



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318988-24

#### Development

Refurbishment, upgrade, change of use and extension of the building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels. The permitted vehicular entrance off the R171 (Tallanstown Road) will be used for access for private cars and the public to the development. A dedicated vehicular entrance for servicing and staff is proposed onto the R171 north of the permitted vehicular access. The proposed development also provides for all associated site development works, including associated signage to buildings.

#### Location

Former McCabe's Garage, The Glebe, Ardee, Co. Louth

#### Planning Authority

Louth County Council

#### Planning Authority Reg. Ref.

2360458

#### Applicant(s)

Glebe Botanical Limited

<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Phillis Kirk
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> April 2024
<b>Inspector</b>	Emma Nevin

## **1.0 Site Location and Description**

- 1.1. The application site extends to 1.3ha with extensive road frontage (c150m onto the N2 and c180m onto the R171) and is visible from the roundabout junction to the south. This junction forms one of the main entrances into Ardee.
- 1.2. The building on site (c.4, 588sq.m) was originally a car sales showroom and repair garage and has a large car parking area to the south of the existing building and service entrances to the east. The southern portion of the site is covered in gravel. The building and grounds were originally finished with high quality materials including stone cladding and feature lighting. Over time the boundary walls and grounds have become dilapidated and security fencing has been erected around the site to prevent unauthorised access. The site is well enclosed by existing planting and fencing which will be retained and augmented by the proposed development.

## **2.0 Proposed Development**

- 2.1. The existing building will be refurbished, upgraded and extended to provide a garden centre with a café and a children's activity centre with associated outdoor display areas and polytunnels, together with all associated site development works, landscaping, boundary treatments and car parking.
- 2.2. The existing vehicular access onto the R171 will be retained for use by customers. 128no. car parking spaces will be provided to the south of the existing building while cycle parking will be located close to the building entrance.
- 2.3. A new vehicular entrance onto the R171 will provide direct access to the service area to the east of the building and a staff car park. A new extension to serve a polytunnel/greenhouse area, associated with the garden centre and two entrance canopies to the building are also proposed.
- 2.4. Existing basement storage will remain as storage for the new occupants while the first-floor accommodation will be amended to cater for the new children's activity area and associated party rooms. The existing office and boardroom at first floor level will be retained.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority granted permission, following significant further information request, on 12<sup>th</sup> January 2024, subject to 16 conditions, which included the following:

- Condition 2 relates to Development Contributions.
- Condition 5 relates to advertisements.
- Condition 6 relates to hours of operation.
- Condition 8 pertains to Uisce Eireann agreement.
- Condition 10 relates to a Construction Environmental Management Plan.
- Condition 13 relates to Resource and Waste Management Plan.
- Condition 14 relates to provisions for individuals with disabilities.
- Condition 16 relates varies items including surface water, flood prevention measures and specific requirements pertaining to the internal roadway, entrance, the maintenance of sightlines, etc.

### 3.2. Planning Authority Reports

3.2.1. A Planning Reports dated 12<sup>th</sup> January 2024 has been provided.

3.2.2. This planning application was assessed under the Louth County Development Plan, 2021 – 2027, as varied.

3.2.3. The planners report considered that:

*“Having regard to the location of the site within the urban settlement area of Ardee, the policies and objectives in the Louth County Development Plan 2021-2027 (as varied), and the existing building on site was previously a car showroom which has been vacant for many years. The reuse of this structure and revitalisation of the site is a sustainable approach in re-purposing existing vacant and underutilised buildings that will assist in reducing carbon footprint, it is considered that, subject to compliance with the conditions set out below that the proposed development would be acceptable in this location, would not seriously injure the visual amenities of the*

*area, would be acceptable in terms of urban design, height and quantum of development and would therefore, be in accordance with the proper planning and sustainable development of the area”.*

3.2.4. As such the local authority concluded that the development is in accordance with the Louth County Development Plan 2021 – 2027, as varied, subject to 16 no. conditions. A number of technical notes were also included.

#### 3.2.5. Other Technical Reports

The planning report indicates that the Infrastructure Department were consulted, with a report received stating no objection to the proposed development, subject to conditions.

No report was received from the Environment Department.

### 3.3. Prescribed Bodies

3.3.1. The Planning Authority report indicated that the following prescribed bodies were consulted.

- Department of Arts, Heritage, and Local Government: No response received.
- The Heritage Council: No response received.
- The Arts Council: No response received.
- An Taisce: No response received.

### 3.4. Third Party Observations

3.4.1. Two third party submissions were received, the issues raised within which can be summarised as follows:

- Given the C3 Commercial and Business zoning, it should be conditioned that the building is not used for any residential purposes.
- The layout of the activity centre toilets is inappropriate for families with young children.
- Inadequate road infrastructure in the area. Permission should not be granted until the Ardee by-pass is in place.

## 4.0 Planning History

There is an extensive planning history pertaining to this site.

- 4.1. ABP-301017-18/ P.A REF.17-885: Permission was refused on appeal to An Bord Pleanála for the redevelopment of existing commercial site incorporating alterations to existing car showroom, construction of petrol station and all ancillary and associated site development works, all on Lands at the junction of the N2 and the R171 Tallanstown Road.

