

An
Coimisiún
Pleanála

Commission Order
ABP-319363-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23135

Appeal by Lidl Ireland GmbH care of Tom Bamford Planning of Sky Business Centres, Clonsaugh Business and Technology Park, Clonsaugh, Dublin against the decision made on the 29th day of February 2024, by Wicklow County Council to refuse a permission to Lidl Ireland GmbH for the proposed development.

Proposed Development: Construction of a single storey supermarket with ancillary off-licence sales area. Provision of surface level car parking spaces, including electrical vehicle (EV) charging spaces and pre-wiring other spaces to accommodate future EV parking; cycle stands; trolley bay; hard and soft landscaping; boundary treatments including retaining structures; ESB substation building; site lighting; external mechanical plant area; roof mounted photovoltaic panels; all advertising signage including a “flagpole” style advertising sign at the proposed entrance. The development includes works to the boundary walls and grounds of Parkmore House (a Protected Structure) including the removal of sections of the existing boundary walls and a portion of the garden to create a new point of access from the R747 for the proposed supermarket.

The development includes the provision of new timber gates within existing archways located generally to the southwest of Parkmore House. The development includes all engineering works to increase levels on the site and drainage and SUDS works and the removal of the septic tank associated with Parkmore House and provision of a new foul connection to service the house all at Parkmore House, Weaver's Square, Baltinglass East, Baltinglass, County Wicklow.

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:

- (a) the nature, siting, design and layout of the proposed development,
- (b) the characteristics of the entirety of the site and of its surrounding area,
- (c) the provisions of the Wicklow County Development Plan 2022 – 2028 and the Baltinglass – Level 4 Self Sustaining Town Plans, in particular Objective BALT9, which provides support for a new supermarket on town centre zoned lands, and

- (d) the relevant provisions of the Retail Planning Guidelines for Planning Authorities (2012), the Architectural Heritage Protection Guidelines for Planning Authorities (2011), and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a retail offering which would support a healthy and vibrant town centre in Baltinglass in accordance with the County's Settlement Strategy and Retail Strategy, it would not have a significant adverse impact on the character and amenities of the area or have a significant adverse impact on the streetscape and the heritage value and setting of Parkmore House (a Protected Structure), it would not pose a significant risk to the environment or have any significant negative effects on water quality 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.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Slaney River Valley Special Area of Conservation (Site Code: 000781) is the only European site in respect of which the proposed development has the potential to have a significant effect, in view of the Conservation Objectives for the site, and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Slaney River Valley Special Area of Conservation (Site Code: 000781) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Site. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The proposed 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 18th day of December 2023, to Wicklow County Council, 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 site layout shall be strictly in accordance with Drawing number PA-001 submitted to An Bord Pleanála on the 22nd day of March 2024, which provides for 87 number car spaces along with updated boundary treatment and landscaping of the site, except as may otherwise be required by the planning authority.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. Full details (including samples) of the materials, colours and textures of all 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 interests of clarity and visual amenity.

5. 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.

6. The site shall be landscaped strictly in accordance with the updated scheme of landscaping, submitted to An Coimisiún Pleanála with the first party appeal, 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 interests of visual amenity.

7. (a) The proposed flagpole signage is not permitted.

(b) 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 supermarket 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 2200hrs on any day.

Reason: In the interests of the protection of residential amenity of adjoining properties.

9. Prior to the commencement of development, all works associated with the provision of the proposed vehicular entrance and footpaths and the inclusion of crossings onto the adjoining R747 shall be submitted to, and agreed in writing with, the planning authority. The required works shall be completed in full to the satisfaction of the planning authority and with all associated financial costs to be borne by the developer, prior to the operation of the supermarket.

- (a) A Stage 3 Road Safety Audit shall be submitted to the planning authority prior to the operation of the development.
- (b) The developer shall comply with bicycle parking standards as set out within the Wicklow County Development Plan 2022-2028.

Reason: In the interests of traffic safety, visual amenity and the proper planning and development of the area.

10. All service cables associated with the proposed development (such as electrical, and telecommunications) shall be located underground.

Reason: In the interests of visual amenity.

11. 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 interests of public health and the protection of the environment.

12. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. A Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall provide, but not be limited to, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters and surfacewaters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

14. 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 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.

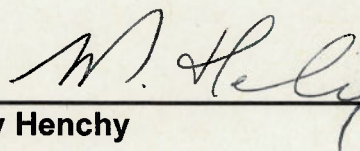
Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. 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.

16. 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 Coimisiún 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.



Mary Henchy

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 24th day of July 2025.