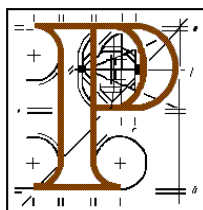


An Bord Pleanála



Inspector's Report

PL15.245481

DEVELOPMENT:

Permission for the construction of a single storey supermarket (to include off-licence use) with a gross floor area of 2,950 square metres (net retail area 2,000 square metres). The proposed development will be served by 146 no. car parking spaces and 26 no. bicycle spaces. The proposed development includes all landscaping, boundary treatment, internal distributor roads, engineering and site development works. The proposed development includes 6 no. signs in total, comprising of 2 no. illuminated gable signs on the north-east elevation, 1 no. illuminated sign on the south-west elevation, 1 no. illuminated sign on the north-west elevation and 2 no. illuminated signs at roof level on the north-east and south-west elevations. It is proposed to access the site from an existing roundabout on Sean O'Carroll Street (which links with the N33 to the north), at Cappocksgreen, Ardee, County Louth.

PLANNING APPLICATION

Planning Authority:

Louth County Council

Planning Authority Reg. No.:

15/419

Applicant:

Moffett Property Management Ardee Limited

Application Type:

Permission

Planning Authority Decision:

GRANT PERMISSION
subject to 24 Conditions

APPEAL

Appellants:

1. Escadia Limited
2. Tesco Ireland Limited
3. An Taisce
4. RGDATA

Type of Appeal:

THIRD PARTY (4)

Observer:

Transport Infrastructure Ireland

DATE OF SITE INSPECTION:

3rd December, 2015.

INSPECTOR:

Dermot Kelly

1. **SITE LOCATION**

The subject site is located at Cappocksgreen, Ardee, County Louth, as indicated on **APPENDIX A - LOCATION MAP**.

2. **SITE DESCRIPTION**

2.1 The Planning Report for the Planning Authority described the site:
'The application site extends to 2.14 hectares and is triangular in configuration. The site is located on the north side of Ardee. To the north and east of the site is the N33, south of the site is the line of the former railway line and to the west of the site the former Ardee Business Park which is now vacant. Access to the site is from an existing roundabout on Sean O'Carroll Street'.

2.2 The submitted Planning Supporting Statement described the site:
'The application site comprises of circa 2.14 hectares of land located to the north-east of Ardee and to the south of the N33. The N33 links to M1 to the east with the N2 and N52 to the west.
An existing roundabout on the N33 is located to the north of the site. The north-western boundary of the site is formed by a link road between the roundabout on the N33 and Sean O'Carroll Street. The site is accessed via a mini-roundabout on this link road.

The site is greenfield in nature and is currently in use for agricultural purposes. Ardee town centre is located approximately 650 metres to the west of the site and accessed via Sean O'Carroll Street. Sean O'Carroll Street is a two-lane road with associated footpath and cyclepath (in part) and is characterised by a mix of light industrial uses to the east, with residential and commercial uses closer to the town centre.

South of, and running parallel with, Sean O'Carroll Street is a pedestrian walkway formerly associated with the Ardee branch railway line. This walkway borders the application site to the south and connects with Sean O'Carroll Street a short distance from the town centre'.

2.3 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: Permission for the construction of a single storey supermarket (to include off-licence use) with a gross floor area of 2,950 square metres (net retail area 2,000 square metres). The proposed development will be served by 146 no. car parking spaces and 26 no. bicycle spaces. The proposed development includes all landscaping, boundary treatment, internal distributor roads, engineering and site development works. The proposed development includes 6 no. signs in total, comprising of 2 no. illuminated gable signs on the north-east elevation, 1 no. illuminated sign on the south-west elevation, 1 no. illuminated sign on the north-west elevation and 2 no. illuminated signs at roof level on the north-east and south-west elevations. It is proposed to access the site from an existing roundabout on Sean O'Carroll Street (which links with the N33 to the north), at Cappocksgreen, Ardee, County Louth.
- The Planning Supporting Statement included stating as follows:
'The application site is specifically zoned for a supermarket development of up to 2,500 square metres retail floorspace in the Ardee Local Area Plan 2010-2016.
It is considered that the proposed development presents an appropriate design response to the site location and surroundings, providing a modern format supermarket development, with high quality materials, which will address both the N33 and Sean O'Carroll Street.
The proposed development includes hard and soft landscaping which will improve the character and appearance of the area. In particular, the proposed development offers significant planning gains through the provision of a high quality hard landscaped civic space adjoining Sean O'Carroll Street, and a landscaped park adjoining the existing railway walk, which connects to Ardee town centre.
Having regard to the zoning objective of the site, the accessibility and connectivity of the site to the town centre, the existing serviced nature of the site, and the acknowledged demand for additional convenience retail floorspace in Ardee, it is considered that the proposed development is in accordance with the relevant national, regional and local planning policy context'.

- The submitted Planning Supporting Statement and Retail Impact Study, Landscape Proposals, Quality Audit, Architects Report, Engineering Assessment Report, Flood Risk Assessment and Traffic and Transportation Assessment Report are noted.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Third Party Submissions (4) on Planning Application

Submission of An Taisce

The Submission received is noted and included stating as follows:
'The proposed application would be considered an out of centre site in the context of the guidance set out in the Retail Planning Guidelines 2012.

An Taisce note the presence of similar retail within the town centre including SuperValue, Centra, Spar and Lidl to the south of the town. The Council should ensure that the vitality of the town is not impacted. Furthermore, the Council should ensure that the development is integrated into a broader transport network so that it is not wholly car dependent and can be accessed via public transport/walking/cycling'.

Submission of Tesco Ireland Limited

The Submission received is noted and included similar-type submissions as above and stated as follows:

'The Ardee Local Area Plan 2010-2016 identifies a number of vacant and underutilised sites within the Town Centre suitable for development and it is submitted that these sites should be prioritised for development ahead of any out of centre sites. The proposal removed from the Town Centre could prejudice the regeneration and consolidation of the retail core and, if permitted, would have a negative impact on the vitality and viability of the Town.

Despite the zoning objective of the site, the main consideration must be whether the development of such a scale, outside of the retail core can be justified as it would undermine the role of the Town Centre.

Furthermore, the Retail Planning Guidelines, 2012 indicate that 'Edge of Centre Retailing' should be within 'easy walking distance of the identified primary retail area [...] and generally not further than 300 to 400 metres'. According to the Applicant's Planning Statement, the subject site is located approximately 650 metres from the Town Centre,

however, we would submit that the subject site is almost 1 kilometre walking distance from Market Street, the primary retail area of Ardee’.

