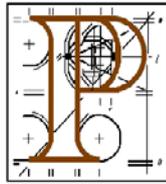


An Bord Pleanála



Inspector's Report

PL17.245996

Development: Planning permission is sought for the construction of a single storey discount food store (including off-licence) 2 no. free standing double sided internally illuminated signs, 106 no. car parking spaces, vehicular and pedestrian access together with all associated site development works and services, Watergate Street an Jonathan Swift Street, Trim, County Meath. The proposed development also includes a proposed surface water discharge connection to the River Boyne.

Planning Application

Planning Authority: Meath County Council
Planning Authority Reg. Ref.: TA/150598
Applicant: Aldi Stores Ltd
Planning Authority Decision: Grant

Planning Appeal

Appellant: Darragh Murtagh
Type of Appeal: 3rd Party - v- Grant
Observers: None
Date of Site Inspection: 26th day of February, 2016.
Inspector: Patricia M. Young

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site has a stated area of 0.7889-hectare and it is located on the southern side of Jonathan Swift Street with the north-eastern most corner of the site running alongside Jonathan Swift Street's junction with Watergate Street to the west of Trim's town centre. The site is also located to the north west of Trims core retail area and the town's historic town centre which is afforded protection by way of its designation as an Architectural Conservation Area.
- 1.2 The northern boundary of the site which aligns with Jonathan Swift Street is situated within 30-meters of the banks of the River Boyne. Running between the southern bank of the River Boyne and Jonathan Swift Street there is a soft landscaped area which includes an enclosed children's playground and a pedestrian river crossing. By way of this application a surface water discharge connection to the River Boyne is proposed over this adjoining in public ownership land.
- 1.3 The site up to recent years contained the town's swimming pool which has now been demolished. In its current state the site could be described as unkempt with part of the site's southern boundary and the eastern boundary enclosed by hoarding and with the westernmost portion of the site containing a hard surfaced area that is used for pay and display car parking as well as accommodating a bottle and aluminium can collection facility. This section of the site where it aligns with Jonathan Swift Street contains a pedestrian footpath whereas the remaining southern boundary which is by and large demarcated by hoardings does not contain any pedestrian footpath. In addition, the aforementioned car parking area and recycling facility all fall inside the River Boyne SAC boundary.
- 1.4 The land to the east of the existing car park contains what appears to be some commenced but largely uncompleted building works that are now heavily overgrown and unkempt. To the east of these lands and within 18-meters of the eastern boundary of the site there is a detached dwelling house that forms part of a larger plot of land that also appears to include a commercial development and associated car parking area (Kavanaghs). In close proximity to the southern boundary of the site is the OPW Headquarters building with the lands along the southern boundary rising to create a steep embankment. To the west of the site the lands are overgrown and they are bound by Jonathan Swift Street on their northern and western sides. At this

point running along the opposite side of Jonathan Swift Street there is a small roundabout which also provides access to Trim Pitch & Putt Club.

- 1.5 At the time of my site inspection I observed that the car park on the subject lands was in limited use and that Jonathan Swift Street was lightly trafficked whereas Watergate Street was heavily trafficked with traffic to the south of the Watergate Street and Jonathan Swift Street junction suffering from some congestion due to what appeared to be *ad hoc* car parking and the restricted width of this street. I also observed that from the site there were views towards a number of notable heritage buildings including ecclesiastical buildings of note and Trim Castle. To the north of the River Boyne the land use function changes dramatically from being of a mixed commercial character to a more predominantly residential character.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a single storey discount food store (to include off licence use) with a gross floor area of 1,757-sq.m. (net retail area 1,254-sq.m.). The development includes the erection of 2 no. free standing double sided internally illuminated signs, 1 no. internally illuminated gable sign and entrance glass signage. The proposed development will be served by 106 no. car parking spaces. Vehicular access to the site will be provided from Jonathan Swift Street, pedestrian access is proposed from Watergate Street and Jonathan Swift Street. The proposed development includes all engineering works including a connection pipe for compensatory flood storage to the River Boyne, landscaping works, boundary treatments and site development works on the 0.79-hectare site. The subsurface remains of Trim's Town Wall (a Protected Structure and National Monument) are located to the south east of the application site.
- 2.2 This application is accompanied by the following documents: Natura Impact Statement; Planning Report; Retail Impact Statement; Retail Design Statement; Construction Management Mitigation Measures; Flood Risk Assessment; Traffic Impact Assessment; Archaeological Desk Top Survey; Landscape and Visual Design Assessment. In addition this application is accompanied by a letter of consent from the

landowner, Meath County Council, for the making of this planning application and a number of photomontages that seek to illustrate the visual impact of the proposed development on its setting.

- 2.3 On the 11th day of November, 2015, the applicant submitted their **further information response** to the Planning Authority. This was followed by new public notices. The further information response included a Revised Natura Impact Statement; a Construction Management Plan; a Japanese Knotweed Management Plan; a revised Landscape Plan; an assessment of the potential impact of external plant equipment associated with the proposed building; and, a Ground Investigation Report. It was also accompanied by revised site layout and elevation drawings which take account of a revised treatment for the surface car park area through to revised elevation treatments for the proposed building. In addition, it included a written response to the various 3rd Party submissions received by the Planning Authority during the course of its determination.

3.0 PLANNING HISTORY

3.1 Appeal site:

- **ABP Ref. No. PL82.224029 [P.A. Reg. Ref. No. TT60023]:** On appeal to the Board planning permission was **granted** for a development described as consisting of a mixed use development comprising 144 residential units, retail, office units, crèche, new access road and all associated site works.

4.0 PLANNING AUTHORITY DECISION

- 4.1 **Planning Section:** The **initial Planning Officer's report** concluded with a recommendation for further information. A copy of this report and the further information request is attached to file. The **final Planning Officer's report** considered that the applicants further information response satisfactorily addressed the concerns raised in their further information response and concluded that the proposed development was acceptable subject to safeguards.

4.2.0 Interdepartmental Reports:

4.2.1 The **initial Heritage Officer report** indicated that the insufficient information had been submitted to enable the Planning Authority to carry out an appropriate assessment and natural heritage impact of the proposed development. It noted that part of the site is within the River Boyne and River Blackwater cSAC and the site is adjacent to the River Boyne and River Blackwater SPA. This report concludes with a recommendation for further information. The **final Heritage Officer report** may be summarised as follows:

- Measures set out in the Natura Impact Statement and Construction Environmental Management Plan are satisfactory.
- Measures proposed for eradicating Japanese Knotweed are noted.
- A number of conditions are recommended in the event of a grant of permission.

4.2.2 The **Conservation Officer's report** may be summarised as follows:-

- The area was investigated in 2000 and there is further potential for other archaeological materials to be found.
- Archaeological monitoring of all ground works is recommended.
- Only one pole sign should be permitted, preferably at the car park entrance.
- A number of conditions are recommended in the event of a grant of permission.

4.2.3 The **Engineer's** report may be summarised as follows:

- Insufficient details have been provided.
- A public lighting system to be agreed.
- The existing ESB Networks LV network to be transferred underground.
- No trees shall be planted within falling distance of a public lighting column.

4.2.4 The **Meath County Fire and Rescue Service** report sets out a number of standard in nature and scope recommendations in the event of a grant of permission.

4.2.5 The **Road Design Office** in their report raised no objection to the proposed development subject to the following revisions:-

- The existing footpath should be increased to 3.5-meters to cater for a future footpath and cycle track.

- Bollards shall be constructed along the road frontage to prevent parking on the public footpath.
- Public lighting to be agreed.

4.3.0 Submissions:

4.3.1 **3rd Party Submissions:** The Planning Authority received a number of 3rd Party submissions objecting to the proposed development. These submissions raise similar concerns to those raised by the appellant.

