



An
Bord
Pleanála

Inspector's Report

Development	A food store at Lagore Road, Dunshaughlin, Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA/151231
Applicant	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Appellant	Express Check-Out (Dunshauglin)
Observers	None
Date of Site Inspection	12 th October 2016
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in the town centre of Dunshaughlin, Co Meath. It lies on the Lagore Road between c25m and 125m west of its junction with the town's Main Street. It has a stated area of 0.61ha and is currently undeveloped. A vacant shed stands near its north-east corner and several mature trees stand near the front of the site. The rest of the site is under grass. Lagore Road does not have a footpath along the site's frontage. At the time of inspection cars were parked along this side of the road. The land immediately to the south of the site is within the same holding. It has frontage onto Main Street and is occupied by a hardware store and surface car park. The plot immediately to the west of the site, between it and Main Street, is occupied by a bank and an older single storey building occupied by a solicitors' firm with a modern three storey building immediately to its rear. There are retail and commercial premises on the Lagore Road opposite the western part of the site. The land immediately to the east is not developed. Most of the rest of the land to the north and east of the site is occupied by houses.

2.0 Proposed Development

2.1. The existing shed and trees would be removed from the site. The development would provide a single storey building accommodating a foodstore with a gross floorspace of 1,590m² and a net retail area of 1,140m². The building would be at the eastern end of the site, with some frontage directly onto Lagore Road. The delivery bay would be at the southern end of the building. A surface car park would contain 96 spaces. There would be a single vehicular access from Lagore Road. Another pedestrian access is shown from the car park to the south of the site. A new footpath would be laid along the site's frontage onto the Lagore Road. The landscaping of the site would include new trees and hedges to the rear of that footpath.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 23 conditions.

Condition no. 2 required the submission of revised proposals for the western elevation of the building. Otherwise the decision did not substantially amend the proposed development. Condition no. 22 required a special contribution of €75,000 towards works to the Lagore Road.

3.2. Planning Authority Reports

The planner's report stated that the proposal was in keeping with the zoning of the site in the local area plan and its designation of a retail opportunity site in the development plan. The strategy identifies a convenience floorspace requirement of 3,500m² in the town. Permission exists for 1,564m² of floorspace on the western side of Main Street so there is capacity in the town to accommodate the current proposal. The principle of development is therefore acceptable. The proposal will enhance the vitality of the town centre. Concern is expressed regarding the generic design of the building. The development would include a pedestrian link from Main Street and a footpath along Lagore Road. The siting and layout are considered acceptable, and the improved pedestrian connectivity reflects the provisions of the indicative urban framework plan. The submissions from the applicant regarding parking, traffic, bats and archaeology are noted. The site is not in a flood risk zone. No issues arise with regard to Natura 2000 sites. The local area plan was amended following the making of the current development plan. The initial report recommended that further information be sought in relation to design; car parking; pedestrian facilities; tree removal; and any response to third party submissions. The subsequent report noted design changes to the northern elevation; an increase in parking spaces to 94; a revised plan showing the proposed pedestrian route from Main Street; landscaping proposals; and responses to the submissions. These were considered acceptable and a grant of permission was recommended.

3.3. Other Technical Reports

Road Design Section requested that further information be sought to provide more parking and details of the proposed frontage along Lagore Road. The subsequent report stated that the parking provision in the further information was satisfactory, but that a special contribution of €75,000 should be sought towards works on the Lagore Road outside the site.

The Water Services Section cited conditions that should be attached to any grant of permission.

Irish Water stated no objection to the proposed development.

The Department of Arts, Heritage and the Gaeltacht recommended that an archaeological impact assessment be carried out.