Submission of RGDATA

The Submission received is noted and included similar-type submissions as above and stated as follows:

‘There have been a number of planning applications for this site, the most recent one was applied for in October, 2009 (09/705) for a single-storey supermarket of 2,390 square metres with provision for 295 car spaces. Louth County Council granted permission as a result of a material contravention of the mixed zoning objective which limited a neighbourhood shop to 100 square metres. This decision was subsequently appealed to An Bord Pleanála who refused permission in June, 2010 stating the following reasons.....’

Submission of Escadia Limited

The Submission received is noted and included similar-type submissions as above and stated as follows:

‘The proposed development’s location on a national road network is contrary to National Roads Authority (NRA) and Development Plan policy and undermines investment in the national strategic road network by eroding the carrying capacity of the N33’.

4.2 Submission of Irish Water

The Submission received 15th July, 2015 is noted.

4.3 Infrastructure Planning Report

This report, dated 14th August, 2015 raised no objection to the proposed development subject to Conditions as stated.

4.4 Planning Report for Planning Authority

- The Planning Report, dated 24th August, 2015 included documenting the Planning History of the subject site, provisions of the 2009-2015 Louth County Development Plan and of the 2010-2016 Ardee Local Area Plan and of the Retail Planning Guidelines 2012. The Third Party Submissions (4) were noted and summarised.

- Following a detailed Assessment of the Proposed Retail Development the Planning Report stated as follows:
‘Having regard to the foregoing it is the opinion of the Planning Authority and taking account of the history of refusal on the site for a retail development of this nature and scale, having regard to the Retail Planning Guidelines 2012 and in particular the sequential approach, The Louth Retail Strategy and the Draft Louth County Retail Strategy, the number of opportunity sites located within Ardee town, the Local Area Plan 2010 and County Development Plan 2009 it is recommended to refuse for the following reasons:...’

4.5 Chief Executive’s Direction for Planning Authority

This report dated 24th August, 2015 stated as follows:

‘Having fully considered the Planner’s Report in relation to the application by Moffett Property Management Ardee for construction of a single storey supermarket at Cappocksgreen, Ardee, I have decided to **GRANT** permission as sought for the following reasons:.....’

4.6 Planning Report for Planning Authority

This report dated 25th August, 2015 included stating that ‘further to the direction of the Chief Executive’ a Schedule of Conditions was attached which other than the omission of Condition No. 3(a), are the Conditions as stated in the notification of decision of the Planning Authority

4.7 Notification of Decision of Planning Authority

- The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 24 Conditions including Condition No. 2 as follows:
 2. The use of the premises shall be strictly confined to the self-service sale of food and small household goods and any ancillary storage or management purposes. Electrical products, clothes or other comparison goods shall not be displayed or sold on the premises.
Reason: To protect the viability and vitality of Ardee Town Centre.

5. APPEAL GROUNDS

5.1 Third Party Appeal of Escadia Limited

The Third Party Appeal Grounds included submitting as follows:

- ‘The planning history pertaining to the site has consistently concluded that the site is unsuitable for a retail development of the nature and scale proposed. The site is without question an out-of-town location, not within walking distance of the town centre, and is unable to contribute to multi-purpose trip shopping. This is confirmed by reference to the planning history attached to the site specifically P.A. Ref. No. 08/724 and P.A. Ref. No. 09/705 (PL15.236120)’.
- ‘The proposed development’s location on a national road network is contrary to National Roads Authority (NRA) and Development Plan policy and undermines investment in the national strategic road network by eroding the carrying capacity of the N33. The proposed development would interfere with the safety and free flow of traffic in the Ardee town centre because of the unsuitability of Sean O’Carroll Street to cope with the significant additional traffic that would be generated by the proposed development’.
- Under ‘Grounds of Appeal’ was submitted as follows:
‘Taking into account the ambivalent nature of the land use zoning objectives as they affect the site, the history of refusal attached to the site, current retail planning policy which overwhelmingly seek to promote the primacy of the town centre first and foremost and in the absence of any other specific Local Area Plan objective that would promote the development of a 2,500 square metre supermarket on the subject lands, it is strongly submitted that to permit the proposed development would be in direct and fundamental conflict with other Local Area Plan policies and objectives, would be contrary to the recommendations of national planning guidance and as such would be contrary to the proper planning and sustainable development of the area’.
- Under ‘Application Fails Sequential Test Requirements’ was stated: ‘Should this proposal be permitted it would undermine the investment already made in Ardee Town Centre in addition to the potential of more sequentially preferable ‘opportunity sites’ to be

developed in the future'. It was considered that the submitted Retail Impact Assessment overestimated retail floorspace requirements and that the proposed development would endanger public safety by reason of traffic hazard along Sean O'Carroll Avenue.

- 'Alternative access to the site is available via the N33 national route which effectively by-passes the Town Centre and the prime retail area. The proposed site access is located just 95 metres (approximately) south of the N33. It is the policy of the 2009 Louth County Development Plan (Policy 8.1) 'to provide and maintain a road hierarchy with the aim of maintaining the carrying capacity and lifespan of the road network'.

It is considered that the proposed development would lead to a diminution in the traffic carrying capacity and efficiency of the national road network in the vicinity of the site because of the proximity of the site access to the N33. The proposed development would adversely affect the use of a national road by reason of traffic hazard, would be contrary to the policy of the Louth County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area'.

- It was submitted in regard to the Submission of Irish Water that the proposed development was 'premature' for reasons as stated in regard to the Irish Water Capital Investment Programme.

5.2 Third Party Appeal of Tesco Ireland Limited

The Third Party Appeal Grounds included submitting as follows:

- 'It is submitted to the Board that the only change that has occurred since the previous refusals on the site is that the Local Area Plan now states that a supermarket *may* be appropriate for the subject site. In this regard, it is noted that the retail environment of the town of Ardee has not changed considerably since the Board's previous refusals.....'
- Under 'Out of Centre Location and Excessive Scale' was stated: 'The proposed development would be in conflict with the objective of the Local Area Plan to secure the future of the Town Centre as the primary area for retail development'.

‘Furthermore, the proposal due to its out of town location and poor pedestrian and cyclist connectivity with the Town Centre is considered to be car dependant and would militate against linked trips and commercial synergy with the Town Centre.

Finally, such a development is contrary to the Retail Planning Guidelines which aims to promote sustainable growth and expansion by prioritising sites on the edge of the Town Centre ahead of out of centre sites’.