4.3.2 **HSE – Dublin North East:** In response to the further information response they indicate that they have no further comments to make and they refer to their original submission which raised no objection to the proposed development subject to standard recommendations and safeguards.

4.3.3 **Irish Water:** No objection subject to a number of standard recommendations.

4.4.0 Planning Authority Decision

The Planning Authority decided to **grant** planning permission for the proposed development subject to 21 no. relatively standard in nature conditions. I note the requirements of the following conditions:-

- | | |
|-------------------|--|
| Condition No. 2: | Sub-condition (a) requires the developer to agree a revised south eastern elevation. |
| Condition No. 3: | Only one pole permitted. |
| Condition No. 6: | Archaeology. |
| Condition No. 4: | Japanese knotweed. |
| Condition No. 5: | Sets out NIS mitigation measures and requires appointment of an ecologist. |
| Condition No. 14: | Cycle parking facilities. |
| Condition No. 19: | Water management and conservation. |

5.0 GROUNDS OF APPEAL

5.1 The appeal submission may be summarised as follows:-

- There are a number of town centre and edge of centre opportunity sites more suitable for the proposed development.
- The need for an additional food store is questioned.
- The proposed development would give rise to an undesirable precedent.
- The proposed development does not support the core retail area.
- The proposed development fails to respect the historic core and the Architectural Conservation Area.
- The proposed development is not plan-led development and the robustness of the sequential test is questioned.
- The proposed development does not respect the shift towards sustainable modes of travel and it promotes the use of the car.
- The shortfall of car parking spaces is unacceptable at a key town centre location and it will result in a traffic hazard with vehicles parking on nearby roads and pavements which will in turn endanger public safety.
- The proposed building by virtue of its scale, bulk and mass would be visually overbearing in the context of the nearby residential property.
- The proposed development would have a detrimental visual impact on the River Boyne and the surrounding area.
- The mass and scale of the proposed building alongside the proposed illuminated signs is considered to be totally inappropriate in this context. The context is described as being on the banks of River Boyne and adjacent to the Trim Historical Core Architectural Conservation Area.
- The Development Plan requires a high quality contemporary architectural design to compliment the character of the Architectural Conservation Area and the proposed development has failed to provide this. Condition No. 2 of the Planning Authority's grant of permission acknowledges the poor design by requiring a revised south eastern elevation.
- The recommendations of the Flood Risk Assessment are noted; however, it is considered that alternative and more appropriate sites should have been considered for a proposal of this scale and size. In particular a site not located within a flood risk zone.
- The Traffic Impact Assessment does not consider other major developments in the area or what would happen if the lands immediately surrounding the subject site are developed. This would have a definite impact on the operation of surrounding junctions and should have been appropriately assessed. A number of other concerns are raised in relation to its methodology and findings.

- The mitigation measures set out in the Natura Impact Statement provided are considered to be a minimal approach to counteracting the significant effects likely to arise.
- The Board is requested to refuse planning permission.
- The appeal submission is accompanied by a report prepared by DBFL Consulting Engineers which deals with the matters of traffic; road safety; drainage; and, flooding.

6.0 REFERRALS

- 6.1 This appeal case was referred to Inland Fisheries Ireland. No response was received.

7.0 RESPONSES

- 7.1 The Planning Authority's response, received on the 5th day of February, 2016, may be summarised as follows:
- Supermarket/superstores and shop are listed as uses which are permitted in principle on the subject lands.
 - Locating a retail development at this location is a logical response to accommodating the retail needs of Trim as identified in the County Retail Strategy and it is consistent with the local planning provisions.
 - Full occupancy of the car park is unlikely to occur even at peak events and thus the car parking provision is considered acceptable.
 - The residential amenity concerns have been satisfactorily addressed.
 - The design solution is satisfactory subject to compliance with conditions.
 - The Councils Road Design Section raised no objection to the proposal.
 - On the matter of Natura Impact Assessment the Councils Heritage Officer raised no objection.
 - The need for an additional retailer is comprehensively addressed in the County Retail Strategy and the Development Plan.
 - This response is accompanied by an additional response from the Councils Senior Executive Engineer which includes the following comments:-
 - The proposed development site is located within flood zones A and B as set out in the SFRA carried out for the current Development Plan;

- Commercial development is deemed to be less vulnerable and in accordance with the Planning System and Flood Risk Management Guidelines it is deemed to be appropriate; however, a site specific flood risk assessment was prepared for the proposed development;
 - The proposed development passed the Justification Test;
 - The mitigation measures submitted with the Flood Risk Assessment are deemed to be acceptable;
 - With reference to the flooding of December 2015 the proposed development site was not at risk of flooding during this event. The River Boyne did overtop its southern bank into the area immediately adjacent to the river, however this flooding was localised and the water did not threaten the adjacent road (Jonathan Swift Street).
- This response is accompanied by Flood Risk Assessment Report for projects described as '*Proposed Development Sites at Trim, County Meath*'. This report concludes that if a planning application is submitted after the adoption of the Trim Development Plan, 2014-2020, it will be necessary for the applicant to demonstrate that the criteria for the justification Test as it applies to the development management are satisfied.

7.2 The 1st Party's response, received on the 5th day of February, 2016, may be summarised as follows:-

- Due to the historic nature of the town centre, significant retail development has been focused on the outskirts of the town which has resulted in the unbalanced distribution of retail activity to the north of the town centre off the inner relief road. The proposed development will help to rebalance the existing spatial distribution of retail floor space within the town and help to reinforce the retail primacy of the town centre.
- The undeveloped site contributes little to the character of the town.
- The subject site is primarily zoned for town centre purposes within the current Development Plan and the proposed development is permitted in principal. In addition, the site is identified as a retail opportunity site within the Meath County Retail Strategy.
- The Meath County Retail Strategy identified the lack of a national/international multiple within the mix of existing retail floor space within the town.
- The redevelopment of an underutilised brownfield site adjacent to the retail core of Trim will consolidate and enhance the retail provision of the town.

- Both the Development Plan and the County Retail Strategy identify that Trim has a compact retail core which is concentrated around Market Street, Emmet Street, Castle Street and Bridge Street with the application site being adjacent to this retail core area. There are no potential sites to accommodate a retail unit of the nature proposed.
- The subject site passed Parts 1 and 2 of the Justification Test for Development Plans as carried out by the Council and therefore retained its commercial/town centre zoning within the current Development Plan. This is clearly demonstrated within the Strategic Flood Risk Assessment contained in Appendix H of the Development Plan.
- The design resolution has had regard to adjoining land and does not seek to jeopardise the delivery of the long term strategic expansion of the identified town centre core expansion area.
- The proposed contemporary building with its modern form is a clear expression of its proposed function and it will contribute to the character of its locality. Moreover, it accords with the Departments Retail Design Manual as well as is consistent with discount food stores previously permitted by the Board including in other heritage towns. In addition, the applicant is willing to agree the revised south eastern elevation required under Condition No. 2.
- The car parking provision was agreed with the Council and the Development Plan sets out minimum standards. In addition, there are also alternative modes of transport serving the site.
- The proposed development would have no detrimental impacts on residential amenity.
- The visual impact of the car parking area has been addressed.
- The traffic impact assessment submitted with this application applies a 36% traffic growth rate and this is more than sufficient to take into consideration other developments in the area. In addition, the weekday assessment provides the worst case traffic scenario.
- The NIS has thoroughly assessed the potential effects arising from this project.
- This response is accompanied by a revised south east facing elevation; a report prepared by Transportation Planning Services; a report prepared by Kilgallen & Partners Consulting Engineers; and, a report prepared by Downes Associates Consulting Engineers. I have noted the content of these reports.

7.2.3 The Planning Authority's response received on the 26th day of February, 2016, may be summarised as follows:

- Based on experience of similar stores throughout the County full occupancy of the car park is considered to be unlikely even at peak events.
- No 3rd party appeal has been made by any residential property.
- Reference is made to the County's Heritage Officer.
- No objection is raised to the revised south eastern elevation provided as part of the 1st Party's appeal submission.

