

## **Board Order** ABP-313882-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/52068

Appeal by Gerry Doherty care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 26th day of May, 2022 by Donegal 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: The construction of a single storey (with mono pitch roof and internal mezzanine plant deck) licensed discount foodstore supermarket with ancillary off-licence sales measuring approximately 2,058 square metres gross floor space with a net retail sales area of approximately 1,420 square metres; the provision of associated car parking and internal traffic and pedestrian circulation routes; revisions to existing Station Road vehicular access, creation of additional pedestrian access to Station Road, relocation of northern site vehicular access and associated and ancillary modifications to site frontage; diversion of existing culverted millrace, along new alignment across the site with associated inlet chamber; diversion of existing foul water sewer, along new alignment across the site; free standing and building mounted signage, covered trolley bay, refrigeration and air

conditioning plant and equipment compound, an ESB substation, roof mounted solar panels, public lighting, hard and soft landscaping, cycle parking, boundary treatments, provision of site drainage, utility and services infrastructure and connections (including surface water attenuation and outfall to the Donagh/Glentogher River) and all associated ancillary development and works above and below ground level at Station Road, Carndonagh, County Donegal.

## Decision

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

## Reasons and Considerations

Having regard to the provisions of the Donegal County Development Plan 2018-2024, the Seven Strategic Towns Local Area Plan 2018-2024 and to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012 and to the location, scale and design of the proposed development and 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 or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

The development shall be carried out and completed in accordance with 1. the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of April 2022, 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.

Details (including samples) of the materials, colours and textures of all 2. the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- Prior to the commencement of development, the developer shall submit 3. the following details for the written agreement of the planning authority:
  - A revised site layout plan which includes details of the tie in of the (a) proposed access road from the L12712 with the adjoining lands in the ownership of the applicant to the north.
  - (b) A revised site layout plan which addresses the issues raised within the Stage 1 Road Safety Audit submitted in support of the application.

Reason: In the interest of traffic safety.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of the planning authority and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of pedestrian and traffic safety.

5. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory completion and maintenance of the development in the interest of residential amenity.

6. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

7. No additional signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: In order to protect the visual amenities of the area.

8. The proposed unit shall not be open to the public outside the hours 0800 to 2200. Deliveries shall not take place before the hour of 0700 Monday to Saturday inclusive, nor before the hour of 0800 on Sundays and public holidays, nor after 2200 hours on any day.

Reason: In the interest of amenity.

9. 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 agreed in writing with the planning authority.

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

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

Reason: In the interests of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

12. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement and Preliminary Construction Environmental Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

13. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health.

14. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development. Details of the proposal to divert the existing Mill Race and wastewater services on site shall be submitted to Uisce Éireann for written agreement prior to the commencement of development on site.

Reason: In the interest of public health.

- 15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
    - (i) the nature and location of archaeological material on the site, and
    - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.



16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

17. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan and noise management measures.

Reason: In the interests of public safety and residential amenity.

18. 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 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.

19. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An 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.

Stephen Brophy

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

Dated this 22 day of November 2023.