It was submitted under ‘Design and Car Park’ that the layout and design of the proposed supermarket development was not appropriate and included underprovision of car parking.

- Under ‘Conclusion’ the Appeal Grounds stated as follows:
‘The proposal would contravene the Retail Planning Guidelines, 2012, as it cannot be reasonably held that the proposal would not have a detrimental impact on the viability and vitality of the Town Centre.
Save for the zoning objective, there has been no change in the retail environment or National Retail Planning Guidelines that would warrant a grant of permission for a development of the scale proposed on lands removed from the town core.
The proposal, if granted permission, would jeopardise the development objectives of the Local Area Plan to maintain the Town Centre as the primary area for retail uses in the Town and to provide a mixed-use development on the site’.

5.3 Third Party Appeal of An Taisce

The Third Party Appeal Grounds included submitting in regard to the Local Area Plan Zoning as follows:

- ‘An Taisce note the proposed application is located on land zoned for ‘Commercial Retail’. The Land Use Zoning Matrix in the Ardee LAP Table 8.5, identified ‘permitted uses’, ‘uses not permitted’ and ‘uses open to consideration’. Under ‘Commercial Retail’ for which the subject site is zoned, convenience retail is open to consideration (O⁶). Under this matrix ‘O⁶’ convenience retail development with less than 100m² gross floor area is the only type of retail development that can be considered on this site.
An Taisce consider the Planning Statement submitted with this application to be fundamentally flawed in stating that ‘the applicant site has been specifically zoned for the development of a supermarket of up to 2,500 square metres net’.

- Under 'Inadequate Sequential Test' it was noted that the subject site was submitted by the Applicant to be '*an out of centre site* in the context of the guidance set out in the [Retail Planning] Guidelines [2012]' and with reference to Section 4.4.2 in the Guidelines 'no '*exceptional circumstances*' have been demonstrated by the applicant to warrant a grant of permission for this development'.
- Under 'Impact of Proposed Development on Town Centre Function' the submissions included as follows:
 'The inappropriate location for the proposed development is highlighted in the Retail Planning Guidelines 2012 which states: 'there should be a general presumption against large out-of-town retail centres in particular those located adjacent or close to new or planned national roads/motorways'.
 In order to achieve objectives set out by Louth County Council, proposed retail developments should be located in a more suitable location within the town centre and out-of-centre sites should be avoided. There currently exists levels of vacancy within the Ardee town centre which are highlighted in the Retail Impact Study submitted to Louth County Council with the subject application. It states that:
 'There is a noticeable level of vacancy in the town centre area. The Draft County Retail Strategy 2015-2021 states that there is a vacancy rate of 13% in the core retail area' (Section 4.6).
 As the proposed development is to be situated in an 'out-of-centre' location, it may exacerbate the current vacancy issue by undermining the town centre's function and vitality'.

5.4 Third Party Appeal of RGDATA

The Third Party Appeal Grounds included documenting the Planning History of the subject site including refusal of permission (Ref. PL.236120 and 09/705) in 2010 'for a single-storey supermarket of 2,390 square metres with provision for 295 car spaces' for Reasons and Considerations as stated.

- Under 'Grounds of Objection' the submission stated with reference to the Retail Planning Guidelines 2012 Sequential Test: 'RGDATA respectfully suggests that further investigation of the vacant sites in the town centre is essential, to see if this proposed development could be accommodated in the town centre. In turn this would enhance the retailing choice in the town, encourage retail synergies by attracting consumers who can walk from shop

to shop, add to the spirit of the community and be in line with strategic transport objectives and sustainable development’.

- Under ‘Draft Retail Strategy 2015-2021’ was stated as follows:
‘The Draft Retail Strategy, contained in the Draft Louth County Development Plan is due to be adopted in October/November 2015. The Strategy refers to the core retail shopping area in Ardee as the Main Street and lists three opportunity sites within this core area as being suitable for development’.
- Under ‘Revitalisation of vacant properties and shops’ was stated:
‘The proposed development represents a stand-alone Discount Foodstore with a large car park on a greenfield site detached from Ardee Town Centre that will create a counter attraction to the town centre. Ardee town centre will only benefit if new retail developments, such as the one proposed, are directed into town centre sites. This will enhance the retail core and encourage consumers back into the town. This would also encourage competition and would be in line with sustainable transport objectives by facilitating shoppers who can walk from shop to shop and make their purchase in one trip’.
- Under ‘The Development is contrary to National Transport Objectives’ was stated in regard to the proposed development:
‘In conclusion, the scale, large car park and out of town location of the proposed development will make the store a location for a weekly shop undertaken by car. The Sequential Test fails to show that the out of town site is the most appropriate. The extent to which the site is removed from other town centre activities will not encourage any connection or movement between the site and the town centre, except by car. The proposed development would not contribute to enhancing the vitality and viability of the town centre and should be refused permission’.

6. APPEAL RESPONSES

6.1 Planning Authority Appeal Response

This Appeal Response received 8th October, 2015 included as follows:
‘Further to appeal lodged, I would advise that since the date of the decision of the Council, the Louth County Development Plan 2015-

2021 has been adopted which includes Louth County Retail Strategy. The Plan will come into effect as of the 26th October, 2015’.

6.2 Third Party Appellant’s Response to Third Party Appeals (3)

This Response received 13th October, 2015 included as follows:

‘We have reviewed all of the Third Party Appeals and our client shares the concerns of the Appellants particularly with regard to the following:

Two previous refusals on this site have demonstrated that a foodstore of this scale is not appropriate at this location.

The scale and removed location from the Town Centre of the proposed development would have a direct impact on the viability and vitality of the Town Centre’.

6.3 Applicant’s Response to Third Party Appeals (4)

- This Appeals Response received 13th October, 2015 included stating under ‘Impact on Town Centre Compliance with Retail Planning Guidelines and Sequential Test’:

‘A sequential test has been carried out in accordance with the above requirements and was submitted with the planning application. The sequential test demonstrates that there are no alternative sites or potential alternative sites’, and

‘In addition to the information presented in the Sequential Test Assessment, it is considered that the absence of alternative town centre or edge of centre sites is further evidenced by the fact that the application site has been specifically zoned for the development of a supermarket of up to 2,500 square metres net in the Ardee Local Area Plan 2010. The proposed development of circa 2,000 square metres net retail floorspace is fully in accordance with the zoning objective. The Ardee Local Area Plan notes that Ardee has capacity for an additional 2,500 square metres of convenience floorspace.