8.0 POLICY CONTEXT

8.1.0 Local Planning Context

The appeal site is governed by the policies and provisions contained in the Trim Development Plan, 2014-2020, under which the site is zoned 'B1'. The land use objective for such land is stated to be: *"to protect, provide for and/or improve town and village centre facilities and uses"*.

The appeal site forms part of a larger parcel of land identified as an Opportunity Site (OS1). Section 3.4.1.1 of the plan identifies OS1 as consisting of the: *"site to the west of Watergate Street, east and south of Jonathan Swift Street and north of the OPW Headquarter building"*. On the opposite side of Watergate Street is another opportunity site (OS3). OS3 is identified as the: *"site on Watergate Street. This site is located to the south of the River Boyne with extensive frontage to Watergate Street"*.

The retail policies set out in Chapter 3 of the plan include RET POL 1 which seeks to maximise potential and opportunities in the retail sector; RET POL 2 which seeks to support the development of the core retail area and reinforce the role as well as function of the core retail area; RET POL 9 which seeks to encourage and work with landowners, retailers and developers to realise the potential of existing vacant premises and identified 'Opportunity Sites'; and RET POL 13 which seeks to promote and encourage the delivery of the major enhancement and expansion of retail floor space and town centre functions in Trim to the west of Emmet Street.

Section 3.6 of the plan encourages the reuse and revitalization of derelict and obsolete land. Policy DER POL 2 states that the Council will seek: *"to identify and secure the redevelopment of obsolete areas,*

including areas of backland, derelict sites and incidental open areas and that such sites are developed in an environmentally sustainable manner". In addition, Section 3.1.4.6 of the plan also deals with the matter of revitalization of vacant sites and recognises that such sites can affect the vitality and viability of town centres as well as have negative visual impacts.

Chapter 4 of the Development Plan deals with the matters of heritage, tourism and green infrastructure and indicates that key aims in this area include the protection and enhancement of the built and natural heritage resources of the town and its environs and the promotion as well as encouragement of the town's development as a tourism destination in a sensitive and sustainable manner. It notes that Trim has the prestige of being one of the 15 'Heritage Towns of Ireland' network. Policies and objectives in relation to these matters include but are not limited to:

HER POL 1: *"To protect and enhance the quality of the natural and built heritage of Trim, to safeguard it as a resource in its own right and ensure that future generations can understand and appreciate their heritage."*

The appeal site is located within the Zone of Archaeological Potential associated with the Historic Town Trim (RMP Ref. No. ME036-048) and is situated circa 15-meters to the north of the line of the Town Wall of Trim Town, a Protected Structure (RMP ME036-048005). Archaeological policies and objectives set out in the plan include:

HER OBJ 11: *"To promote archaeological heritage as a resource for educational and tourism purposes and to increase public awareness of Trim's archaeological heritage."*

HER POL 8: *"To protect the integrity and setting of the Trim town wall defences."*

HER OBJ 12: *"To protect the site of the medieval town wall alignment from new development through the implementation of a buffer zone which will be assessed on a site by site basis."*

The site adjoins the Historic Core Architectural Conservation Area and the site adjoins a listed View and Prospect which the plan seeks to protect. HER OBJ 13 seeks to protect View and Prospect No. 4 which

is defined as consisting of: “*Watergate Bridge towards the river valley to the west and towards the town centre to the east*”. HER OBJ 14 requires: “*an appropriate Landscape and Visual Impact Assessment (taking into account cumulative impacts) for development that may have a potential to impact adversely on significant built heritage and cultural landscape features such as scenic views and routes within and adjoining the Plan area*”.

Part of the site falls inside the River Boyne and River Blackwater SAC (Ref. No. 002299). The qualifying interests of this Natura 2000 site includes Annex I Habitats consisting of Alkaline Fens and Alluvial Forests; Atlantic Salmon, River Lamprey and Other Annex II Species; and, a number of Protected Species including: Round Leaved Wintergreen, Common Frog as well as a number of protected mammals. The Conservation Management Objective is: “*to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected*”: The Annex II species are as follows:-

- Lampetra fluviatilis;
- Salmo salar (only in fresh water);
- Lutra lutra;
- Alkaline fens; &
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae).

In addition, the site lies in close proximity to the River Boyne & River Blackwater SPA (Site Code: 004232). The Qualifying Interest for this SPA is that it is a habitat for the Kingfisher (Alcedo atthis) which is listed under Annex I of the Birds Directive. The Conservation Management Objective for this SPA is: “*to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.*”

8.1.2 Trim Conservation Plan, 2008: This plan includes policies for their protection and management. Under Section 5.04 of this plan the site forms part of a larger parcel of land defined as ‘Zone 3’ which contains above and below ground remains of the town wall and the remnants of a small square tower. All of these town wall features and the tower are in close proximity to the site. Policy 15 of the plan states that: “*the impact of all new developments should be fully considered and, where these impact on the Monument and its setting, should not be permitted unless a compelling case is presented*”. In addition, Policy 25 states

that: “a linear park should be developed to highlight the western side of the Monument”; Policy 30 states that: “a guided walk, appropriately way-marked should be devised to include the walls and other places of interest in the town”.

8.1.3 County Retail Planning Strategy: Under this strategy Trim is designated as a Level 3 Town and/or District Center and a Sub County Town Centre within its retail hierarchy. Under this strategy the appeal site forms part of a larger parcel of land identified as a retail opportunity site (OS 1 Site).

8.1.3 Meath County Development Plan: This plan designates Trim as a Moderate Growth Town and like the Regional Planning Guidelines indicates that it is critical that these develop in a self-sufficient manner in the longer term.

8.2.0 Regional Planning Context: Under the Regional Planning Guidelines Trim is located within the hinterland of the Greater Dublin Area and is designated as a Moderate Sustainable Growth Town. The Guidelines consider it essential that Moderate Sustainable Growth Towns develop in a self-sufficient manner in the longer term.

8.3.0 National Planning Context

8.3.1 Retail Planning Guidelines for Planning Authorities, April 2012 (Department of the Environment, Community and Local Government): This revised document indicates that enhancing the vitality and viability of town centres through sequential development is an overarching objective in retail planning. There are 5 key policy objectives – ensuring plan led development; promoting town centres through sequential development; promoting a competitive market place; encouraging sustainable travel by located shops in locations accessible by such modes; and realising high quality urban design. The guidelines supports town center locations for new development in the interests of maintaining vitality and viability.

8.3.2 Retail Design Manual – Department of the Environment, Community and Local Government (2012): This is a companion document to the Retail Guidelines which highlights the need for high quality design that is appropriate to the character location and

configuration of the site and its environs improving the urban grain, pedestrian permeability and using high quality design/finishes with various case study examples clearly set out. The manual utilises 10 principles of urban design as a benchmark for suitable development.

8.3.3 Architectural Heritage Protection Guidelines for Planning Authorities (issued by the DoEHLG in 2004 and 2011): The national policy in respect of the protection of the architectural heritage is contained in these guidelines.

9.0 ASSESSMENT

9.1.0 Overview:

9.1.1 I consider that the substantive issues in this appeal case are:-

- *Principle of the Proposed Development;*
- *Built Heritage Impact;*
- *Retail Impact;*
- *Flooding;*
- *Parking;*
- *Traffic/Road Safety;*
- *Residential Amenity;*
- *Archaeology;*
- *Signage;*
- *Site Servicing;*
- *Appropriate Assessment; &*
- *Japanese Knotweed.*

9.1.2 I consider that these broad headings also cover the main points made in the appeal submissions and responses received by the Board during its determination period and they also encapsulate my *de novo* consideration of this application.