The reasons for refusal included:

1. “The site of the proposed development is located at a significant junction linking the N2 and N33 national roads and the R171 regional road (Carrickmacross Road Roundabout). This junction forms an integral part of the national road network. The Board is not satisfied, on the basis of the information submitted with the application and appeal, that the proposed development, by reason of its scale, range of uses and functions: (a) would not give rise to a significant intensification of use of this major junction, generating significantly increased multiple vehicular turning movements onto the busy national routes at this junction and accordingly interfere with the safety and free flow of traffic on the public road, thus endangering public safety by reason of traffic hazard; and (b) would not militate against the preservation of the level of service and carrying capacity of the national road infrastructure at this location, contrary to the provisions of the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January, 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is remote from the commercial core of the town of Ardee. It would fail to deliver any synergies with the established town centre activities in Ardee and would conflict with Policy ACT1 of the Ardee Local Area Plan 2010-2016, which seeks “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” and with Policy EDE 33 of the Louth County Development Plan 2015-2021 which seeks “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". The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located alongside the heavily-trafficked N2 National Primary Road. It is proposed to construct an internal roadway along the western site boundary proximate to the N2. The Board is not satisfied, on the basis of the submitted information, that traffic on the internal roadway would not interfere with the safety and free flow of traffic on the N2 due to glare and confusion arising from contraflow traffic movements in close proximity to this road. Furthermore, the proposed internal circulation layout would lead to conflicting movements between pedestrians and vehicles within the forecourt area. The proposed development would, therefore, endanger public safety by reason of traffic hazard, and would be contrary to the proper planning and sustainable development of the area".

ABP-247465 / P.A. Ref.16/559 – Planning permission was refused on appeal to An Bord Pleanála for redevelopment of existing commercial site to include alterations to car showroom, workshop & ancillary office; construction of new petrol filling station and ancillary services; ancillary works to include drive through car wash, modified site access arrangements and road improvements, parking, retaining wall, underground tanks, bunkering and waste disposal point, signage, lighting, fencing, drainage and landscaping.

The reason for refusal related to the capacity of the Ardee WWTP and the design of vehicular circulation areas and sightlines.

ABP Ref. PL15.245128 / P.A. Ref. 15/5 - Planning permission was refused on appeal to An Bord Pleanála for the redevelopment of the existing commercial development to include part change of use from car showroom basement to gymnasium, revisions to petrol filling station approved under PA Ref. 09/565 (inc. alteration to and part change of use of existing car showroom to accommodate ancillary shop and retail services including café/restaurant, additional first floor offices/meeting rooms and public seating) and the development of forecourt areas and modified site access arrangements and associated road improvements. The

reason for refusal related to the location of the proposed development on a significant junction linking the N2, N33 and R171, remote from the retail core of Ardee and its scale, range of uses and functions, they were not satisfied that the development (a) would not give rise to significant intensification of use of the junction which would interfere with its safety and the free flow of traffic on the public road, (b) would not conflict with Policy ACT1 of the Ardee LAP 2010-2016 which seeks to preserve and strengthen the town centre as the main focus for retail and commercial development. In their direction the Board considered that there were also unresolved concerns in relation to the quantum of foul wastewater generated by the proposed development and the ability of the Ardee WWTP to cater for these flows.

P.A. Ref. 09/565: Split decision issued by the Planning Authority for a standalone petrol filling station with 4 no. pumps (GFA 326sqm, retail area 87.5sqm) and for a drive-through restaurant (GFA 215sqm) on lands to the south of the existing car showroom. The decision granted permission for the petrol filling station and refused the drive through restaurant, on the grounds that inadequate provision had been made to accommodate HCVs, which would give rise to off-site parking on the hard shoulder of the N2 and, therefore, create a traffic hazard.

A first party appeal in respect of this decision (ABP Ref. 236912) was subsequently withdrawn.

P.A. Ref. 06/615 - Permission granted by the Planning Authority for retention of car showroom (new position on site, additional ground floor area, additional basement, elevational changes, ancillary site works and site signage to that granted under PA Ref. 03/1496).

P.A. Ref. 03/1496 - Permission granted by the Planning Authority for a car showroom with a stated GFA of 2,642sqm.

ABP Ref. PL15.130745 / P.A. Ref. 01/1479 - Planning permission was refused on appeal to An Bord Pleanála for a car showroom (2,679sqm) with petrol station (156sqm) and drive through restaurant (222sqm).

The reasons for refusal stated that the development would (1) materially contravene the agricultural zoning of the site and (2) adversely affect the use of the adjoining National Primary route, N2, and associated N33 link road.



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## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Louth County Development Plan 2021 – 2027, came into effect on 11<sup>th</sup> November 2021, as amended by Variation 1 on the 18<sup>th</sup> July 2022, and Variation No. 2 on the 20<sup>th</sup> May 2024.

5.1.2. Section 13.21 of the Louth County Development Plan 2021 – 2027, as amended, details ‘Land Use Zoning Objectives’. The subject site is zoned under Section 13.21.15 of the Development Plan as “C3 Commercial and Business” with the zoning objective “*To provide for mixed commercial and business uses*”.

Under this zoning objective “coffee shop/tea room and garden centre” are uses which are open for consideration on commercial and business zoned lands.

5.1.3. Relevant Development Plan Sections and Policy Objectives:

- Section 2.2.4 – “Support the Self-Sustaining Growth Towns of Ardee and Dunleer, which are regionally important local drivers providing a moderate level of jobs and services for the resident population and surrounding catchments. Growth will be balanced and at sustainable levels including brownfield and infill development with a focus on the commensurate delivery of employment and services and improving the quality of life for all in these towns;”
- Section 2.7 Economic Development – “Whilst the majority of economic growth will be directed to Drogheda and Dundalk, there is recognition that economic opportunities exist elsewhere in the County particularly in the Self Sustaining

Growth Towns of Ardee and Dunleer but also in some of the smaller settlements dispersed throughout the County”.

- Section 2.8 Retail Development – “The Retail Strategy sets out the indicative potential for additional convenience, comparison and bulky household goods floorspace in Drogheda, Dundalk and Ardee. The potential floorspace capacity for these settlements has been informed by the settlement and retail hierarchy and projected population growth”.
- Section 2.15.1 Ardee “The growth strategy for Ardee, during this Plan, will be to consolidate its designation as a ‘Self-Sustaining Growth Town’ and continue to expand its employment base and facilitate sustainable residential growth that would meet the needs of a localised demand”.

