

An  
Coimisiún  
Pleanála

Commission Order  
ABP-321426-24

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**Planning and Development Act 2000, as amended**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 2460033**

**Appeal** by Tim Compton on behalf of Knockshee Management Company CLG care of Macfar Property Management of 1 Park Street, Dundalk, County Louth and by Others against the decision made on the 15<sup>th</sup> day of November 2024 by Louth County Council to grant subject to conditions a permission to Lidl Ireland GmbH care of The Planning Partnership of Upper Chapel Street, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The proposed development comprises: 1) The construction of a single storey discount foodstore supermarket with ancillary off-licence use (with mono-pitch roof and internal mezzanine plant deck) measuring circa 2,295 square metres gross floor space with a net retail sales area of circa 1,499 square metres; and 2) Provision of vehicular and pedestrian access, car and cycle parking, free standing and building mounted signage, trolley bay cover/enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments, drainage infrastructure and connections to services/utilities, electricity substation and all other associated and ancillary development and works above and below ground level at Knockshee Avenue,

Blackrock, Dundalk, County Louth as amended by the further public notices received by the planning authority on the 30<sup>th</sup> day of August 2024.

## **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 'B2 - Neighbourhood Centre' zoning objective of the County Louth Development Plan 2021-2027, which aims 'to provide for and improve local neighbourhood facilities', under which retail development is acceptable, subject to compliance with the requirements of the plan for such a development, the above-mentioned zoning objective allows for a supermarket of up to 1,500 square metres, net floor area and also allows for the separate provision of a coffee shop of the nature proposed. The proposed layout and design of the structures on site are considered to be appropriate and would ensure that the character of the area is protected. The proposed development would not result in a loss of vitality and/or vibrancy in Dundalk town centre.

No adverse impacts to residential amenity are foreseen, with specific consideration given to overshadowing, overlooking, noise and general nuisance. No traffic, water supply/drainage or environmental issues of concern arise as a result of the proposed development. The proposal would increase the range of retail and services available in the Blackrock/South Dundalk area of County Louth, in addition to creating more employment opportunities in this developing area.

It is considered, that subject to the conditions set out below, the proposed development would be an appropriate form of development on this infill site, would align with the policies and objectives of the County Louth Development Plan 2021-2027 and National Planning Guidance with specific reference to retail development, would not seriously injure the visual amenities of the area, by reasons of design, height and form, would not seriously injure the amenities of the adjoining residential property in the vicinity by reason of site works, overshadowing or overbearing, and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **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 screening exercise 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 Dundalk Bay Special Area of Conservation (Site Code 000455) and Dundalk Bay Special Protection Area (Site Code 004026) are the only European Sites in respect of which the proposed development has the potential to have a significant effect, in view of the Conservation Objectives for the sites, 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 Dundalk Bay Special Area of Conservation (Site Code 000455) and Dundalk Bay Special Protection Area (Site Code 004026) in view of these sites' 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 sites' 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 Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) 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 Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

## 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 received by the planning authority on the 30<sup>th</sup> day of August 2024, 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 the 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 developer shall carry out the following:
  - (a) The proposed café and public plaza area shall be built in tandem with the retail unit, and the site shall be fully landscaped and the cafe in full operation prior to the opening of the retail store.
  - (b) The 2.5-metre-high acoustic barrier shall extend to surround the external plant compound along the eastern boundary of the site.
  - (c) The entrance stone and associated plaque shall be protected and, if required for movement, shall be appropriately restored to their current location.

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

3. The following shall be complied with in full:

- (a) The proposed retail and café unit shall not operate outside the hours of 0800 to 2200 Monday to Saturday inclusive and 0900 to 2100 hours on Sundays.
- (b) All deliveries to the site during the operational phase shall be within the specified opening hours only.

**Reason:** In the interest of residential amenity.

4. Prior to commencement of development, details of the proposed boundary treatments to all shared site boundaries and full details of all site landscaping shall be submitted to, and agreed in writing with, the planning authority and shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of visual and residential amenity.

5. The mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement submitted with the 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.

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

**Reason:** In the interests of visual and residential amenity.



7. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application as revised, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

**Reason:** In the interest of visual amenity.

8. 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.

9. Details of the upgrade works to the public road network shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. These works include road realignment, revised road geometry, footpath/cycle path provision, crossing provision, and relevant new/replacement signage and lining.

**Reason:** In the interest of proper road infrastructure provision.

10. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing

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with, the planning authority prior to the commencement of development.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

11. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the site area. Such lighting shall be provided prior to the making available for occupation of any residential unit.

**Reason:** In the interest of amenity and public safety.

12. The developer shall engage a suitably qualified licenced eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to, and approval to proceed is agreed in writing with, the planning authority. The planning authority and the National Monuments Service shall be



furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

13. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

14. 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) the location of the site and materials compound including area(s) identified for the storage of construction refuse;
  - (b) the location of areas for construction site offices and staff facilities;

- (c) details of site security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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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 interest of amenities, public health and safety.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 residential amenities of property in the vicinity.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

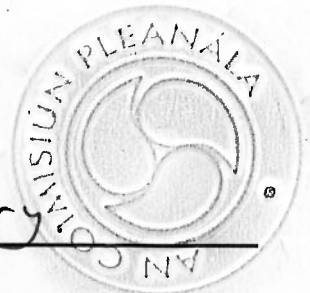
**Reason:** To ensure the satisfactory completion of the development.

17. 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.

  
Patricia Calleary

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



Dated this 24<sup>th</sup> day of September 2025.