9.1.3 I also have had regard to the nature and extent of development both as originally proposed and as revised by way of the applicants further information response which was received by the Planning Authority on the 11th day of November, 2015. I recommend that the Board consider

the application in reference to this further information as this response provides significant additional information to allow an appropriate assessment of the proposed development to be carried out through to it includes revisions that make qualitative improvements to the overall proposed development. For clarity purposes I therefore note that my assessment below is based on the proposed development as amended by way of the further information submitted.

9.2.0 Principle of the Proposed Development:

- 9.2.1 The appellant in this case argue that the principle of the proposed development should be revisited and should be the subject of further consideration.
- 9.2.2 The operative plan for this area is the Trim Development Plan, 2014-2020, under which the site is zoned “*to protect, provide for and/or improve town and village centre facilities and uses*” (Note: Land Use Zoning B1) and under Core Strategy Map No. 2 of the plan part of the site falls inside an area of the town identified for town centre expansion.
- 9.2.3 To this I also consider it appropriate to note to the Board that Section 3.4.1.2 of the plan states that: “*the County Retail Strategy identified low levels of vacancy in the town centre and stated that it would appear that the town centre expansion area, to the west of Emmet Street and Watergate Street, and other Opportunity Sites, will be important, if Trim is to significantly improve its retail offer. The location of these opportunity sites is outlined on the Figure 3.4*” and that Figure 3.4 includes the appeal site as forming part of one of the identified opportunity sites (Note: OS1) within the town. In addition, in close proximity to the site on the opposite side of Watergate Street there is another identified opportunity site (Note: OS3).
- 9.2.4 Section 3.4.1.5 of the plan, which deals with the matter of diversity of uses, indicates that there is an under provision of national and international multiples in this sub county town and that this should be expanded over the coming years. In addition, Section 3.4.1.4 of the plan, which sets out the plans health check assessment conclusions for the town, also indicates that for a Sub County Town, the range of convenience and comparison retailers is weak and it states that: “*further comparison and convenience operators, in particular from national and international multiples, would assist with retaining expenditure and increasing the attractiveness of the town as a retail*

destination". Moreover, this Section of the plan also indicates that the Council will seek to attract as well as direct national and international multiples to sites within the town including identified opportunity sites in the town centre. As such the proposed development which consists of the construction of food store on an identified opportunity site at the edge of centre which would be operated by international multiple would be consistent with the retail provisions of the current Development Plan as set out under Section 3.

9.2.5 I therefore consider that the general principle of a proposed food store at this location is deemed to be acceptable, subject to safeguards.

9.3.0 Built Heritage: Suitability of the Site

9.3.1 The medieval town of Trim is recognised in the current Development Plan as having an "*exceptional cultural and natural heritage*" which this plan indicates that the Council will seek to protect and enhance. The plan also seeks to ensure that future development is appropriate to the capacity of the receiving environment alongside seeking to promote as well encourage the development of Trim as a tourism destination in both a sensitive and sustainable manner (Note: Chapter 4). The heritage merit of Trim is also reflected in the fact that the town is one of the fifteen 'Heritage Towns' designated in Ireland. I note that such towns have been selected based on their unique character, heritage resources and potential to achieve further tourism development.

9.3.2 The appeal site is prominently located at what I consider is a gateway location into the historic heart of Trim due to its location on the corner of Watergate Street and Jonathan Street junction and the site is situated in close proximity to the alignment of the historic town wall which lies circa 15-meters from its southern and eastern boundary. I note to the Board that this is afforded protection as a National Monument and as a Protected Structure. In addition to this the site is located in close proximity to the southern banks of the River Boyne which it is separated from by Jonathan Swift Street and a modest but of high quality linear strip of passive and active public open space amenity; and, it neighbours the Historic Core Architectural Conservation Area.

9.3.3 In addition the visual sensitivity of the sites location and its amenity value is further recognised by it forming part of the setting of a protected View and Prospect under the plan (Note: View and Prospect No. 4).

- 9.3.4 During my inspection of the site I also observed that from the site and the immediate public domain there are a number of notable buildings of built heritage merit whose built form and roofscapes are clearly visible, thus adding to the visual interest and character of the site's setting.
- 9.3.5 Based on the above considerations the design resolution in its entirety is of particular relevance in terms of the Boards assessment of the overall planning merits of the proposed development.
- 9.3.6 Having regard to the documentation on file I am cognisant that the applicants further information response included some qualitative improvements to the elevation treatment and detailing of the proposed building. It further included qualitative visual improvements to the material treatments and an improved landscaping scheme. These revisions were deemed to be generally satisfactory to the Planning Authority subject to a number safeguards including a condition seeking a revised south eastern elevation.
- 9.3.7 While I concur with the Planning Authority that these improvements result in a visually more sympathetic site sensitive design response I still consider that they are not robust enough in their own right to ensure that the proposed development in its entirety would sit comfortably; would be visually appropriate or would contribute in a positive manner to the character and quality of this historic builtscapes. A setting whose rich built heritage in my view demands a better understanding of intricacies of place and a higher quality architectural response.
- 9.3.8 In its current form the proposed building, if permitted, would be a substantial built insertion within what is largely a finer grain urban landscape where buildings more often than not front immediately onto the public domain and are characterised by their verticality as well as displaying a strong harmony in built form, detailing and materials.
- 9.3.9 In my view improvements to the south eastern elevation, as is required by the Planning Authority in their grant of permission by way of Condition No. 2, and the suggested south eastern elevation provided by the 1st Party in their response to this appeal are not sufficient for a building that will essentially be highly visible in the round from various vantage points. The level of improvements required to the proposed building including improvements to the solid to void expressions of elevations; greater verticality, improved detailing through to better interaction with the spaces surrounding the site which I am cognisant

includes spaces that are recognised as having potential for further public realm improvements alongside having latent potential.

9.3.10 I also consider that the façade treatments for the most part fails to take inspiration from as well as fundamentally fails to harmonise to a satisfactory level with the sites which includes a neighbouring architectural conservation area.

9.3.11 Further the façade treatments in my view does little to address the large-scale industrial and largely homogenous box like built form of the proposed building which would be highly visual and incongruous when viewed from various vantage points including from the proposed pedestrian walkway that would bound the subject site; the public domain of Jonathan Swift Street which forms part of a protected View and Prospect through to historic line of the town wall which includes legible above ground surviving sections to the south and east of the site. I am not convinced that this building, if permitted, in the form proposed would do anything other than adversely diminish and interfere with the intrinsic visual character and quality of its built heritage sensitive setting.

9.3.12 The visual incongruity of the proposed building in my view is also heightened by the extensive car parking area that surrounds it from key public domain areas; the application of generic approach landscaping and signage. The latter I note has been improved by way of conditions attached to the Planning Authority's grant of permission to reduce the visual impact of these elements.

9.3.13 I recognise that in common with other convenience retailers the First Party is constrained in their design by their requirements for a certain type of building served by a standardised car parking and access format and that this inevitably limits the qualitative improvements that they are willing to introduce.

9.3.14 While I accept the principle of retail expansion at this location and I am cognisant that the 1st Party indicates that the development has been carefully designed having regard to the visual sensitivities of its location and I accept that the design resolution would be acceptable in a less visually and built heritage sensitive location. Notwithstanding, in this context the proposed development would be contrary to policy HER Pol 1 which seeks to protect and enhance the quality of the built heritage of Trim alongside safeguard it as a resource in its own right to ensure that

future generations can understand and appreciate their heritage. Further, I consider that to permit the proposed development would be contrary to policy HER POL 8 which seeks to protect the integrity and setting of Trim town wall defences including its walls, earthen work embankments and other features; and, objective HER OBJ 12 which also seeks to ensure an appropriate buffer zone is provided between the alignment of the town wall from new development. In relation to this objective I question the merits of this type of building design, building format and typology within 15-meters of a stretch of the medieval town wall that has yet to be fully opened up for public access and added to the tourism offer of Trim in an area that was historically largely devoid of built structures. In this instance I am not of the view that a sufficient lateral separation buffer zone has been provided between this new development and the alignment of the town wall and its earthen embankment.