“As part of the policy of improving connectivity at a National and Regional level there are proposals to upgrade the N2 and N52. These proposals will involve a by-pass of Ardee along both of these routes. When delivered these projects would transform Ardee town centre as it would remove through traffic from the urban core of the town and provide opportunities for investment in the public realm that would give greater priority to walking and cycling”.

- Section 5.14 Ardee “The town has a well-connected road network within the region and border areas via national primary and secondary roads in addition to being in proximity to the motorway. This strategic location, in addition to the availability of lands for employment uses, places Ardee in a strong position to accommodate further employment growth during the life of this Plan”.
- Section 5.21 Louth Retail Strategy – “The purpose of establishing a county retail hierarchy is to indicate the role and importance of each development centre and to guide retail development in accordance with the framework provided, thus enabling each centre to perform its overall function within the County’s settlement hierarchy”.
- CS 15 “To prepare a new Local Area Plan for Ardee in line with the Core Strategy and in recognition of Ardee’s role as a regionally important local driver and Self Sustaining Growth Town in the Settlement Strategy”.

- SS 35 *“To support the role of Ardee as a Self-Sustaining Growth Town, which shall be complementary to the Regional Growth Centres, and to facilitate balanced population and economic growth that will meet the needs of the residents of Ardee and its hinterland”.*
- SS 36 *“To continue to support the economic growth of Ardee by facilitating and supporting a range of employment generating uses in the town”.*
- SS 39 *“To work closely with business groups and stakeholders to revitalise and reduce vacancy in the town centre area of Ardee and to support and facilitate the re-use of existing buildings within the town centre or edge of centre”.*
- SS 41 *“To secure the construction, pending approval by Transport Infrastructure Ireland, of the N2 bypass and N52 bypass and preserve free of development their proposed routes”.*
- EE 73 *“To support the development of Drogheda and Dundalk as Regional Growth Centres and principle locations for future retail development, Ardee and Dunleer as Self Sustaining Growth Centres and the retail function of all other settlements, commensurate with locally generated needs”.*
- MOV 47 *“To require the preparation of Transport and Traffic Assessments for new developments in accordance with the requirements set out in the TII Traffic and Transport Assessment Guidelines”.*
- MOV 49 *“To support the progression of the long term upgrade of the N2; and in particular to protect the preferred route corridor of the upgrade road scheme between Ardee and Castleblayney, and prohibit development that could prejudice its future delivery; and to continue to work closely with Transport Infrastructure Ireland, Monaghan County Council, property owners, and residents affected, and other stakeholders in the delivery of this project”.*
- MOV 50 *“To seek to examine, in consultation with Transport Infrastructure Ireland, the feasibility of progressing and delivering the N2 bypass of Ardee Town”.*

#### 5.1.4. Relevant Development Plan Appendices:

- Appendix 4 – Louth Retail Strategy.

‘Individual retail units should not be less than 700 sq.m and not more than 6,000 sq.m. (including any ancillary garden centre) in size’.

## **5.2. National Planning Framework (NPF)**

- 5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. An important element of the growth strategy, intrinsic to the NPF, is securing compact and sustainable growth as it offers the best prospects for unlocking regional potential.
- 5.2.2. Having regard to the designation of Drogheda and Dundalk as Regional Growth Centres and regional drivers, supported by the Self Sustaining Growth Centres of Ardee and Dunleer and the remaining strong urban settlement structure which typifies County Louth, it is appropriate that the additional 25% headroom available to the County is utilised in order to allow flexibility in approach and to help realise the objectives of the NPF and RSES
- 5.2.3. **Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)**
- 5.2.4. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.
- 5.2.5. Reflecting the NPF, the RSES emphasises sustainable development patterns, and seeks to focus growth in regional growth centres. Self-Sustaining Growth Towns are regionally important local drivers serving their resident population and surrounding catchments and with a reasonable level of jobs and services. Ardee and Dunleer are designated as such.

## **5.3. Section 28 Ministerial Guidelines**

- 5.3.1. Having considered the nature of the proposal and the documentation on file, I am of the opinion that the directly relevant S28 Ministerial Guidelines are:

- Retail Planning Guidelines (2012).
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- The Planning System and Flood Risk Management (2009).

5.3.2. Other relevant guidance:

- Design Manual for Urban Roads and Streets (DMURS) (2013).
- The Design Manual for Urban Roads and Streets, DTTAS and DECLG, (2013 and updated in 2019).

#### 5.4. Natural Heritage Designations

5.4.1. The subject site is not located within a designated European Site. However, the closest such sites are:

- Stabannon/Braganstown SPA (Site Code 004091), which is 5.02 km to the east of the site.
- Dundalk Bay SAC (Site Code: 000455), which is 12.14 km to the east of the site.
- Dundalk Bay SPA (Site Code: 004026), which is 12.13 km to the east of the site.

#### 5.5. EIA Screening

5.5.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening and Form 2 EIA Preliminary Examination of this report.

5.5.2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A third-party appeal has been received from Ms. Phyllis Kirk, the grounds of appeal contained within each appeal is summarised below.