3.4. Third Party Observations

Submissions were received which objected to the proposed development on ground similar to those raised in the appeal. Concern was also expressed that the development would give rise to noise, disturbance and traffic that would injure the amenities of property in the vicinity and tend to depreciate its value

4.0 Planning History

None of the parties cited any previous applications on the appeal site itself. The appeal cited a grant of permission under PL17.221305, Reg. Ref. DA110174 for a mixed use development at Main Street, Dunshaughlin. This permission appears to have expired in June 2012 without implementation. It also refers to a grant of permission made on 8th March 2013 under PL17. 239940, Reg. Ref. DA/110174 for a mixed use development west of Main Street, Dunshaughlin which would include an anchor store with a net retail convenience floorspace of 1,564m² set by a condition of the decision. That proposal involved an urban development in a business district

on a site of more than 2ha, and so was subject to an environmental impact assessment before consent was granted.

5.0 Policy Context

5.1. The Department of the Environment issued Guidelines for Planning Authorities on Retail Planning in April 2012. They state 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 locating shops in locations accessible by such modes; and realizing high quality urban design. A design manual was published with the guidelines.

6.0 Development Plan

6.1. The Meath County Development Plan 2013-2019 applies. It designates Dunshaughlin as a 'moderate growth town'. Appendix 5 of the plan sets out a retail strategy that identified the town as a level 3 centre which should perform an important sub-county function with a good range of convenience provision and a modest provision of comparison offer. Table 7.11 of the strategy states an indicative potential for 3,500m² of convenience floorspace by 2022. The appeal site is designated as an opportunity site OS2 which would be suitable for mixed use or retail only development. The delivery of a neighbourhood centre at an appropriate scale would assist with serving the needs of the expanding local community.

7.0 Local Area Plan

7.1. A local area plan was adopted for Dunshaughlin in 2009. The site is zoned under objective B1 'To protect, provide for and / or improve town and village centre facilities and uses'. It is also identified as a retail opportunity site. Policy TC-3 of the plan is

to proactively seek to implement the aspirations of the Town Centre Urban Framework Plan by the use of compulsory purchase powers where appropriate.

8.0 The Appeal

8.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The proposed development should be subject to an environmental impact assessment due to its effects in cumulation with other permitted developments. These are the one granted permission by the board under PL17. 221305, Reg. Ref. DA/60373 which would provide 4,525m² of commercial and retail floorspace on 2.6ha to the southeast of the current site, and that granted under PL17. 239940, Reg. Ref. DA/110174 which would provide a gross retail floor area of 5,013m². Taken with the proposed development in this case, the combined floor area would exceed the threshold of 10,000m² set out in Class 10(b)(iii) of the Part 2 of the 5th Schedule of the planning regulations for shopping centres and the threshold of 2ha for urban development under Class 10(b)(iv). The new EIA directive 2014/52/EU clarifies that the cumulative effects of development that is permitted but not yet completed is to be considered in EIA and screening for it, although it is accepted that the directive does not come into force until May 2017. Schedule 7 of the current planning regulations establish that the cumulative effects with other development is a relevant criterion for determining whether a sub-threshold proposed requires EIA. The planning authority should have formally issued a determination under Article 103(3) of the regulations with a statement of the main reasons and considerations on which it was based. It cannot be ruled out that the development will have significant likely effects on the environment.

- The development plan identifies Dunshaughlin as a level 3 retail centre. Its retail strategy identifies a requirement for a further 3,500m² of convenience retail floorspace there. However the plan was wrong to state that there was no pipeline development there as 2,274m² of convenience retail floorspace had been permitted but not built. The floorspace requirement has already been met by the extant permissions. Permitting too much retail development can lead to overprovision in one centre that would undermine the retail hierarchy for the county. A grant of permission for the proposed foodstore would also under the provision of the two neighbourhood centres envisaged in the local area plan for Dunshaughlin. The permitted and proposed retail floorspace would amount to 5,400m². This would be well in excess of the 3,500m² specified for Dunshaughlin in the retail strategy, and that figure is not soundly justified in itself.
- The proposed development has not been subject to a retail impact assessment in accordance with appendix 5 of the Retail Planning Guidelines. Only a retail capacity assessment was carried out, which itself had detailed flaws. So the impact of trade diversion from other centres was not addressed. The development would have the potential to undermine other centres. There is a high level of retail vacancy in Dunshaughlin and it does not need further retail development. The proposed development would not provide a mix of uses on the site as required by its zoning.
- The local area plan sets out a town centre urban framework plan that applies to the site. The applicant was wrong to state that that latter plan is non-statutory and outdated, as policy TC-3 of the local area plan commits the planning authority to its implementation. The proposed development would not comply with the framework plan which indicates a green space on the site