9.3.15 In addition, to the above concerns I note that the Development Plan contains a number of policies and objectives in relation to tourism including TOUR POL 1 which states that the Council will seek: “*to support the development of Trim as a significant tourism centre in the county*” and I also raise a concern that the building footprint proposed significantly deviates from that envisaged in Map 5 of the Development Plan. This map not only seeks to provide built containment to Watergate Street and a setback built edge at the junction of Watergate Street and Jonathan Swift Street it also indicates that these envisaged built forms would encompass retail and mixed use.

9.3.16 My final concern is that the proposed development would be visually prominent in an adverse manner particularly when viewed in the vicinity from Watergate Bridge and as appreciated from the public amenity space that has been provided on either side of the River Boyne to the west of this bridge. I note that the site and the area to the west of this bridge form part of a protected ‘View and Prospect’ (Note: No. 4). This view is provided protection under objective HER OBJ 13 of the Development Plan.

9.3.17 Though I recognise that further improvements could be achieved by way of appropriate conditions I am not of the view that conditions alone would address the diminishment of the visual and built heritage amenity of the sites setting, if the proposed development was permitted. Having regard to the concerns raised above I consider there is sufficient merit to refuse planning permission for the proposed development on

adverse visual and built heritage impact. Moreover, the impact is such that the proposed development would be inconsistent with the proper planning and sustainable development of the area.

9.4.1 Retail Impact

- 9.4.1 The appellant contends that the proposed development would not be in accordance with the current Development Plan and the Retail Planning Guidelines. The retail Planning Guidelines for Planning Authorities (April 2012) updates the previous guidelines and aim to ensure that the planning system plays a key role in supporting competitiveness in the retail sector and also promotes as well supports the vitality and viability of city and town centres.
- 9.4.2 The appeal site is located in the settlement of Trim, County Meath. This settlement is identified as a Level 3 Sub-County Town Centres in the Retail Strategy for the Greater Dublin Area along with Ashbourne, Laytown/Bettystown and Kells.
- 9.4.3 The current Trim Development Plan recognises that Trim has a relatively compact town centre with the main shopping area concentrated around Market Street, Emmet Street, Castle Street and Bridge Street. It also recognises that the vacancy rate is relatively low at 10.76% which indicates a healthy town centre. Section 2.3.8 of the said plan which deals specifically with the matter of retail states: *“that arising from the County Retail Strategy Trim is under provided for in terms of national and international convenience and comparison retailers. At present Lidl, Super Valu and Spar are the primary convenience retailers in the town. Kilkenny Shop is the only national comparison retailer in Trim Town Centre. As a sub-county Town, a certain level of representation of national and international multiples would be expected”*.
- 9.4.4 As discussed in the previous section of this report the subject site is located on town centre zoned land and on land identified as a potential ‘Opportunity Site’ for retail development. Moreover, under the Meath County Retail Strategy, 2013-2019, the appeal site is located immediately adjacent to the identified core retail area. This also correlates with Core Strategy Map 2 of the Development Plan. The County Strategy identifies that the settlement of Trim has an indicative

further capacity of 5,000-sq.m. of net additional convenience retail floor space over the time frame of the Development Plan and up to 2022.

- 9.4.5 The proposed development consists of the construction of a discount food store for an internal multiple with off-licence use with a net floor space of 1,254-sq.m. In retail terms the quantum of net retail floor space proposed is not inordinately large or could it be considered as being out of the ordinary for a settlement with a population and catchment area like Trim. Over the last two decades in particular throughout Ireland there has been rapid growth of discount food stores of similar nature and scale located in settlements of similar size with similar catchment areas.
- 9.4.6 The current Retail Planning Guidelines places a strong emphasis on a plan led approach, the use of high quality design, and utilising central locations where access by public transport, cycling and walking can be achieved.
- 9.4.7 As regards to the general suitability of the location relative to retail core of Trim, the site immediately adjoins its western fringe, and as previously discussed forms part of a larger parcel of land where town center growth is envisaged and provided for under the current Development Plan.
- 9.4.8 Using the sequential approach the site has been defined an 'edge of centre' location. I would concur with this conclusion and I also consider it a location that benefits from being within easy walking distance of the historic heart of Trim which appears to be a vibrant place with little evidence of vacancy and underutilisation of commercial properties alongside containing a wide variety of smaller in scale retail offer. In addition, the center of Trim is also a node for public transport and the redevelopment of underutilised, brownfield land is encouraged in the Development Plan as it is considered redevelopment of such lands will enhance the vitality and viability as well as act as a catalyst for the development of identified expansion area of trim town centre.
- 9.4.9 A Retail Impact Assessment was lodged with the application and supplemented by further information. It is widely acknowledged that this information is often subject to dispute as such issues as catchment area, population, existing net floor space and expenditure figures can exhibit a wide variety of calculation. It is also acknowledged that retailing is a complex as well as dynamic process and in recent years

throughout Ireland food stores like that proposed under this application, have gained a considerable market share and the previous trend of a weekly shop appears to be decreasing.

9.4.10 The Retail Impact Assessment provided does use up to date figures regarding population figures and expected growth together with expenditure figures from the Central Statistics Office. The most recent economic forecasts envisage economic growth after several years of stagnation with interest rates remaining relatively low and unemployment declining.

9.4.11 While any Retail Impact Assessment figures can be subject to dispute the information submitted appears to be reasonable and the catchment area also appears to be reasonably based. I also accept the findings of the sequential test it includes and I concur with the 1st Party that there are no suitable sites to accommodate the nature and scale of the proposed development within Trims highly compact historic core.

9.4.12 I further consider it reasonably clear that there is, in quantitative terms, a need for an expansion of convenience provision in this town and that the proposed development is generally consistent with local and regional planning provisions as well as the Retail Planning Guidelines (2012). In addition, the current site is a vacant underutilised brownfield site and as such its latent potential in terms of contributing to the vitality and vibrancy of this settlement has not been fully realised.

9.4.13 Taking the above into considerations alongside the conclusion of Section 9.2 of this assessment I consider that the proposed development accords with Policy DER POL 2 of the Development Plan which states that the Council will seek: *“to identify and secure the redevelopment of obsolete areas, including areas of backland, derelict sites and incidental open areas and that such sites are developed in an environmentally sustainable manner”*; and, the proposed development does not give rise to any significant adverse retail related issues.

9.5.0 Flooding:

9.5.1 The appellant raises a number of flooding related concerns in their grounds of appeal and I consider these concerns justifiable considering that the site is located on land identified in the current Development Plan as forming part of Flood Zone A and B. The Planning Authority is

satisfied that any flooding concerns have been addressed by way of the documentation submitted with this application.