- A submission was made to Louth County Council who did not address any of the concerns raised.
- Inadequate infrastructure – the lack of infrastructure is causing inconvenience to the adjoining residents in the northern and western regions of Ardee.
- Travel time – a travel trip to the south or west of Ardee town can easily take 1 hour to travel 1 mile. Planning permission should not be granted under these circumstances.
- A submission by the Transportation Infrastructure Ireland on 21<sup>st</sup> May 2018 regarding the Draft Monaghan County Development Plan 2019 – 2025, should be noted (attached to the appeal).
- Spatial Planning and National Roads Guidelines – relevance in relation to avoiding increased traffic from existing accesses onto the N2, N53, N54 and N12 outside the 60 kph speed limit. Concerns regarding the traffic carrying capacity of the national road.
- Development at National Road Junctions – the Spatial Planning and National Roads Guidelines require local authorities to exercise care in assessment of proposals close to junctions on the national road network, which could lead to additional significant traffic.
- There is a case against out of town retail centres locates adjacent or close to existing, new or planned national roads/motorways reflected in the Retail Planning Guidelines. The new link road from Kells to bypass Ardee to the N2 north of Ardee and how this will affect traffic on the N2.
- Road Safety – Concerns for all pedestrians given the location of the proposed development given the lack of infrastructure for pedestrian traffic to cross the junctions to return to Ardee town.

- Other Plans/Strategies – the TII Draft Monaghan County Development Plan, 2019-2025 states “TII request that where there are implications for the safe and efficient operation of the National Road network, existing and proposed, the appropriate consultation with TII would occur”, it is unclear if this consultation has already occurred.

## 6.2. Applicant Response

6.2.1. A first party response to the appeal was received dated 5<sup>th</sup> March 2024.

6.2.2. The submission responds to the issues raised within the third-party appeal as follows: -

- The proposed development is not reliant on the provision of the N52 Ardee bypass. The Louth Development Plan two-year progress report provides an update in relation to the N52 Ardee bypass and the application site will not be affected by the proposed works.
- The applicant prepared a Traffic and Transport Assessment which includes an assessment of the R171/N2/N33 junction, and the volumes of traffic movements and the estimated traffic generated by the proposed development and concluded that the impact of the proposed development on the junction would be minimal.
- The application site has full footpath connectivity. It is submitted that given the nature of the development proposed, most customers will travel by private car.
- According to the Council online records, TII was not requested to make a submission on the proposed development. TII are consulted on applications that are accessed via a National Road. The proposed development does not propose or alter an access onto the N2.
- The proposed development contains a garden centre, café, and children's activity centre, it is not a retail park and regard is had to the planners report which notes that the garden centre is considered more suited to this location outside the town.

- The appeal includes a submission from TII to the draft Monaghan County Development Plan 2019-2025. The draft Monaghan County Development Plan does not apply, as the subject development is located in County Louth.
- The existing access onto the R171 will be utilised and a second access is dedicated to the servicing of the development is proposed onto the R171.
- The proposed development will not generate significant additional traffic and any additional traffic will operate at different peak times to traffic generated by the wider area.

### **6.3. Planning Authority Response**

- 6.3.1. A response was received from the planning authority dated 6<sup>th</sup> March 2024, stating the planner has no further comment to make in relation to this application and refer all interested parties to the planning report on file.

### **6.4. Observations**

None received.

### **6.5. Further Responses**

- 6.5.1. A further response was received from the appellant Ms. Phyllis Kirk in response to the applicant's response to the issues raised in the third party appeal as follows:
- In relation to peak hours the hours described are not reflective of the position on the ground. The N2 towards Ardee is a very dangerous road for extended periods daily.
  - Numerous developments in Ardee and no new roads have been advanced.
  - When Aldi looked for planning permission on the site where Malone Oils, have extended their fuel depot, the inspector referenced the difficulties entailed for pedestrians and cyclists. The Aldi site is now located in Jervis Street Ardee, Kells Road, which has a negative impact on traffic in the town.
  - The Council have done little to alleviate the hardship associated with commuting and access to the town.



- A recurring theme in Ardee is traffic congestion.
- There is no joining up of footpaths for pedestrian safety.
- In an era where the Government is doing its best to reduce vehicles on the road the applicant appears to be of the opposite view.
- The Traffic Impact Assessment Report submitted under ABP-307551-20, regarding Malone Oils Products (applicant) provided information on existing traffic flows, which was conducted on 7<sup>th</sup> October 2020, and the present application exceeds these numbers when peak traffic is considered. This was refused due to the proximity of the proposed development to the roundabout junction which would interfere with the safe flow of traffic.
- The added burden on the present application is the presence of pedestrians who will slow the flow of traffic on this busy junction.
- Consultation with TII would have been beneficial to all involved with this assessment.
- The Louth County Development Plan, Chapter 7 refers to guidelines for industrial and commercial development and states, “These include to safeguard the capacity and safety of national roads, including the N2 Dublin to Derry route”.
- There is a case against out-of-town retail centres located adjacent or close to existing, new, or planned national roads/motorways reflecting policy outlined in the Retail Planning Guidelines.
- The Monaghan Development Plan is applicable to the application.

## 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Planning History
- II. Compliance with Policy
- III. Traffic and Pedestrian Safety

- IV. Appropriate Assessment, and
- V. Other Matters.

## 7.2. Planning History

- 7.2.1. While not specifically raised in the appeal. I consider that the planning history of this site is of particular relevance in this instance. There is an extensive planning history on site for the change of use and extension to the existing building and use on site, most recently the change of use to petrol/service station, as noted in Section 4 above. In most cases, permission was refused in relation to the intensification of use on the site, i.e. petrol station (and associated ancillary uses), and the resultant traffic implications associated with the development then proposed.
- 7.2.2. I note that the instant application differs to that previously applied for and refused, i.e. the current proposal is for a garden centre and associated ancillary uses, including care and children's play area. The planning report submitted with the planning application references the planning history in Section 4 and states that *"the new land owner seeks to step away from what was sought under previous proposals for the site and proposes a less intense and more suitable form of development for the site in keeping with the zoning objective. A garden centre is well suited to the large floorplate provided by the existing building on site and would be difficult to accommodate in the traditional town core. Concerns relating to traffic and potential impact on the N2 National Primary Road have been addressed by Waterman Moylan Consulting Engineers who have undertaken baseline surveys and assessed the potential trips that would be introduced by the proposed development. The Traffic and Transportation Assessment provided under separate cover demonstrates the proposed development will operate at different peak times to existing traffic and there is sufficient capacity at junctions to cater for the traffic generated"*.
- 7.2.3. While I have had regard to the planning history pertaining to the site, I would note that a 'de novo' assessment of the proposed development is set out in the following sections of the report.