with buildings fronting onto it and a new street that would run parallel and east of Main Street. The proposed box form of development is completely at odds with the urban design principles of the framework plan. No provision is made within the application for the integration of the development with the development of adjoining sites in the manner anticipated by the local area plan. The design and form of the development would also contravene the advice set out in the design manual issued with the retail planning guidelines. It ignores its context and the character of the area; does not provide the connectivity sought in the local area plan; has no mix of uses; and has no public realm of any quality.

- The development would have the potential to effect traffic in the town as set out in a report from a consulting engineer that was submitted with the appeal. The report states that a full assessment of the access should be carried out with regard to the proposed retail park and the carriageway width from that access to Main Street should be a minimum of 7m. It would create a traffic hazard to service the shop through the car park. Parking would not be provided in accordance with the standards set out in the development plan, which would require 114 spaces. There would be overspill parking on adjoining roads.
- The development would involve the loss of trees from the site that would erode the character of the village centre.

8.2. Planning Authority's Response

- The site is zoned as town centre and is identified as an opportunity site in the county's retail strategy. The proposed development would not affect the

viability or vitality of the town centre. It represents a logical development on a presently vacant site.

- The argument that the cumulative impact with other development would require an EIA is not logical and would mean any development near previous development would require an EIA.
- The car parking is acceptable to the council and its Roads Design Section.

8.3. Applicant's Response

- The site is identified as an opportunity site in the county's retail strategy and the foodstores are designated as permitted in principle under its zoning in the local area plan. The objection to the proposal is anti-competitive and is not in keeping with the aim of the retail planning guidelines to support competitiveness and choice in the retail sector, and its advice that relevant impacts are those on the vitality and viability of town centres as a whole and not those on existing traders. The centre has only one anchor foodstore, the appellant's, and a second would strengthen its retail role. The proposed development is clearly plan-led, and the site is brownfield and in need of regeneration.
- The size of the proposed development is well below the thresholds for EIA set out in schedule 5 of the planning regulations.
- The permission granted under PL17. 221305, Reg. Ref. DA/60373 expired on the 12th June 2012. The permission granted under PL17. 239940, Reg. Ref. DA110174 would permit a net convenience floor area of 1,564m². It expires on 7th March 2018 and is unlikely to be implemented. Paragraphs 7.9.10 and 7.9.11 of the county's retail strategy prepared in 2012 recognises that permitted schemes may not be undertaken and states that the key

consideration for future applications will be the location of the proposed retail floorspace. The current proposal to provide 1,140m² of floorspace is well within the 3,500m² requirement set out in the county's retail strategy and would result in a total convenience floorspace of 2,688m² in the town. The town could also accommodate the further 1,564m² of convenience floorspace that was permitted under OK17.239940, Reg. Ref. DA110174. There is no permission for the neighbourhood centres envisaged in the LAP and the putative 2,000m² in each could not be regarded as pipeline retail development. So the proposed development would provide a second anchor for the town centre that would enhance its viability and attractiveness, and would help to reduce leakage to other retail centres. It would fully accord with the retail planning guidelines. The appellant was incorrect to state that no retail impact assessment had been undertaken. The catchment area in the Retail Impact Statement includes places within a 10-minute drive time, except those which are closer to Navan, Ashbourne, Dunboyne or Trim. The turnover figure of €11,000 per m² is derived from the operation of other Aldi Stores. The business attracted by the proposed foodstore would be likely to reduce vacancy levels on Main Street, many of which occur in premises which were not formerly used as shops.