- 9.5.2 The applicant has submitted a Site Specific Flood Risk Assessment (SSFRA) as part of their application and this I note includes a hydrological model which is based on a detailed assessment of the site and related topographical as well as hydrological surveys. The SSFRA submitted estimates that the 100-year flood to be 55.06mOD and in response to this the minimum floor level of the proposed building is set at 55.56mOD. I am cognisant that typical practice is to apply a freeboard of 500mm above the 1 in 100-year flood for the floor level of buildings in this location. As such I consider that the minimum floor level of the proposed building is acceptable. I am also cognisant that the drawings indicate that the building footprint will remain outside the flood risk zones.
- 9.5.3 The documentation submitted also indicates that based on anecdotal evidence Jonathan Swift Street has never been flooded since its construction and it did not flood in the December 2015 flood event referred to by the appellant. This contention is supported by public available sources on such matters including the OPW flooding maps.
- 9.5.4 The appellant contends that the proposed development has been the subject of a detailed and robust SSFRA in accordance with the Flood Risk Management Guidelines and that it meets the requirements set out in these guidelines including the Development Management Justification Test. From their assessment of the site a number of flood mitigation measures are proposed. These measures seek to ensure that surface water run-off would be maintained at Greenfield rate. The documentation submitted indicate that in the extreme rare event of the water level in the River Boyne exceeding the existing ground level of the site the proposed compensatory floodplain storage tank, which has a stated 8,322m³ capacity and would be constructed under the car park area, would ensure that the site maintains a Greenfield run-off rate. This underground tank would be connected to the River Boyne by a 750-mm diameter pipe. In addition, the capacity of the tank has been calculated and based on a site specific flood risk assessment.
- 9.5.5 The existing weir level of the adjoin stretch of the River Boyne is set at the existing minimum ground levels at the site. Water would only flow into the proposed pipe which links to the proposed storage tank when the water level in the River Boyne rises above the weir level. This tank

would allow water once it exceeds the weir level to flow into it by way of gravity and the documentation clearly indicates that it would require no other mechanical or electrical interventions. As such water can only flow into the proposed storage tank if the water in the River Boyne reaches the level at which the flooding would begin to occur in the site's existing situation.

- 9.5.6 I accept that weir and non-return valve are commonly used components in drainage and flood management schemes in similar flood sensitive site locations.
- 9.5.7 The proposed tank will not require any mechanical or electrical interventions and will operate entirely under gravity and water will only flow into this pipe when the water level in the River Boyne rises above the weir level. The documentation includes a design hydrograph for the River Boyne which shows the time from peak flow in extreme flood events would be approximately 24-hours from the commencement of the rainfall event causing the flood. This in the view of the Planning Authority as it would allow ample advance notice to put proposed flood related procedures into operation. I note that these procedures include site specific warning system; evacuation; and, a closure plan. The documentation also indicates that the responsibility to maintain the compensatory floodplain storage tank in good working order will rest with the developer; however, consent would be required from the Council for maintenance purposes and the like of the section of discharge pipe that is located outside of the site. The documentation on file appears to indicate that the Council has no objection to facilitating such access.
- 9.5.8 Though I consider that the installation of such a large storage tank that would occupy a large portion of the site and would require extensive ground works is a significant engineered design response to the sites location in a designated flood zone, notwithstanding, I concur with the Planning Authority that the proposed building would be a less sensitive land use in flooding terms to other potential uses of the site and as previously discussed an appropriate finished floor level has been proposed. While the main site area has been subject to previous ground disturbance the insertion of a storage tank over a large area of the site together with a surface water discharge connection to the Boyne over adjoining land should the Board be minded to grant permission I recommend that such works should be subject to archaeological monitoring alongside compliance with appropriate

measures to deal with potential natural heritage impacts, in particular on the SAC part of the site forms part of (Note: River Boyne and Blackwater SAC/Ref. No. 002299) and the SPA (Note: River Boyne and Blackwater SPA/ref. No. 004232) that is located within 30m too. The potential impact of the proposed development on these European sites is discussed in more detail under the appropriate assessment section in this assessment.

- 9.5.9 Taking the above matters into consideration and having regard to the documentation submitted with this application I consider it reasonable to conclude that the proposed development subject to the safeguard of compliance with the flood mitigation measures proposed, would not give rise to any additional adverse flooding either on site or in its vicinity. I also consider that the proposed development generally accords with the Flood Risk Management Guidelines and that it meets the requirements of the Development Management Justification Test set out in these guidelines.

9.6.0 Parking Provision:

- 9.6.1 The appellant seeks that the Board refuse permission for the proposed development based on the provision of insufficient car parking spaces to meet the needs of the proposed development and the potential of the proposed development to result in a car parking overspill in the vicinity.
- 9.6.2 The 1st Party indicates that the car parking provision was agreed with the Council and they consider that based on their experience of other similar stores in the County that permission has been granted with car parking space provisions ranging between 4 through to 23 spaces less than that required under the Development Plan. The 1st Party contends that all of these car parks work well with no material impact on the surrounding road network or without giving rise to any customer car parking difficulty. They also contend that other factors which also influence the number of car parking spaces required for similar types of food stores including projected store turnover; likely catchment area; competition within 5, 10 and 15 minute drive times; potential to attract passing trade; percentage of car borne customers; a standalone retail food store through to whether or not a store is located within a mixed retail development; and, that all of these factors were considered in establishing the 106 car parking spaces proposed to serve the proposed development.

- 9.6.3 The Meath County Development Plan is the applicable plan in terms of setting out the car parking space requirements for this type of development. It sets out minimum car parking space standards and requires 1 space per 20-sq.m. gross floor area and where the floor area exceeds 1,000-sq.m. gross floor area, 1 space per 14-sq.m. gross floor area which gives rise for a requirement of 125.5-spaces based on the 1,757-sq.m. gross floor space of the retail building proposed.
- 9.6.4 I note that part of the site currently operates as a pay and display public car park and that Section 6.8.4 of the Trim Development Plan indicates that there is a need to develop a network of environmentally sustainable longer term car parking areas outside the historic town centre which do not detract from the visual appearance of the town centre as specified in the Trim Local Transport Plan. On this point based on the documentation provided I am not satisfied that any measures would be provided to ensure that the car park is not used as a long stay car park as a result of its easy walking distance from the historic core of Trim. Should this occur this would inevitably result in less car parking spaces for customers and staff.
- 9.6.5 I also raise a concern that Section 6.8.4 of the Trim Development Plan states that the Council will seek: *“to minimise large expanses of surface car parking and also seeks that such developments avoid negative impact on the setting of prominent features such as the River Boyne, Town Wall and protected views and prospects”*.
- 9.6.5 Of additional concern Section 2.3.1 of the Development Plan in relation to retail development indicates that such developments shall be required to show compliance with the policies and objectives contained in Section 6 of this plan relating to the public realm and development within the town centre expansion area. It also goes on to state that: *“stand alone retail outlets with large expanses of surface car parking will generally be discouraged as such a format is generally not in keeping with the urban evolution of Trim”*.
- 9.6.6 I consider that while there is some visual amenity and built heritage merit in providing a reduced level of car parking spaces at this location the expansive car parking area proposed and relatively generic treatment of this provision with limited notable public realm gains outside of the redevelopment of a currently derelict and unkempt site in my view fails to accord with these particular sections of the Development Plan.

- 9.6.7 I am cognisant that the Planning Authority raised no concern in relation to the proposed provision of 106 car parking spaces and that they consider this provision is adequate for the nature and scale of development proposed. Notwithstanding on the basis of information submitted with this application and the highly sensitive site setting, I am not satisfied that a large scale format car park is appropriate at this location nor am I satisfied that the applicant in the document provided has sufficiently demonstrated that in this particular context without any measures to control long-term car parking that the proposed car parking provision which is below minimum plan standards by 19.5 car parking spaces would be sufficient to meet the needs of the proposed development once in operation and that the proposed development would not result in any overspill or additional demand on limited public car parking in the vicinity of the site.
- 9.6.8 I consider it reasonable to conclude that in this instance the proposed development provides insufficient justification for the shortfall of car parking spaces proposed. Further there is no information provided to ensure that the car parking would be managed in such a manner as to ensure that it is predominantly used by customers and staff of the proposed food store as opposed to long term day parking due to its convenient location to the town center. Moreover, on a side note I consider that there is merit in the appellant's argument that the car parking and access overall functional design arrangement displays little thought of pedestrian and cyclists. While I concur with the Planning Authority that there is a need to condition for bicycle parking stands to be provided I am also of the view that the movement of pedestrians through the site and along its perimeters requires further improvements so as to ensure a safer environment.