## 7.3. Principle of Development

- 7.3.1. The subject site is located within a strategic position on the northern approach into Ardee town. The site is immediately north of the Carrickmacross Road Roundabout, a junction of the N2 and N33 national primary routes and the R171 regional route. The N2 links south from this roundabout to Ardee and Dublin and north to Monaghan and Derry. The R171 runs north to Dundalk. The N33 provides a direct connection to the M1 Motorway (Junction 14) c. 7.8 kilometres to the east of the Carrickmacross Road roundabout and connects to the N52 national secondary route at a roundabout that is c. 200 metres to the east. The lands are zoned 'C3 Commercial and Business' as set out in the Development Plan with the zoning objective "To provide for mixed commercial and business uses."

Garden Centre, coffee shop/tea room are listed as uses which are open for consideration under this land use zoning objective. I note that the instant appeal relates to an existing vacant building in a prominent entry location to the town. Having regard to the zoning objective, the established use on site, and the location of the site in strategic position in the town, I consider that the principle of the proposed development to be acceptable under this zoning objective.

- 7.3.2. The appellant references the Retail Planning Guidelines and highlights the "general presumption against large out-of-town retail centres located adjacent or close to existing, new or planned national roads / motorways", i.e. out-of-town retail centres. In this regard, I note that the proposal relates to the re-use of one existing vacant building, previously a car sales showroom and repair garage and relates to a proposal for retail warehousing i.e. garden centre. The proposal will be for a stand-alone garden centre store, with ancillary coffee shop and children's play area, and in my opinion would not be considered a 'retail centre' as defined in the Guidelines. The guidelines further state that there should in general be a presumption against further development of out-of-town retail parks, however, the proposal is not located in a retail park and is a stand alone development. In addition, the proposed floor area is well below the cap on large-scale single retail warehouse units i.e. in excess of 6,000 sq. m. gross, which includes garden centres.
- 7.3.3. The appellant also references Spatial Planning and National Roads Guidelines and their relevance in relation to avoiding increased traffic from existing accesses onto the N2, in particular. I note that the proposed development will be accessed off the R177, and will not directly access the N2, National Road. However, consideration will

be given to the potential impact of additional traffic to the R171, and the adjoining junction of the N2 and N33 national primary routes. This this will be discussed further under Section 7.4 of this assessment.

- 7.3.4. Notwithstanding the Spatial Planning and National Roads Guidelines, this has been predated by the National Planning Framework, which provides new guidance in favour of the development of brownfield sites, Section 2.6 states *“A preferred approach would be compact development that focuses on reusing previously developed, ‘brownfield’ land, building up infill sites, which may not have been built on before and either reusing or redeveloping existing sites and buildings”*.
- 7.3.5. Further support is lent in Section 4.5, which encourages *“more people, jobs and activity generally within our existing urban areas, rather than mainly ‘greenfield’ development and requires a change in outlook. In particular, it requires well-designed, high quality development that can encourage more people, and generate more jobs and activity within existing cities, towns and villages”*. Specifically, NPO 11 states, *“In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”*.

In order to enable brownfield development, the NPF highlights the importance of planning policies to be flexible rather than specifying absolute requirements.

- 7.3.6. The Development Plan, in Section 2.4.4 in relation to Louth’s Growth Strategy state that it will *“support the Self-Sustaining Growth Towns of Ardee and Dunleer, which are regionally important local drivers providing a moderate level of jobs and services for the resident population and surrounding catchments. Growth will be balanced and at sustainable levels including brownfield and infill development with a focus on the commensurate delivery of employment and services and improving the quality of life for all in these towns”*.
- 7.3.7. I reference Policy Objective IU 88 “To encourage and facilitate the reuse of existing vacant buildings particularly in town centres”, Policy Objective SS 39 “To work closely with business groups and stakeholders to revitalise and reduce vacancy in the town centre area of Ardee and to support and facilitate the re-use of existing buildings within the town centre or edge of centre”, and IU 90 “To support and

promote structural materials in the construction industry that have low to zero embodied energy and CO2 emissions as assessed across the whole life of the building” of the Development Plan. The existing building on site was previously a car showroom and appears to have been vacant for a period of time, the reuse, renovation and repurposing of this vacant building is welcomed and accords with the aforementioned policy objectives.

7.3.8. The appellant also references a submission from TII to the draft Monaghan County Development Plan 2019-2025 and the relevance to the subject site. I note Section 7.9.1 of the Louth Development Plan, which relates to the N2 Upgrade Ardee to Castleblayney, and states how the project is being progressed in conjunction with Monaghan County Council and Transport Infrastructure Ireland. Objective MOV 49, of the Louth Development Plan, also supports the progression of the long term upgrade of the N2; and in particular to protect the preferred route corridor of the upgrade road scheme between Ardee and Castleblayney. The objective goes on to states that development should be prohibited that could prejudice its future delivery; and to continue to work closely with Transport Infrastructure Ireland, Monaghan County Council, in the delivery of this project. Whilst I acknowledge that the site is adjacent to N2 National Primary Road, I do not consider that the development of this site, which does not access the N2 directly, would inhibit the planned upgrade and future delivery of the N2 Upgrade Adree to Castleblaney.

7.3.9. In conclusion, I again reference the vacant building on site, and the out of town location of the subject site, which will generate employment for the town and generate activity at this location as encouraged by the Louth County Development Plan and the National Planning Framework. I also consider that the location of the site would lend itself to a garden centre use and as such I am satisfied that the principle of this development would be acceptable, such to other issues including traffic and pedestrian safety, which will be assessed in Section 7.4 below.