Having regard to the above, it is respectfully submitted that it has been demonstrated that the proposed development is in accordance with the Retail Planning Guidelines 2012, including the sequential test requirements set out therein, and that the proposed development will not have a negative impact on the town centre of Ardee’.

- Under ‘Design and Layout’ the Architects’ Report submitted:
‘We assert that the Site Plan provides a significant planning gain for the area in the form of a Public Park to the east of the site and

the Public Plaza to the west of the site adjacent to O'Carroll Street. The carefully designed Plaza enhances the relationship of the store with the street and addresses the issue raised by Tesco that the building is 'side-on' to the street. Furthermore, the store is proposed to be accessed by the highly used railway walk.

After careful consideration, it was decided that the best position of the building to address both the N33 and O'Carroll Street, and allow efficient use of the site, would be to locate it side-on to the N33. The proposed arcade defines the prime entrance of the store, accessed from O'Carroll Street, whilst the glazing extends around the 3 westernmost sides of the building to provide further active frontage. This breaks up the 'boxy' nature of the site'.

- Under 'National transport objectives and carrying capacity' was submitted as follows:

'The impact of the proposed development on the N2/N33 is considered in depth in Section 7.5 of the Traffic and Transport Assessment (TTA) carried out for the development. It is the conclusion of the assessment, given that this is the only section of the N2 or N33 that shall be materially affected, that the proposed development would have no adverse impact on the operation of the N2 or N33.

A robust assessment of the N33 Roundabout concluded that the proposed development shall have no adverse impact on the operation of the N33 Roundabout.

It is noted that the National Roads Authority (now incorporated into Transport Infrastructure Ireland) made no submission to the Planning Authority regarding the proposed development. It is therefore considered reasonable to assume that the NRA (TII) are satisfied that the proposed development shall have no adverse impact on the operation of the N33'.

- Under 'Car parking provision' was submitted as follows:

'The site is located within the defined town boundary of Ardee and located within the boundary of Ardee as defined in the Ardee Local Area Plan 2010-2016. This site is also located within an area controlled by a 50km/hr speed limit.

It is considered on this basis that the site is located within an 'urban' area and that a car parking provision of 1 space per 20 square metres is appropriate. The proposed provision of 149 spaces meets this requirement'.

Under 'Wastewater treatment capacity' it was submitted as specified that 'the necessary investment is being made in the wastewater treatment system in Ardee'.

- The following detailed Response to Grounds of Appeal is noted and expands on the above submissions under the headings: Impact on Town Centre, Compliance with Retail Planning Guidelines and Sequential Test; Capacity for additional convenience retail development; Land use zoning objectives; Design and layout; Carrying capacity; Car dependency and national transport objectives; Endanger public safety by way of traffic hazard; Car parking provision; Waste water treatment capacity.

6.4 Appeal Observation of Transport Infrastructure Ireland

- This Appeal Observation received 10th November, 2015 included:
'The Authority considers that it was entitled to be notified of the planning application by the Planning Authority due to the location and nature of the proposed development. However Louth County Council did not refer the application to the Authority in accordance with Article 28 of the Planning and Development Regulations. This Action has deprived the Authority of its entitlement to participate in the planning process as intended by the legislation.
In the Authority's view, the proposed development in association with existing and future permitted development in the Cappocksgreen area will generate significant unsustainable traffic/trip generation, the majority of which will be funnelled onto the adjoining N33 leading to congestion. It is considered that the proposed development will set an undesirable precedent for similar types of retail development adjacent to the national road network'.
- 'The Spatial Planning and National Roads Guidelines for Planning Authorities includes official policies and guidelines as laid down by the Department of Environment, Community and Local Government aimed at protecting the substantial investment being made in upgrading national roads and maintaining the intended transport function, traffic carrying capacity, safety and efficiency of the network.
The Authority, in line with the State's sustainability principles, does not favour developments that generate significant volumes of non-strategic traffic being located in close proximity to national roads in

circumstances where traffic generated by such development would rely extensively on national roads’.

- ‘Given the location of the development site adjacent to the N33 and in close proximity to the N2 and N52, the Authority has serious concerns regarding the impact that a development of this scale and type would have on the N2, N52 and N33. The Authority is anxious to ensure, insofar as is reasonably practicable, that these roads will continue to serve their intended purpose of providing a safe and efficient transport network for strategic inter-urban and inter-regional traffic.

The Authority is seriously concerned that the planning permission granted under planning reference 15/419 in conjunction with development indicated in the Ardee Local Area Plan would lead to the premature overloading of the existing N33 and the compromising of the performance of this strategically important national road network.

On reviewing the documentation which accompanied the planning application as available on the Louth County Council website, the Authority considers that the proposed development in association with other permitted development would attract significant traffic volumes to the national roads network, entailing excessive reliance on the network concerned, and would create an undesirable precedent for similar types of development adjacent to junctions/interchanges on the national road network’.

- ‘In view of these serious concerns outlined, it is the opinion of the Authority that the proposed development:
 1. Runs counter to the objectives of protecting the substantial investment made by Government in the provision of the N2, N52 and N33, and maintaining the intended transport function, traffic carrying capacity and efficiency of the routes into the future, and
 2. The proposed development, if it proceeds, would create an undesirable precedent with respect to the potential of proposals to adversely affect the investment in, carrying capacity, efficiency, use and safety of the national road network for road users’.

7. PLANNING HISTORY

- The Planning Report for the Planning Authority documented the Planning History of the Area of the subject site including:
08/724: Eamon and Seamus Rogers: *Permission for the construction of: a two-storey retail unit with a total gross floor area of 4,905 square metres; 1 no. ancillary ESB substation and switch room, 1 no. bin store; associated surface car parking (265 spaces); an access roundabout to the road permitted under a previous planning application (Louth County Council Ref. No. 05/1057); landscaping works, foul and surface water drainage, connection to existing public sewer network and all associated site works; the total gross floor area of the development is 4,979 square metres on a site of 2.95 hectares bounded by the N33 to the north, the rail line to the south, and Ardee Enterprise Centre and the line of the previously permitted road.*
Permission refused for the following reason: *The proposed development is located on lands zoned 'to provide for mixed commercial/residential uses/light industry by the Local Area Plan 2003, an objective of which is to limit the neighbourhood shops to a maximum gross floor area of 100 square metres. The proposed development which comprises a 2,500 square metre convenience store would exceed the limit and as such would contravene materially the zoning objective of the local area plan'.*
(A First Party Appeal Ref. PL15.232823 was withdrawn on 7th July, 2009).
- The following Planning History file is attached **PL15.236120 (Reg. Ref. 09/705)**:- An Bord Pleanála refused permission on 25th June, 2010 for a proposed retail development on the subject site.