9.7.0 Traffic/Road Safety:

- 9.7.1 The applicant has submitted a Traffic Impact Assessment (TIA) of the proposal. This assessment concludes that the proposed access would be capable of accommodating anticipated traffic flows satisfactorily and that there would be no significant knock-on effects for other junctions in the vicinity.
- 9.7.2 As previously discussed the proposed car parking fails to comply with applicable development plan standards and I have questioned the planning merit of the shortfall in provision of 19.5-car parking spaces.

- 9.7.3 In terms of the traffic context of the site I observed that there is a low volume of traffic using the Watergate Street and Jonathan Swift Street T-junction. I also observed a very low flow of traffic using Jonathan Swift Street, the public car park and the recycling facility that forms part of the site. In addition, there was a small turnover of the limited on-street car parking on Jonathan Swift Street. On the other hand I observed that Watergate Street in the vicinity of the site is heavily trafficked and the flow of traffic along it in places was obstructed mainly due to *ad hoc* car parking and loading.
- 9.7.4 Operationally the number of service vehicles anticipated for the proposed development once operational is stated to be 1 or 2 per day. It is indicated that these service vehicles would usually arrive prior to opening of store. These are low figures and suggest little or no conflict with parking provision on the site or indeed would have limited impact on the operation of the access onto Jonathan Swift Street. It must also be borne in mind that existing situation of the site is that it appears to generate limited volumes of traffic and heavy goods vehicles. It is reasonable to conclude that on the basis of the information available, that the proposed development, if permitted, is unlikely to give rise to a significant intensification of larger vehicles using the neighbouring public road network.
- 9.7.5 In relation to more general traffic generated by customers and staff it is reasonable to consider that the proposed development would give rise to a significant increase in traffic on the neighbouring public road network when the proposed development is compared to the recent underutilised nature of the site.
- 9.7.6 I note that the Traffic Impact Assessment (TIA) submitted with this application assigned a 36% traffic growth to the roads linked with the proposed food store which was modelled using PICADY 8 which is accepted as a standard traffic engineering program for capacity within priority cross road junctions. I consider this level of anticipated potential future traffic growth and the manner in which is assessed in the TIA provided is reasonable.
- 9.7.6 The TIA also indicates that the busiest traffic period was recognised as being a weekday when these roads accommodate peak AM and PM commuter traffic; work related trips; school related trips and with a proposed opening time of 9am like its existing stores throughout Ireland

it is expected that the store can also attract parents and guardians returning from school related trips.

9.7.7 I accept that the TIA provided is based on the worst case scenario. While I accept that traffic movements and traffic generated at weekends would be different from a weekday scenario; however, I do not accept that sufficient evidence has been demonstrated by the appellant that a weekend day would give rise to worst case scenario or any more adverse traffic movements in its vicinity.

9.7.8 On the basis of the information provided with this application and appeal I am satisfied that the proposed development meets normal road design criteria for access and layout; notwithstanding, and as stated previously in this assessment I am not satisfied that the TIA provides sufficient justification for the shortfall of car parking spaces to serve food store of this size, scale and nature at this location.

9.8.0 Residential Amenity Impact - Noise:

9.8.1 A noise assessment was carried out by the 1st Party as part of their further information response. This examined the potential impact of external plant equipment associated with the proposed building and it indicated that the southern façade or rear of the proposed store is separated from the façade of the nearest dwelling by approximately 19.5-meters. It indicates that there are no external fans proposed on this façade and that the building will provide sufficient noise insulation to ensure that there will be no noise impact from the internal plant on this property and that external plant equipment will be located on the western façade and the south western corner of the building within an enclosed area. At its nearest point the external plant would be located approximately 35-meters from the nearest dwelling. The noise assessment indicates that the noise from the external plant would attenuate due to distance and the expected noise at 10-meters from the noise source would be 46dB(A). It also indicates that additional screening would be provided by a 2.1-meter high wall which will be extended off the side of the building beside the plant equipment enclosure and screening.

9.8.2 It would appear that the predicted noise levels from the proposed development would not exceed any of EPA guidance thresholds in this situation and I also consider that the location of the building would act as a buffer to the main car parking area.

9.8.3 I therefore concur with the Planning Authority that no serious injury would arise to residential amenity in the vicinity of the site and I consider that the proposed development, if permitted, would not give rise to any adverse overshadowing, overlooking or diminishment of privacy over and above the existing situation. Notwithstanding, should the Board be minded to grant permission I recommend that it includes a condition requiring implementation of the recommendations of the noise assessment and that an appropriate landscaping condition is included to ensure that the landscaping buffer proposed to help visually screen the proposed development from the nearest dwelling house includes semi-mature as well as site appropriate evergreen plant species and that any screen walls used for attenuating noise is appropriately finished having regard to the sites visual and built heritage sensitivity.

9.9.0 Archaeology:

9.9.1 The appeal site lies within the confines of Recorded Monument RMP Ref. No. ME036-048; it is located within circa 15-meters at its closest point to Recorded Monument RMP Ref. No. ME036-048005 and the site itself contain one recorded monument within the development site which relates to the archaeological test excavations previously carried out in 2000. During these excavations a number of medieval deposits were noted outside of the eastern boundary of the site.

9.9.2 I am also cognisant that cartographic and historical sources relating to the site confirm that the historic town wall was accompanied by an external ditch; that the town wall is also designated as a Protected Structure in the RPS attached to the current Development Plan (Note: (RPS TT036-063) and is covered by Preservation Order (Note: 4/2002); that the site forms part of a larger parcel of land zone of archaeological potential.

9.9.3 Should the Board be minded to grant planning permission for the proposed development I consider it reasonable that an appropriate archaeological condition is included and that the area subject to archaeological testing and monitoring should also include the alignment route of the proposed surface water discharge connection. On this latter point given the sensitivity of the SAC (Note: River Boyne and River Blackwater SAC/Ref. No. 002299) the site forms part of and the sites proximity to an SPA (Note: River Boyne and River Blackwater SPA/Ref. No. 004232) the Board may seek to ensure that any

archaeological condition imposed includes a requirement for archaeological testing and monitoring of this trench to be carried out in a controlled environment during construction.

9.9.4 Having regard to the nature and scale of this component of the development such a requirement in my view is reasonable in view of the conservation objectives of these particular European sites and that this component of the proposed development, if permitted, would not and in combination with any other plans or projects be likely to have a significant effect.

9.10.0 Signage:

9.10.1 I concur with the Planning Authority in this case that the level of signage proposed is excessive, overbearing and out of character with its location which is within the visual setting of Protected Structures; a protected View and Prospect; and, an Architectural Conservation Area. If permitted in the form proposed it would in my view result in unnecessary visual clutter and incongruous man-made insertions in a visually and built sensitive heritage setting that would in turn adversely diminish its intrinsic and special character. Notwithstanding, should the Board be minded to grant planning permission for the proposed development I consider that it should include Condition No. 3 of the Planning Authority's notification to grant permission as well as include a requirement that the final details, materials and illumination of the permitted signage should be agreed in writing prior to commencement of development.

9.11.0 Site Servicing:

9.11.1 Having regard to the sites highly sensitive location on land at potential future risk of flooding I raise a concern that minimal sustainable drainage design measures have been incorporated into the overall design of the surface water drainage scheme despite the documentation showing that the engineered solutions would result in a Greenfield rate. Also the design resolution chosen would result in minimal deep soil remaining.

9.11.2 I am cognisant that policy GI POL5 of the Development Plan requires the creation of SuDs features and that these features should be

integrated into the overall development with consideration to drainage, recreation, biodiversity and amenity value.

9.11.3 In addition, policy GI POL 4 of the Development Plan requires all proposals for major development in Trim to submit a green infrastructure plan dealing with how any green infrastructure measures proposed would contribute positively to the development and protection of Green Infrastructure assets within the town. This does not appear to have been submitted with this application.

9.11.4 On the basis of the information provided with the application and appeal I am not satisfied that sustainable water drainage measures have been robustly or robustly justified in being ruled out as part of the surface water drainage measures. However, I do not consider it sufficient basis on its own to merit a refusal of planning permission on the basis of the Greenfield rate engineered solution proposed.