#### **7.4. Traffic and Pedestrian Safety**

7.4.1. The main concerns raised in the appeal relate to traffic, traffic safety, increased traffic on the adjoining roads, and pedestrian safety associated with the proposed development, given its location and proximity to the N2.

7.4.2. The proposed development will be served by the existing entrance onto the R171, with a proposed new staff and delivery entrance, further to the north of the site, also opening to the R171. The existing entrance is in excess of 75 metres from the existing roundabout and is splayed. The applicant has also demonstrated that adequate sightlines can be achieved from the proposed entrance. I note that the Placemaking and Physical Development Section of the planning authority, has no objection to the use of the existing entrance and the proposed entrance subject to conditions, one of which i.e. Condition 16 which requires specifics in terms of the access and internal roadways including part (f), requires a that minimum separation distance of 20m shall be provided between the existing and proposed access to ensure minimal encroachment on the visibility requirements, and part (g) which requires that the entrance gates be set back to prevent traffic congestion on the public road. In the event that the Board considers that the proposed development should be granted, I recommend that a similar condition be included in respect of traffic safety.

7.4.3. The planning application is also accompanied by a Traffic and Transport Assessment, which includes a review of the potential transport impacts of the development on the existing transport network. A traffic survey was also undertaken on the 13<sup>th</sup> September 2023, which identifies the traffic movements at key points on the road network surrounding the site.

7.4.4. In relation to the relationship of the proposed development and the roundabout and junction with the N2, the trip distribution assumes that 90% of the departures from the development will depart towards the Carrickmacross Roundabout, with the remaining 10% continuing north on the R171. I consider this to be a fair assumption in respect of traffic movements, based on the location of the site relative to the town, which is to the south of the site.

7.4.5. The submitted Traffic and Transport Assessment estimates that proposed development will generate a total of 28 car trips in the AM peak hours with 14 arrivals and 14 departures, and a total of 3 car trips in the PM peak hours with 0 arrivals and 3 departures.

The proposed peak hours for each of the different uses of the proposed development have been outlined in the report as follows:

Land Use Category	AM Peak Hour	PM Peak Hour
Café	10h00-11h00	13h00-14h00
Garden Centre	11h00-12h00	16h00-17h00
Play Centre	13h00-14h00	15h00-16h00

- 7.4.6. It is considered by the applicant that, *“due to the nature of the development, the peak hour for the proposed development is not within the AM and PM peak hours for the surveyed junction (Carrickmacross Road Roundabout). The Carrickmacross Road roundabout has been assessed before and after the proposed development to demonstrate that the proposed development does have a negative impact on the traffic conditions surrounding the site”*. The details pertaining to the existing roundabout have also been submitted as part of the assessment.
- 7.4.7. Nothing the proposed use subject to this appeal, the information submitted and following my site inspection, which took place midweek early afternoon, I am satisfied that the nature of the development will generate traffic outside of the peak AM and PM times, and will not generate excessive traffic volumes to further worsen the existing traffic conditions, which would be expected given that this is the main route into the town. At time of my inspection there was no traffic build up on either arm of the Carrickmacross Roundabout.
- 7.4.8. I also note that the proposed development does not access or alter the existing N2 route, and therefore has no impact on this national route, as such I do not consider that consultation with Transport Infrastructure Ireland, as raised by the appellant is warranted in this case.
- 7.4.9. Additionally, given the location of the subject site, I do not consider that the proposed development would interfere with the proposed N2 upgrade Ardee to Castleblayney, or N52 Ardee Bypass, as projected in the National Development Plan 2018-2027. In any event the proposed upgrades will improve the existing conditions and will relieve any existing traffic congestion in the town of Ardee.
- 7.4.10. The appellant expresses concern in relation to pedestrian safety given the location of the proposed development given the lack of infrastructure for pedestrian traffic to cross the junctions. Following site visit, I noted that the existing pedestrian facilities

external to the site are to a reasonable standard, with availability for pedestrians to access the site directly from the R171, with footpaths linking towards the adjoining footpaths on the N33. There are no footpath facilities provided along the N2, National Road, however as noted in the forgoing, there is no proposed access to the N2 from the appeal site. I also note that there is existing public lighting on the R171, the Carrickmacross Roundabout, the N2 and the N33.

- 7.4.11. While I acknowledge that the pedestrian crossings at the Carrickmacross roundabout junctions could be improved, I consider that the site is adequately served by existing pedestrian infrastructure. I also note the proposed retail warehousing use associated with the proposal, and I concur that the majority of trips will be made by private car.
- 7.4.12. The Placemaking and Physical Development Section of the planning authority, have recommended the inclusion of a condition in respect to the existing public lighting along the R171, however I note that this condition requires works outside the applicants red/blue line application/ownership boundary and therefore is outside of the control and remit of the applicant. Therefore, in the event that the Board considers that the proposed development should be granted, I do not consider that the inclusion of this condition is warranted.
- 7.4.13. In terms of internal pedestrian infrastructure within the proposed development site, a network of interconnecting footpaths within the site provides permeability between the car park and main building and to the adjacent pedestrian network along the R171, with pedestrian crossings at key intervals. I consider the internal pedestrian infrastructure within the proposed site to be acceptable.
- 7.4.14. To conclude, while the proposed development will increase the number of trips and traffic generated in the area, I am satisfied that the peak times of these trips will be generated outside of the peak AM and PM congestion periods experienced at the adjoining roundabout to the south of the site and as such will not have a significant negative impact on the existing road network at this location, nor will the development impact on any proposed road upgrades to the wider vicinity. Adequate car parking and cycle parking provisions have been provided to serve the proposed development. I am also satisfied that the existing footpaths in the vicinity can accommodate the proposed development and will not result in a traffic or pedestrian hazard. Accordingly, I consider that the matters previously raised in the planning



history in relation to traffic and the adjoining N2, have been addressed as presented in the information submitted as part of the planning application in relation to the proposed use.