8. DEVELOPMENT PLAN / LOCAL AREA PLAN / GUIDELINES

The provisions of the 2015-2021 Louth County Development Plan and the provisions of the 2010-2016 Ardee Local Area Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan/Local Area Plan/Guidelines**:-

8.1 *Development Plan*

- Section 6.7.1 – ‘Retail Planning – Guidelines for Planning Authorities’ including:
Policy EDE 33 – ‘To promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas’.
- Section 7.2.7 – ‘Spatial Planning on National Roads – Guidelines for Planning Authorities 2012’:
‘In 2012, the DECLG in conjunction with the National Roads Authority (NRA) produced detailed guidelines which set out planning policy considerations relating to development affecting motorways, national primary roads and national secondary roads. The emphasis throughout the guidelines is to maintain the efficiency, capacity and safety of the national road network which has received significant investment over recent years’.
- Section 7.3.3 – ‘National Routes’ including as follows:
*‘Louth has benefited from very significant investment which has taken place in Ireland’s national road network. The NRA strongly advocates that the strategic role of this road network in catering for the safe and efficient movement of major inter urban and inter regional traffic be safeguarded to allow for the effective delivery of these investments. Table 7.1 outlines the national routes that run through County Louth.....
‘The Council will continue to implement measures to safeguard the capacity and safety of these national routes so that they can continue to perform their strategic role and maintain their importance to the future development of the County’.*
- Table 7.1 – ‘National Routes in County Louth’ including.....
‘N33 Charleville Interchange (M1 - Junction 14) – Ardee’.

8.2 *Local Area Plan*

- Section 7 – ‘Ardee Town Centre’ including as follows:
Policy ATC 1 – To preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town’s people and wider rural hinterlands.
- Section 7.4 – *Future Town Centre Development*
‘It is a key strategic objective of this Plan to consolidate and protect the role of the town centre as the principal retail and commercial

centre of the town. There are a number of sites within the town centre that are considered to be important to secure the future of the town centre in terms of retail uses as detailed below.....'

Supervalu...Irish Street...Ardee Bakery Site...Bridge Street/River Dee

- The 'Commercial/Retail – Zone 14 - RT' land use zoning objective for the subject site: 'To provide for the development of a single modern format supermarket of up to 2,500 square metres of net retail floorspace (including food and non-food floorspace)'.
Supervalu...Irish Street...Ardee Bakery Site...Bridge Street/River Dee
- Table 8.5 – '*Land Use Zoning Matrix*'.
- *Land Use Zoning Map*.
- *Ardee Objectives Map*.

8.3 The '*Retail Planning – Guidelines for Planning Authorities*' issued by the Department of the Environment, Community and Local Government in 2012, have also been noted including as follows:

- Section 4 – '*Retailing and Development Management*' including:
Key Message – 'There should be a general presumption against large out-of-town retail centres in particular those located adjacent or close to existing, new or planned national roads/motorways'.
- Section 4.4 – '*Sequential Approach to the Location of Retail Development*'.
- 'Section 4.4.2 – '*Order of Priority*' – '*Out-of-Centre Sites*' including:
'Where retail development on an out-of-centre site is being proposed, only in exceptional circumstances where the applicant can demonstrate *and* the planning authority is satisfied that there are no sites or potential sites within the centre of a city, town or designated district centre or on the edge of the city/town/district centre that are (a) *suitable* (b) *available* and (c) *viable*, can that out-of-centre site be considered'.
- Section 4.7 – '*Edge of Centre Retailing*' including as follows:
'Where, following the sequential approach, the consideration of an edge-of-centre site becomes necessary, the applicant and the planning authority must ensure that edge-of-centre sites are within easy walking distance of the identified primary retail area of the city or town. *The distance cannot be defined precisely as different*

centres vary in their size and scale but should generally not be further than 300 to 400 metres'.

- Section 4.8 – ‘*Out of Centre Retailing*’ including as follows:
‘An out-of-centre site is defined as a location which is clearly not classifiable as a city or town centre location as defined in these Guidelines but which is within the urban area, including planned extensions to the urban area in a development plan. New large-scale out-of-centre developments are likely to have an adverse impact on the vitality and viability of established city/town centres. This is a consequence of the competitive environment in which retailing operates. It is not the purpose of the planning system to prevent competition or trade diversion in itself, but rather the goal is to promote healthy urban centres, in the public interest’.

8.4 The ‘*Spatial Planning and National Roads – Guidelines for Planning Authorities*’ issued by the Department of Environment, Community and Local Government in 2012, have also been noted including as follows:

- Section 1.4 – ‘*Strategic Traffic*’ including as follows:
‘In particular, any local transport function of national road bypasses and relief roads in respect of the urban areas they pass through is, and must continue to be, secondary to the role of these roads in catering for strategic traffic. Therefore, the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network’.
- Chapter 2 – ‘Development Planning and Roads’ including ‘*Key Message*’ as follows:
‘Development plans must include policies which seeks to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies’.

9. PLANNING ASSESSMENT – ISSUES and EVALUATION

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

- 9.1 Present Proposed Development and Relevant Planning History**
- 9.2 2015-2021 Louth County Development Plan and 2010-2016 Ardee Local Area Plan**
- 9.3 Retail Planning – Guidelines for Planning Authorities, 2012**
- 9.4 Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012**

9.1 Present Proposed Development and Relevant Planning History

- The submitted Planning Supporting Statement described the site:
'The application site comprises of circa 2.14 hectares of land located to the north-east of Ardee and to the south of the N33. The N33 links to M1 to the east with the N2 and N52 to the west. An existing roundabout on the N33 is located to the north of the site. The north-western boundary of the site is formed by a link road between the roundabout on the N33 and Sean O'Carroll Street. The site is accessed via a mini-roundabout on this link road. The site is greenfield in nature and is currently in use for agricultural purposes. Ardee town centre is located approximately 650 metres to the west of the site and accessed via Sean O'Carroll Street. Sean O'Carroll Street is a two-lane road with associated footpath and cyclepath (in part) and is characterised by a mix of light industrial uses to the east, with residential and commercial uses closer to the town centre. South of, and running parallel with, Sean O'Carroll Street is a pedestrian walkway formerly associated with the Ardee branch railway line. This walkway borders the application site to the south and connects with Sean O'Carroll Street a short distance from the town centre'.
- The Planning Report for the Planning Authority recommended refusal of permission for Reasons and Considerations (3) as stated:
'1. It is considered that the proposed development, by reason of its out-of-town location, would have an adverse effect on the viability and vitality of the town centre of Ardee and on retail development within the town, and would be contrary to the relevant provisions of the Retail Planning Guidelines for Planning Authorities issued by the Department of Environment,