9.12.0 Appropriate Assessment

9.12.1 Appropriate assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. The requirements for AA, stems directly from Articles 6 (3) and 6 (4) of the Habitats Directive 92/43/EEC.

9.12.2 In terms of screening part of the site is located within the River Boyne and River Blackwater SAC (Site No. 002299) and the site at its closest point lies 30-meters to the north of the River Blackwater and River Boyne SPA (Site Code: 004232).

9.12.3 There are no other European sites located within a 2-kilometer radius of the site and having assessed the site's wider context relative to other European sites I do not consider that the site is in the zone of influence for any other such sites. There are also no watercourses or riparian strips on the site; however, the site is within 30-meters of the River Boyne and its ground levels match and rise above the ground levels of this river.

- 9.12.4 According to the documentation submitted approximately 600-sq.m. of the site falls inside the boundary of the River Boyne and River Blackwater SAC. As set out in more detail under Section 8 of this report the qualifying interests of this European site is that it includes but is not limited to a number of Annex I Habitats including but not limited to Alkaline Fens and Alluvial Forests through to Atlantic Salmon. In addition, this European site includes a number of Annex II Species as well as a number of Protected Species.
- 9.12.5 The conservation management objective for this site is to maintain or restore the favourable conservation condition of its Annex I and II habitats for which it has been selected.
- 9.12.6 As previously noted the subject lands are in a highly altered and in an unkempt state. Previous to this it contained a swimming pool which has at some point in time been demolished. In effect they are predominantly covered by hardstand associated with a pay and display public car parking area and it is also separated from the River Boyne by a public road, a playground and a modest linear strip of soft landscaping. There are no trees, shrubs or watercourses present on the land and it is unclear what measures, if any, are in place to deal with current surface water drainage from the site which lies within 30-meters of the riverbanks and contains land whose ground levels rise above the adjoining stretch of the River Boyne's weir level. I accept that the SAC lands in their existing state are highly altered state and appeared to be of negligible biodiversity value.
- 9.12.7 A screening report accompanies this application and detailed conservation objectives have been drawn up for the site with the main objective being to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.
- 9.12.8 Taking the above factors into considerations; having regard to the nature and scale of the proposed development; and, the serviced nature of this Brownfield site, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the River Boyne and River Blackwater SAC in view of its conservation objectives. It could be considered that the proposed development would retain the *status quo* and the additional landscaping as well as measures to improve the

capturing of pollutants from surface water may result in some improvement over the existing situation.

9.12.9 In terms of the River Blackwater and River Boyne SPA and as set out in more detail under Section 8 of this report the qualifying interest for this SPA is that it is a habitat for the common Kingfisher (Note: *Alcedo atthis*). The common Kingfisher is listed under Annex I of the Birds Directive and the conservation management objective is to maintain or restore the favourable condition of this bird species. As such this the special conservation interest of this particular SPA. Given the 30-meter separation distance of this SPA from the site at its nearest point; the existing condition of the site as previously outlined; the lack of any apparent indication of the site being part of this bird species habitat within this particular SPA and having regard to the nature and scale of the proposed development, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on this designated European site in question in view of its conservation objectives and similarly to the assessed impact on the SAC the improvement of soft landscaping together with measures included to deal with pollutants from the surface water runoff over the car parking area there could be some level of incremental gain in terms of its conservation objective.

9.12.10 I consider that the NIS submitted with the further information contains a satisfactory amount of relevant detail in regards to assessing the impact of the proposal in regards to the status of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA. It also includes details of measures to be put in place during both the construction and operational phase to prevent the discharge of suspended solids, hydrocarbons or other polluting materials. It also includes measures to deal with noise and lighting.

9.12.11 On the basis of the documentation submitted I accept that there is a clear connection between the subject site and the River Boyne as well as the River Blackwater via the flow of surface water, abstraction of fresh water, waste water and ground water. Notwithstanding this connection, given the design of the proposed development and the mitigation measures proposed, the applicants willingness to implement these measures, which I consider satisfactory on what is a serviced brownfield site of low biodiversity value that is in an unkempt state with potentially no measures in place to deal with surface water contaminant's from its existing use and its lack of any qualitative

indigenous landscape or riparian strips connecting to the riverbanks, that the vulnerability of both European sites would not likely to be adversely or materially impacted upon should planning permission be granted.

9.12.12 I therefore consider it reasonable to conclude on the basis of the information available that the proposed development, individually and in combination with other plans and or projects would not be likely to have a significant effect on any European site and in particular River Boyne and River Blackwater SAC (Site No. 002299) and the River Blackwater and River Boyne SPA (Site Code: 004232) in view of the sites conservation objectives.

9.13.0 Japanese Knotweed

9.13.1 In this instant case I concur with the Planning Authority in that the proposed measures set out in the documentation submitted with the applicant's further information response to the Planning Authority to ensure the eradication of Japanese Knotweed, an invasive alien species present on the subject lands are generally acceptable.

9.13.2 I also consider that measures proposed to ensure that this invasive alien species does not spread beyond the confines of the site area is also acceptable but it is likely given the unkempt state of some adjoining land that it may be an on-going issue until it is fully eradicated from its immediate environs.

9.13.3 On this basis should the Board be minded to grant permission for the proposed development an appropriate condition should be included and the developer shall be required to liaise and provide proof that it liaised alongside carried out any requirements imposed upon them by the NPWS to deal with this invasive alien species. Based on the precautionary principle I do not consider it acceptable that any grant of planning permission for development on this site would be permitted without such a condition and that such a condition should provide for on-going monitoring until such a time as the Planning Authority is satisfied that this is no longer an issue.

10.0 RECOMMENDATION

10.1 I recommend that permission be refused for the reasons set out below.

REASONS AND CONSIDERATIONS

1. Having regard to the overall design resolution of the proposed building, its setting within a large area of car parking serving the proposed development and to the visual and built heritage sensitivity of the sites location which includes but is not limited to being within the visual setting of Trims historic medieval town walls (a Protected Structure and National Monument) and Trims 'Historic Core' Architectural Conservation Area, it is considered that the proposed development would be visually obtrusive in this context and would have a seriously detrimental visual and built heritage impact on the intrinsic character as well as unique quality of its setting. It is also considered that the proposed development would seriously injure the visual, built and natural heritage amenity of the this Heritage Town on the approach into it's the historic medieval core which includes protected View and Prospect No. 4, which is afforded protection under the Development Plan. For these reasons the proposed development would be contrary to the policies and objectives set out in the Development Plan that seek to protect and safeguard this heritage town of recognised built heritage significant from inappropriate development alongside those that seek to expand its latent built heritage tourism offer and to improve access to its notable built heritage features, including its medieval town walls, in particular HER POL 1; HER POL 8; HER OBJ 12 and HER OBJ 13 of the Trim Development Plan, 2014-2020, and, would be contrary to the proper planning and sustainable development of the area.
2. The proposed development fails to achieve an adequate standard of urban design quality and sensitivity to its setting. It also significantly deviates from the future development envisaged at this location as indicated on Map 5 of the Trim Development Plan, 2014-2020. The proposed development would frustrate the coherent and integrated development of the site and neighbouring land as set out and as envisaged in this plan which ultimately seeks a more sympathetic to context extension; a more accessible and connected environment; alongside a higher quality design response to existing and potential public realm, in a manner that seeks to provide a pleasant built

environment that would add to the vitality, viability, function and attractiveness of this settlement. The proposed development would, if permitted, seriously injure the character and visual amenities of this emerging urban area, and would therefore be contrary to its proper planning and sustainable development.

3. It is considered that the car parking provision for the proposed development would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would tend to create serious traffic congestion.

Patricia M. Young
Planning Inspector
11th day of April, 2016.