## **7.5. Appropriate Assessment**

- 7.5.1. I have considered the application for the refurbishment and upgrade and a change of use and extension of the existing building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels and associated vehicular access onto the R171 (Tallanstown Road) and all other site works including signage, in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 7.5.2. The subject site is located an approximate distance from the following Natura 2000 Sites:
- Stabannon/Braganstown SPA (Site Code 004091), which is 5.02 km to the east of the site.
  - Dundalk Bay SAC (Site Code: 000455), which is 12.14 km to the east of the site.
  - Dundalk Bay SPA (Site Code: 004026), which is 12.13 km to the east of the site.
- 7.5.3. As noted in the forgoing, the proposed development comprises the refurbishment and upgrade and a change of use and extension of the existing building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels and associated vehicular access onto the R171 (Tallanstown Road) and all other site works including signage.
- 7.5.4. No nature conservation concerns were raised in the planning appeal.
- 7.5.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works comprising the change of use and extension and alterations to an existing building on site at this location.

- The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
- Taking into account screening report/determination by Planning Authority and the Appropriate Assessment Screening report submitted with the application.

7.5.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

7.5.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 7.6. **Other Matters**

### 7.6.1. Desing, Scale and Form:

While not specifically raised within the appeal, I am satisfied that the design, scale and form of the proposed development is suitable for this site and will not impact on the visual amenities at this location. I welcome the reuse and refurbishment of the existing building on this site.

### 7.6.2. Flood Risk:

A site-specific Flood Risk Assessment has been carried out for the proposed development. The assessment states that the subject site has been analysed for risks from tidal and fluvial flooding, pluvial flooding, groundwater, and drainage system failures due to human error or mechanical system failure.

I note that the development is located in Flood Zone C and the flood risk from all sources can be mitigated, reducing the flood risk to low or very low. I am satisfied that the proposed development would not result in flood risk and concur with the inclusion a condition in this regard.

### 7.6.3. Other sites in the vicinity:

In respect to the issues raised in relation to the development of adjoining sites in the vicinity, I note that each proposal is assessed on its individual merits, noting the location of the site and the use proposed. I note the reference to the Malone Oils site, which is in closer proximity to the roundabout to the south and southwest of the subject site, and the proposal for a food discount store at that location, which would

generate different peak times and a larger footfall to that proposed in the instant application.

7.6.4. Existing Road Network and access to Ardee:

These matters raised in relation to the existing road network and lack of improvements to the road network in particular into the town of Ardee is a matter for the local authority, and I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised.

7.6.5. Conditions:

As noted in Section 3.1.1 of the foregoing, the local authority recommended a grant of permission subject to 16 no. conditions.

Notwithstanding the above assessment, Condition 3 of the Chief Executive's Order relates to the use associated with the proposal and restricts the use of the subject site, given its location where there is a concentration of employment generating lands, in the interests of public safety and to safeguard the compatibility of different land uses. Having regard to the location of the site relative to the town centre and to encourage certain employment uses to the town centre and not to displace uses more appropriate for the town centre, I concur with the Planning Authority and in the event that the Board considers that the proposed development should be granted, I recommend that a similar condition be included.

Condition 6 relates to the hours of operation, and I consider these to be reasonable, however in order to allow the applicant some flexibility in terms of hours of operation, any deviation outside of these hours shall be agreed with the planning authority.

Condition 14 requires that adequate provision be made for individuals with disabilities, the inclusion of this condition is welcomed and is considered reasonable.

Condition 16 includes other requirements for the proposed entrance and parking layout, which are considered reasonable.

The remaining conditions are considered to be standard and given the nature and scale of the proposed development, I concur with the local authority and recommend the inclusion of standard conditions in this instance.

## 8.0 Recommendation

- 8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the 'commercial and business' zoning which applies to the site under the Louth County Development Plan 2021 – 2027, as varied, under which coffee shop/tea room and garden centre use is stated to be generally acceptable in principle, subject to the conditions set out below the proposed development would reuse and refurbish existing vacant building on site, would be acceptable in terms of quantum of floor area, would not seriously injure the amenities of the adjoining sites and would be acceptable in terms of traffic and pedestrian safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The permission hereby permitted shall relate solely to the use of the premises and proposed structures as a garden centre, café and children's play area only. No other use whether exempted development or otherwise, shall be hereby permitted without the prior written agreement of the planning authority and where the planning authority considers that the</p>

	<p>change of use is material or pertains to a different use class, such will require a further planning application.</p> <p><b>Reason:</b> In the interests of planning control and to ensure compatibility with adjoining land use zoning of the Louth County Development Plan 2021-2027, as varied.</p>
3.	<p>The hours of operation shall be 09.00 and 18.00 Monday to Sunday, unless otherwise agreed with the Planning Authority.</p> <p><b>Reason:</b> In the interest of amenity.</p>
4.	<p>No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity</p>
5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and all lighting shall be set out and directed/cowled to minimise any overspill on adjoining roads.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>

7.	<p>Adequate provision shall be made to facilitate access to and use of the proposed development by people with disabilities. The access and use requirement shall be in accordance with the latest available guidelines from the National Rehabilitation Board at the time of commencement of development.</p> <p><b>Reason:</b> To ensure that all reasonable facilities are provided for the convenience of people with disabilities.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
9.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>
10.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning</p>