Community and Local Government in 2012, the Louth Retail Strategy 2009, the Louth County Development Plan 2009-2015, the Ardee Local Area Plan 2010-2016 and the draft Retail Strategy for County Louth 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed retail unit is located 650 metres from the defined town core of Ardee town. Under the Retail Planning Guidelines for Planning Authorities, issued by the Department of Environment, Community and Local Government in 2012 and Policy EDE 13 of the Louth County Development Plan 2009-2015, sites in such locations can only be developed for large scale retail development where it has been demonstrated that the existing town centre will not be adversely affected. The applicant has failed to adequately demonstrate under the sequential test that there are no alternative or more sequentially preferable sites available that could accommodate the proposed development within the town centre. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
 3. Development of a supermarket of some 2,950 square metres (2,000 square metres net) is considered premature pending a solution to the predicted Sean O'Carroll/Castle Street/Ash Walk junction and the road network serving the site from the Ardee town centre and the increased road traffic likely to be generated from Ardee town centre through Sean O'Carroll Street. 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 within the town network of Ardee'.
- The subsequent Chief Executive's Direction for the Planning Authority was to **GRANT** permission for the following reasons: 'The lands which are the subject of this planning application are specifically zoned in the Ardee Local Area Plan 2010-2016 'to provide for the development of a single modern format supermarket of up to 2,500 square metres of net retail floorspace (including food and non-food floorspace)'. I have noted that this very specific zoning objective was not in the previous Ardee Plan and was not therefore in place at the time of the Bord Pleanála refusal of the 2009 proposal. Both this zoning provision and indeed the present

planning application are for a supermarket only about half the size in terms of floorspace of the 2009 proposal.

The Ardee Local Area Plan 2010-2016 objectives are based on the Retail Strategy which showed a 'current need for an additional retail store of up to 2,500 square metres'. This is the Retail Strategy which currently remains in force at this time.

I have also noted the completion since the 2009 application of the road connection through Sean O'Carroll Street to the Main Street about 500 metres distance.

The previous application for a supermarket at this location was granted by the Council in 2009 and despite its subsequent refusal on appeal by An Bord Pleanála, I believe that the reasons for this original grant by the Council at that time remain valid today. The applicant's consultants have again given an appraisal of all potentially available and suitable sites in Ardee for such a supermarket and, as in 2009, the conclusion has been that 'there are no other available, suitable or viable sites in town centre or edge of centre locations in Ardee which can accommodate a supermarket development'. In addition other new factors as outlined above in relation to zoning provisions and road connectivity have improved since 2009 and only serve to strengthen my reasons for granting permission in this case'.

- The Planning Authority, Louth County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 24 Conditions including Condition No. 2 as follows:
 2. The use of the premises shall be strictly confined to the self-service sale of food and small household goods and any ancillary storage or management purposes. Electrical products, clothes or other comparison goods shall not be displayed or sold on the premises.
Reason: To protect the viability and vitality of Ardee Town Centre.
- The following Planning History file is attached: **PL15.236120 (Reg. Ref. 09/705)**:- An Bord Pleanála refused permission on 25th June, 2010 for a proposed development on the subject site:
'Development consists of a single level food retail supermarket to include food retail floor space of 2,390 square metres, off-licence area of 128 square metres, non-food floor space (ancillary areas, office, storage, toilets, etcetera) of 1,434 square metres, ancillary Electricity Supply Board and switch rooms of 52 square metres. Total area is 4,004 square metres; all ancillary car parking (total

295 spaces) incorporating mobility impaired spaces, family spaces and staff spaces; cycle stands, trolley bays, loading bays and service yard, all signage and totem sign, associated landscaping and drainage works, *entrance via roundabout under construction adjoining main roundabout on N33 'Link' by-pass, on a site of 2.44 hectares bounded by the N33 to the north, rail line to the south, and Ardee Enterprise Centre and permitted road (planning register reference number 05/1057) to the east, at Cappocksgreen, Ardee, County Louth*'.

for stated Reasons and Considerations (3) as follows:

1. The proposed development is located in close proximity to an important junction on the link road between 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.
2. The appeal site lies within an area that is subject to the zoning objective "Provide for mixed commercial, residential use/light industry", where shops are not permissible and only neighbourhood shops with a maximum gross floor area of 100 square metres are open for consideration. The proposed development which includes retail floor space of over 2,300 square metres would contravene materially the zoning objective indicated in the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. 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, Heritage and Local Government in January, 2005 and Policy EDE 13 of the Louth County Development Plan 2009-2015, sites in such locations can only be developed for large scale retail development where it has been demonstrated that the existing town centre will not be adversely affected. Having regard to the scale of the proposed development and its location in relation to Ardee and the M1 Motorway, it is considered that the proposed development would adversely impact on the vitality and viability of the town centre to an unacceptable degree. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- The present proposed development comprises as specified in the Public Notices: *Permission for the construction of a single storey supermarket (to include off-licence use) with a gross floor area of 2,950 square metres (net retail area 2,000 square metres). The proposed development will be served by 146 no. car parking spaces and 26 no. bicycle spaces.* The proposed development includes all landscaping, boundary treatment, internal distributor roads, engineering and site development works. The proposed development includes 6 no. signs in total, comprising of 2 no. illuminated gable signs on the north-east elevation, 1 no. illuminated sign on the south-west elevation, 1 no. illuminated sign on the north-west elevation and 2 no. illuminated signs at roof level on the north-east and south-west elevations. *It is proposed to access the site from an existing roundabout on Sean O'Carroll Street (which links with the N33 to the north), at Cappocksgreen, Ardee, County Louth.*
- The present proposed development including a *net retail area of 2,000 square metres* on a somewhat reduced site area of 2.14 hectares as submitted, is considered to be a retail development of generally similar magnitude to the previously proposed development including *food retail floor space of 2,390 square metres* which was refused permission Ref. PL15.236120 (Reg. Ref. 09/705) by An Bord Pleanála on 25th June, 2010 for Reasons and Considerations (3) as set out above.