- There is no reference to the town centre framework urban plan in the current county development plan. The former plan is out of date and is not available on the planning authority's website. Little weight should be accorded to it. The revised design submitted to the planning authority includes natural stone to respond to the local context. The provision of a high quality retail development on an underutilised site will enhance the overall character and quality of the public realm at this location. The building would have a simple pallet of materials that reflects established typologies at this location. The contemporary design is appropriate and it a clear expression of the building's function. Upgrades to the public realm are proposed subject to the agreement

of the county council, including those to road alignments and footpaths and the provision of a pedestrian link to the Main Street. An example is submitted as to how condition no. 2a of the planning authority's decision requiring a revised western elevation. The main entrance is on the west side of the building in order to enhance connection with the town centre. The development will include a public footpath along the Lagore Road, and a high quality pedestrian environment within the site. It will have an accessible vehicular entrance and ample car parking. A landscaping scheme was submitted with the application using a simple but effective palette of native species. The proposed single retail use accords with the provisions of the retail strategy which designated the site as an opportunity for single or mixed use. It should be viewed within the wider range of uses in the town centre.

- It would not be feasible to retain the trees on the site.
- An engineer's report is submitted to address the traffic issues raised in the appeal. It reports that the council and the applicant agreed that the management of Lagore Road should meet the standards set out in the Design Manual for Roads and Bridges. The traffic impact assessment submitted to the council used the PICADY9 modelling programme to indicate that the proposed priority junction to access the foodstore would operate with a reserve capacity of 78%. The junction was designed to DMURS standards. It can be assumed that the traffic modelling for DA60373 included the proposed Aldi because it will open in 2017. So there is now no requirement to consider a possible future junction arrangement within the Main Street/Lagore Road junction. No road safety audit was submitted, but the design team have vast experience in the Aldi car park layout. The key principle in off-site road improvement was to improve pedestrian access, so a new footpath will be laid on the northern boundary of the site. It was agreed that the carriageway width would be reduced to 6m to prevent parking on the road, which would improve

traffic flow and the operation of the bus stop. The appellant's proposal to have a 7m wide carriageway on Lagore Road contravenes the applicable standards in DMURS. 119 Aldi stores in Ireland are serviced from the customer car park.

8.4. Further responses

The applicant's response was circulated to the other parties for comment. The planning authority responded that it had no further comments

9.0 Assessment

9.1. I consider the key issues in determining this appeal are as follows:

- Screening for EIA and appropriate assessment
- The principle of development and compliance with policy
- Impact on the character and amenities of the area
- Access and parking

9.2. Screening for EIA and appropriate assessment

Schedule 5 to the Planning and Development Regulations 2001 (as amended) establishes thresholds for development proposals of various classes which, if exceeded, require the carrying out of an environmental impact assessment under part 10 of the Planning and Development Act 2001 (as amended). The classes that could be applied to the current proposal are those for a shopping centre where the threshold is set by class 10(b)(iii) of part 2 of the schedule at 10,000m², or urban development in a business district where the threshold in class 10(b)(iv) is 2ha. The proposed development of 1,564m² on 0.61ha is well below the relevant thresholds. The proposed development would not be an integral or subordinate part of any of other development. It would be physically and functionally separate from any other authorised or proposed development, including those cited in the appeal. It could be carried out and operated regardless of whether any other development was carried out. Its environmental effects would be of the same nature and intensity whether or not other development was carried out. The proper application of the thresholds for EIA therefore relates to the scale of the proposed development itself, which is well below the relevant thresholds.

Even if the proposed development were regarded, however unreasonably, as an extension to an authorised development that was subject to EIA, then it would still

fall below the applicable threshold. Class 13(a)(ii) of part 2 of schedule 5 states that the threshold for such extensions is the greater of either 25% of the project or 50% of the threshold. As the proposed development is less than half of the relevant thresholds, it would also be below the thresholds for extensions for developments that required EIA.