	<p>authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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.</p> <p><b>Reason:</b> In order to safeguard the amenities of properties in the vicinity.</p>
12.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and (b) Include any specific requirements if appropriate.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>
13.	<p>No deliveries shall be taken at or dispatched from the premises outside the hours of 0800 and 1800, Monday to Saturdays, nor at any time on Sundays or public holidays.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
14.	<p>The landscaping scheme shown on drawing number 7814-L-2000, as submitted to the planning authority on the 14<sup>th</sup> day of November, 2023 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>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</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
15.	<p>The applicant/developer shall comply with the following:</p> <p>(a) Adequate visibility shall be made available and maintained as indicated on submitted Proposed Sightlines Drawing No. MCSR-WMC-ZZ-XX-DR-C-102 for a minimum of 65 metres on either side of the entrance from a point 2.4 metres back in from the edge of the road carriageway over a height of 1.05 metres above road level and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle. The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter. No work shall commence on site until the visibility splays have been provided.</p> <p>(b) A minimum separation distance of 20m shall be provided between the existing and proposed access to ensure minimal encroachment on the visibility requirements.</p> <p>(c) Entrance gates shall be set back to prevent traffic congestion on the public road.</p> <p>(d) The proposed access road within the development shall be surfaced with an impermeable surface (e.g., concrete, dense bitumen macadam, etc.) and drained via patent type surface water lockable gullies or surface water drainage channels to a separate surface water drainage system. Gully chambers, where proposed, shall be provided at the minimum rate of one gully chamber per 200m<sup>2</sup>. No road gully chamber to be built directly “online” on any drainage pipeline and shall be connected to main drainage pipelines via separate 150mm diameter branch connections. Manhole covers and frames, located in areas subject to vehicular traffic, shall be heavy-duty type to the current IS EN standards. Minimum strength is D400. Only clean uncontaminated water from all hard standing areas, including</p>



	<p>roofs, within the site shall be discharged to the surface water drainage system. Gully chambers to be lockable and located and constructed in such a manner as to prevent ponding occurring.</p> <p>(e) Car parking areas shall be constructed in permeable block paving or similar approved.</p> <p>(f) Uncontrolled crossing points shall be in accordance with the requirements of Design Manual for Urban Streets 2022 (Section 4.3.2 Pedestrian Crossings). Guidance on the use of tactile paving may also be taken from Section 13.3 of the Traffic Management Guidelines (2003) and the UK Guidance on the use of Tactile Paving Surfaces (2005). The existing entrance shall be upgraded as per this condition.</p> <p>(g) The road layout as per the submitted vehicle swept path analysis shall be put in place, to allow for movements large vehicles such as emergency vehicles, eight-wheeled refuse lorries and other larger type delivery vehicles so they can safely manoeuvre through (access and egress) the entire site entrance and including the access roads and turning/parking areas within the development.</p> <p>(h) Electric Vehicles Charging Points and the associated infrastructure shall be installed in accordance with Section 7.6.2 Electric Vehicles and Section 13.16.9 Charging Points for Electric Vehicles of Louth County Council Development Plan 2021 – 2027, (as varied).</p> <p><b>Reason:</b> In the interests of traffic and pedestrian safety.</p>
16.	<p>Flood prevention measures shall be as per submitted Flood Risk Assessment Report, completed by Waterman Moylan Consulting Engineers dated Oct 2023.</p> <p><b>Reason:</b> In the interest of orderly development.</p>
17.	<p>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</p>

	<p>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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.




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Emma Nevin  
Planning Inspector

31<sup>st</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	318988-24			
<b>Proposed Development Summary</b>	Refurbishment, upgrade, change of use and extension of the building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels. The permitted vehicular entrance off the R171 (Tallanstown Road) will be used for access for private cars and the public to the development. A dedicated vehicular entrance for servicing and staff is proposed onto the R171 north of the permitted vehicular access. The proposed development also provides for all associated site development works, including associated signage to buildings.			
<b>Development Address</b>	Former McCabe's Garage, The Glebe, Ardee, Co. Louth			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>	X	Retail Development – located in an urban area	EIA Mandatory EIAR required	
<b>No</b>				
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary

				Examination required
<b>Yes</b>	X	Retail Development – located in an urban area		

4. Has Schedule 7A information been submitted?				
<b>No</b>	X		<b>Preliminary Examination required</b>	
<b>Yes</b>			<b>Screening Determination required</b>	

## Appendix 1 - Form 2

## EIA Preliminary Examination

An Bord Pleanála Case Reference	318998-24	
Proposed Development Summary	Refurbishment, upgrade, change of use and extension of the building on site to provide for a garden centre, a café and a children's activity centre with associated outdoor display areas and polytunnels. The permitted vehicular entrance off the R171 (Tallanstown Road) will be used for access for private cars and the public to the development. A dedicated vehicular entrance for servicing and staff is proposed onto the R171 north of the permitted vehicular access. The proposed development also provides for all associated site development works, including associated signage to buildings.	
Development Address	Former McCabe's Garage, The Glebe, Ardee, Co. Louth	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development  Is the nature of the proposed development exceptional in the context of the existing environment?	Proposal for the refurbishment, change of use and extension of an existing building, to provide garden centre, with associated café and childrens play area, including parking and access on commercial zoned land located in an urban area. However, the proposal is not considered exceptional in the context of the existing urban environment.	No
Will the development result in the production of any significant waste, emissions or pollutants?	No, the proposal will be connected to the existing water supply and will be connected to the existing public sewer. Surface water will also be connected to the public sewer.	
Size of the Development  Is the size of the proposed development exceptional in the context of the existing environment?	Site measuring 1.3 ha. with an existing floor area of 4,588 sq. m. and a proposed floor area of 3,934 sq. m. However, this is not considered exceptional in the context of the existing urban environment.	No
Are there significant cumulative considerations having regard to other existing	There are no other developments under construction in the proximity of the site.	

and/or permitted projects?		
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No, there are no natural heritage designations in the immediate vicinity of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA not required.</b></p>		

Inspector:



Date: 31/7/2024

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)