9.2 2015-2021 Louth County Development Plan and 2010-2016 Ardee Local Area Plan

- There have been a number of significant changes in the planning context of the present proposed retail development including the adoption of the 2015-2021 Louth County Development Plan, and in particular the adoption of the 2010-2016 Ardee Local Area Plan where as submitted in the Planning Supporting Statement: *'The application site is specifically zoned for a supermarket development of up to 2,500 square metres retail floorspace in the Ardee Local Area Plan 2010-2016'*. Also submitted therein was: *'Having regard to the zoning objective of the site, the accessibility and connectivity of the site to the town centre, the existing serviced nature of the site, and the acknowledged demand for additional convenience retail floorspace in Ardee, it is considered that the proposed development is in accordance with the relevant national, regional and local planning policy context'*.

- I note the provisions of the current *2015-2021 Louth County Development Plan* including *Section 6.7.1 – ‘Retail Planning – Guidelines for Planning Authorities 2012’* and in particular Policy EDE 33 as stated therein:
‘To promote a healthy competitive retail environment within County Louth and to maintain the vitality and viability of the town and village centres and their role as primary retail core areas’.
- I note also *Section 7.2.7* in the *Development Plan – ‘National Roads Authority, Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012’* and in particular *Section 7.3.3 – ‘National Routes’* where stated:
‘The Council will continue to implement measures to safeguard the capacity and safety of these national routes so that they can continue to perform their strategic role and maintain their importance to the future development of the County’.
- I note the provisions of the current *2010-2016 Ardee Town Local Area Plan* including in particular:
The *‘Commercial/Retail – Zone 14 – RT’* land use zoning objective for the subject site: *‘To provide for the development of a single modern format supermarket of up to 2,500 square metres of net retail floorspace (including food and non-food floorspace)’.*
- I note in this regard an Appeal Grounds submission as follows:
‘Under ‘Commercial Retail’ for which the subject site is zoned, convenience retail is open to consideration (O⁶). Under this matrix ‘O⁶’ convenience retail development with less than 100m² gross floor area is the only type of retail development that can be considered on this site’.....
- *Table 8.5 – ‘Land Use Zoning Matrix’* indicates that the above *‘Zone 14 – RT’* Zoning includes under *‘Note 9’* which follows: *‘A single modern format supermarket of up to 2,500 square metres, of net retail floorspace (including food and non-food floorspace)’.*
- However I note also the following provisions in *Section 7 – ‘Ardee Town Centre’* in the *2010-2016 Ardee Local Area Plan*:
ATC 1 – To preserve and strengthen the town centre as the main focus for retail and commercial development to serve the needs of the town’s people and wider rural hinterlands’.

- I note also Section 7.4 – ‘*Future Town Centre Development*’ states: ‘*It is a key strategic objective of this Plan to consolidate and protect the role of the town centre as the principal retail and commercial centre of the town. There are a number of sites within the town centre that are considered to be important to secure the future of the town centre in terms of retail uses as detailed below.....*’
Supervalu...Irish Street...Ardee Bakery Site...Bridge Street/River Dee
- The present proposed development is located on an ‘*Out-of-Centre Site*’ as defined in the ‘*Retail Planning – Guidelines for Planning Authorities*’ as discussed below. In my opinion having considered all the submissions on file and notwithstanding the above ‘*Zone 14 – RT*’ zoning objective for the subject site, the proposed development would contravene the above stated Policy ATC 1 and Key Strategic Objective under Section 7.4 – ‘*Future Town Centre Development*’ in the Local Area Plan as discussed further below.

9.3 Retail Planning – Guidelines for Planning Authorities, 2012

- The ‘*Retail Planning – Guidelines for Planning Authorities*’ issued by the Department of the Environment, Community and Local Government in 2012, have also been noted including as follows: Section 4 – ‘*Retailing and Development Management*’ including *Key Message – ‘There should be a general presumption against large out-of-town retail centres in particular those located adjacent or close to existing, new or planned national roads/motorways’.*
- In this regard I note in particular the previous decision of An Bord Pleanála on 25th June, 2010 to refuse permission (Ref. PL15.236120 (Reg. Ref. 09/705) for a proposed retail development of a generally similar magnitude on effectively the same site for the stated Reasons and Considerations No. 1 thereof:
 1. The proposed development is located in close proximity to an important junction on the link road between 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.
- The subject site at a distance of approximately 650 metres from Ardee Town Centre as noted in the submitted Planning Supporting Statement, is accepted by all the parties as constituting an ‘*Out-of-*

Centre Site’ as defined in the Guidelines – where an *‘Edge of Centre Site*’ is stated to be 300-400 metres from the town primary retail area (Section 4.7 of the Guidelines).

- In regard to such an *Out-of-Centre Site*, I note Section 4.8 *‘Out of Centre Retailing*’ in the Guidelines where stated as follows:
‘New largescale out-of-centre developments are likely to have an adverse impact on the vitality and viability of established city/town centres’.
- In regard to these Guidelines I again note the above previous decision Ref. PL15.236120 of An Bord Pleanála for a largely-similar type retail development on effectively the same site and Reasons and Considerations No. 3 where stated as follows:
3. 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, Heritage and Local Government in January, 2005 and Policy EDE 13 of the Louth County Development Plan 2009-2015, sites in such locations can only be developed for large scale retail development where it has been demonstrated that the existing town centre will not be adversely affected. Having regard to the scale of the proposed development and its location in relation to Ardee and the M1 Motorway, it is considered that the proposed development would adversely impact on the vitality and viability of the town centre to an unacceptable degree. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- Having reviewed all the varying submissions on file, in my opinion having regard to the above stated Policy ATC1 in the 2010-2016 Ardee Local Area Plan and also the Key Strategic Objective in Section 7.4 – *‘Future Town Centre Development*’ as follows:
*‘It is a key strategic objective of this Plan to consolidate and protect the role of the town centre as the principal retail and commercial centre of the town. There are a number of sites within the town centre that are considered to be important to secure the future of the town centres in terms of retail uses as detailed below.....
Supervalu...Irish Street...Ardee Bakery Site...Bridge Street/River Dee’;*
the proposed largescale retail development on an *‘Out of Centre Site*’ at Cappocksgreen, Ardee – which adjoins a roundabout junction on the National Route (N33) to the north – should be refused permission in line with the above stated Reasons and

Considerations No. 3 in the previous refusal decision (Ref. PL15.236120) of An Bord Pleanála on these lands.

