site carparking layout to provide nine number additional carparking spaces, closing of southwest vehicular access to the site with associated landscaping and site works, all at Mary's House, Drakestown, Ballapousta, Ardee, County Louth.

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.

Reasons and Considerations

Having regard to the location of the site beside a national school in the rural node of Ballapousta, the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027, specifically Sections 4.11 and 13.12.1 and Policy Objectives SC35, SC37 and SC38, the Planning Guidelines on Childcare Facilities issued by the Department of the Environment, Heritage and Local Government (2001), the nature, scale and design of the proposed development relative to adjoining dwellings (and particularly the dwelling to the immediate south), and the existing pattern of development in the wider area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 6th day of August, 2025, 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 proposed development

shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed childcare facility shall not operate outside the period of 0800 to 1800 hours Mondays to Fridays, inclusive, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.

3. The number of children to be accommodated within the premises shall not exceed ninety-four at any time on any day.

Reason: To limit the scale of development in the interest of residential amenity.

4. The following infrastructure requirements shall be complied with:
 - (a) Prior to commencement of development, the existing vehicular entry point shall be upgraded to a two-way access point, six metres wide, to facilitate cars entering and leaving simultaneously in accordance with drawing number 251032-X-XX-XXX-DR-CE-102 (Proposed Sightlines Layout).
 - (b) The area within the visibility splay shall be cleared to provide a level surface no higher than 250 millimetres above the level of the adjoining carriageway and shall be retained and kept clear thereafter. No other works shall commence on site until the visibility splays have been provided.
 - (c) The entrance gates shall be set back at least 5.5 metres from the road edge, the wing walls shall be splayed back at an angle of 45 degrees, and gates shall open inwards.

- (d) Road drainage across the entrance and along the public road shall not be impeded or interrupted in any way.
- (e) Prior to operation of the proposed development, all roadways and footpaths serving the proposed development shall be finished with the proposed permanent durable surface. The roadway shall be applied with line markings and road signage as per the application drawings.
- (f) Prior to operation of the proposed development, the car parking areas shall be constructed and demarcated.

Reason: In the interest of traffic safety.

- 5. Prior to commencement of development, the external material finishes of the proposed development shall be agreed in writing with the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

- 6. (a) The proposed wastewater treatment and disposal system shall comply with the Environmental Protection Agency's Code of Practice: Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999).
- (b) The existing well in the north-west corner of the site shall be decommissioned and all water serving the facility shall be via the existing mains water connection.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply network.

Reason: In the interest of public health and to ensure adequate water facilities.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs, including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

10. 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 Coimisiún 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.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *16th* day of *January*, 2026.