



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20181329

Appeal by RGDATA care of Stephen Ward Town Planning and Development Consultants of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 22nd day of February, 2019 by Wexford County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of the construction of a new discount foodstore with ancillary off-licence sales. The proposed development comprises: (1) The demolition of existing single storey licenced discount foodstore measuring 1,673 square metres gross floor space with a net retail sales area of 1,180 square metres. (2) The construction of a single storey (with mezzanine plant deck) licensed discount foodstore supermarket with ancillary off-licence sales measuring 2,268 square metres gross floor space with a net retail sales area of 1,421 square metres. (3) The redevelopment of existing, and extension of, the site including the provision of associated car parking, free standing and building mounted signage, free standing trolley bay and enclosure, electricity substation building, roof

mounted solar panels, mechanical and electrical plant and equipment, public lighting, hard and soft landscaping, cycle parking, boundary treatments, relocated/reconfigured vehicular and pedestrian accesses, surface water attenuation, drainage infrastructure and connections to services/utilities and all other associated and ancillary development and works above and below ground level and (4) provision of new access road and footpath from existing Lidl and Aldi access road to the existing County Wexford Community Workshop Centre to the rear of the Lidl site at Bellefield Road, Enniscorthy, County Wexford.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2013-2019 including the zoning objectives for the site, to the Guidelines for Planning Authorities on Retail Planning issued by the Department of the Environment, Community and Local Government, in April, 2012, to the established retail use on the site and the scale of the expanded retail area for which permission is sought, to the improved design of the overall development, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not materially detract from the vitality and viability of Enniscorthy town centre, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the improved design as proposed, along with a reduced quantum of additional retail space, compared with the scheme previously proposed under planning register reference number 20151220, An Bord Pleanála appeal reference number PL 26.246524, and the provision of a retail impact assessment and sequential test commentary within the documentation submitted with the planning application, addressed the concerns previously expressed by the Board under planning register reference number 20151220, An Bord Pleanála appeal reference number PL 26.246524.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of January, 2019, 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.

Reason: In the interest of clarity.

2. The net sales area for the proposed development shall not exceed 1,421 square metres.

Reason: In the interest of clarity.

3. Apart from the signage shown on the submitted drawings, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The site, including the car parking area and boundaries, shall be landscaped, in accordance with details submitted to the planning authority on the 28th day of September, 2018 and on the 30th day of January, 2019, final details of which shall be agreed in writing with the planning authority prior to the commencement of development and shall include a timescale for implementation. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of 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.

Reason: In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

7. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces in the multi-storey car park shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.

Reason: In order to safeguard the amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Details of the timing, routing and number of construction traffic vehicles to and from the construction site and associated directional signage.
 - (b) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (c) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil (including any soils which are found to be contaminated).
 - (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (e) Details of site security fencing and hoardings.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. The proposed store shall not operate outside of the hours of 0800 and 2200, Monday to Saturday inclusive and 0900 hours and 2100 hours on Sundays.

Reason: in the interest of residential amenity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.