- In this regard I have noted all the First and Third Party submissions on file and the *Appeal Observation of the Transport Infrastructure Ireland* which is discussed further below, and also the submissions of the Planning Authority on file including the Chief Executive's Direction and the Planning Reports for the Planning Authority as set out above in regard to the 'Out-of-Centre Site' at Cappocksgreen, Ardee adjacent to an important junction on the N33 'Link' Road.

9.4 Spatial Planning and National Roads – Guidelines for Planning Authorities, 2012

- The '*Spatial Planning and National Roads – Guidelines for Planning Authorities*' issued by the Department of Environment, Community and Local Government in 2012, have also been noted including Section 1.4 – '*Strategic Traffic*' as follows:
'In particular, any local transport function of national road bypasses and relief roads in respect of the urban areas they pass through is, and must continue to be, secondary to the role of these roads in catering for strategic traffic. *Therefore, the planning system must ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads or alternatively by ensuring that the trip demand from future development will primarily be catered for on the non-national network*', and also the stated *Key Message* in Chapter 2:
Development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies.
- In regard to the present proposed development of a retail development comprising a *net retail area of 2,000 square metres* of generally similar magnitude as the previously proposed development including a *food retail floorspace of 2,390 square metres* on effectively the same site, I again note the stated *Reasons and Considerations No. 1* in the decision of An Bord Pleanála to refuse permission Ref. PL15.236120 (Reg. Ref.

09/705) on 25th June, 2010 in regard to the previous retail development:

1. The proposed development is located in close proximity to an important junction on the link road between 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.

and also where stated under *Reasons and Considerations No. 3*:
3.....Having regard to the scale of the proposed development and its location in relation to Ardee and the M1 Motorway, it is considered that the proposed development would adversely impact on the vitality and viability of the town centre to an unacceptable degree. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- I note all the submissions on file in regard to these issues relating to 'the safety and free flow of traffic on the national road network' with reference to Reasons and Considerations No. 1 above, and in particular the *Appeal Observation of Transport Infrastructure Ireland* on the present planning application which included stating: 'The Authority is seriously concerned that the planning permission granted under planning reference 15/419 in conjunction with development indicated in the Ardee Local Area Plan would lead to the premature overloading of the existing N33 and the compromising of the performance of this strategically important national road network.

On reviewing the documentation which accompanied the planning application as available on the Louth County Council website, *the Authority considers that the proposed development in association with other permitted development would attract significant traffic volumes to the national roads network, entailing excessive reliance on the network concerned, and would create an undesirable precedent for similar types of development adjacent to junctions/interchanges on the national road network.....*, and

'In view of these serious concerns outlined, it is the opinion of the Authority that the proposed development:

1. Runs counter to the objectives of protecting the substantial investment made by Government in the provision of the N2, N52 and N33, and maintaining the intended transport function,

traffic carrying capacity and efficiency of the routes into the future, and

2. The proposed development, if it proceeds, would create an undesirable precedent with respect to the potential of proposals to adversely affect the investment in, carrying capacity, efficiency, use and safety of the national road network for road users’.
- Further to site inspection, see Photographs in Appendix B of this report, I note that the proposed access into the subject site which is bordered by the N33 to the north, is located adjacent to a major roundabout junction on the N33 which would result in traffic accessing the proposed development via this national road (N33) – which in my opinion would result in a reduction in the traffic carrying capacity and efficiency of the national road network in the vicinity of the proposed development.
 - I again note in particular in this regard the Retail Planning Guidelines for Planning Authorities where stated:
‘Key Message – There should be a general presumption against large out-of-town retail centres in particular those located adjacent or close to existing, new or planned national roads/motorways’.
 - In conclusion I recommend that permission be refused for the proposed retail development at Cappocksgreen, Ardee for the Reasons and Considerations (2) as set out hereunder and I concur with the Appeal Grounds submission where stated as follows:
‘The proposed development represents a stand-alone (Discount Foodstore) with a large car park on a greenfield site detached from Ardee Town Centre that will create a counter attraction to the town centre. Ardee town centre will only benefit if new retail developments, such as the one proposed, are directed into town centre sites. This will enhance the retail core and encourage consumers back into the town. This would also encourage competition and would be in line with sustainable transport objectives by facilitating shoppers who can walk from shop to shop and make their purchase in one trip’.

Appropriate Assessment

I note the Appropriate Assessment Screening Report submitted with the planning application which concluded that ‘the limited scale of the development means that it will have no direct, indirect or cumulative

impacts on the Natura 2000 sites' as identified. Having regard to the location of the subject site and to the nature and scale of the proposed development and the intervening distance of approximately 4.3 kilometres between the subject site and the nearest identified European Site i.e. Stabannan Branaghstown SPA, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above planning assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the relevant provisions of the 2015-2021 Louth County Development Plan and of the 2010-2016 Ardee Local Area Plan and of the 2012 Retail Planning – Guidelines for Planning Authorities and of the 2012 Spatial Planning and National Roads – Guidelines for Planning Authorities which are considered reasonable. Accordingly, I recommend that permission be refused for the proposed development for the Reasons and Considerations stated in the Schedule below.

DECISION

REFUSE permission for the proposed development for the Reasons and Considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed retail development is located in close proximity to an important junction on the N33 'Link' Road between 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 in contravention of the Spatial Planning and National Roads – Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in 2012 and of Section 7.3.3 in the 2015-2021 Louth County Development

Plan where it is stated policy 'to safeguard the capacity and safety of the national routes' including the N33, and would create an undesirable precedent for similar types of development adjacent to junctions/interchanges on the national road network. 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 2012 and Policy EDE 33 of the Louth County Development Plan 2015-2021, and under Policy ATC 1 and the stated key strategic objective 'to consolidate and protect the role of the town centre as the principal retail and commercial centre of the town' in Section 7.4 – 'Future Town Centre Development' in the Ardee Local Area Plan 2010-2016, sites in such locations should only be developed for large scale retail development where it has been demonstrated that the existing town centre would not be adversely affected. Having regard to the large scale of the proposed retail development and its location in relation to Ardee and the M1 Motorway, and notwithstanding the 'Commercial/Retail – Zone 14 - RT' land use zoning objective for the subject site under the 2010-2016 Ardee Local Area Plan, 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DERMOT KELLY
SENIOR PLANNING INSPECTOR

18th December, 2015.

sg

APPENDIX A - LOCATION MAP

APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)

APPENDIX C - DEVELOPMENT PLAN / LOCAL AREA PLAN / GUIDELINES