The relevant criteria for determining the whether the proposed development would be likely to have significant effects on the environment are therefore those set out at schedule 7 of the planning and development regulations. The *Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development* issued by the minister in August 2003 is also material in this regard. The characteristics of the development, as a foodstore of medium size, would not support a conclusion that it would be likely to have significant effect on the environment, having regard to its size, use of natural resources, production of waste, pollution and nuisances, or risk of accidents. Neither would its cumulation with other development, as the proposal would not be likely to generate environmental effects whose nature or intensity were such that they would be significant either in themselves or in conjunction with other those of other proposed or authorised developments. The location of the proposed development in the centre of a town would not be environmentally sensitive towards a proposal for a modest retail development. The characteristic of any potential impacts from the proposed development would not support a conclusion that it was likely to have significant effects on the environment, either with respect to the extent, transfrontier nature, magnitude and complexity, probability, duration, frequency or reversibility of any potential impact.

It is therefore evident from a screening assessment of the proposed development that it would not be likely to have significant effects on the environment and an environmental impact assessment would not be required before a grant of permission for it was considered.

The proposed development would not be in or adjacent to any Natura 2000 site. It would drain to the public sewerage network of the town. It would not be likely to have any significant effects on any such European site, either individually or in combination with other plans or projects. A stage 2 appropriate assessment is therefore not required.

9.3. The principle of development and compliance with policy

The site is zoned in the local area plan for town centre uses. The proposed shop would be in keeping with this zoning. The site is designated in the development plan as an opportunity for mixed use or solely retail development. The proposed shop would be in keeping with this designation. The proposed development would therefore be in keeping with the provisions of the development plan and the local area plan that refer specifically to the site.

National and local retail planning policy, as set out in the retail planning guidelines and the retail strategy in the county development plan, seeks to protect and enhance the vitality and viability of town centres within the established retail hierarchy. The proposed shop would be part of the town centre of Dunshaughlin. It would contribute to the vitality and viability of its town centre. The scale of the proposed foodstore is modest and appropriate to the size of the town and its hinterland. It would not undermine the role of any other higher order centre in the retail hierarchy. It would also increase competition within the town centre, which would also be in keeping with an objective of national retail policy. The outcome of such competition between appropriately located shops within a town centre is not a matter with which the planning system is concerned. None of the various detailed criticisms made in the appeal, including those regarding the interpretation of the provisions of the retail strategy in the county development plan or the documents submitted with the application, would provide substantial grounds that could reasonably support a conclusion that the proposed development would be contrary to the specific

provisions of the development plan and local area plan, or to the general provisions of the retail planning guidelines or the county's retail strategy. The proposed development should therefore be regarded as consistent with the material planning policies and objectives, and as such it would be acceptable in principle.

9.4. Impact on the character and amenities of the area

The form and design of the proposed development would follow a functional and generic pattern. It would not reflect the historic character of the town's established retail core along Main Street because much of the site would be given over to surface car parking. Nevertheless in the particular circumstances of the site, as one plot within a larger town centre, the proposal would achieve a reasonable standard of urban design in line with the advice given in the design manual issued with the retail planning guidelines. While the shop would be a functional part of the town centre, it would lie behind Main Street and its frontage. It would not interfere with the architectural character of that street. Most of the lands adjoining the site on the other are occupied by large individual buildings on substantial plots. The area to the north-east on the other side of Lagore Road is suburban in character. The proposed development would be in keeping with this setting. The central location of the site means that the retention of the trees and hedges on the site would not justify impeding appropriate development that would improve the vitality and viability of that town centre. The position of the proposed shop would address the Lagore Road to a reasonable degree and provide some frontage. The proposed landscaping and boundary treatment along that road are appropriate. The design details of the building would provide a certain level of visual interest and coherence, particularly if the elevations submitted in response to the appeal were implemented. The town centre requires car parking to function properly, and it would be proper for it to be located behind but close to Main Street in the manner now proposed. The proposed footpath along the Lagore Road and the pedestrian link to the car park to the south of the site would improve the permeability of the town centre and the quality of

pedestrian facilities there. The development plan allows for a solely retail development on the site. A mix of uses on the site itself is not required to provide an appropriate balance for the area because there are numerous other premises in the town centre nearby where other service and commercial uses could be and are provided. The situation of the proposed shop, and the location of its delivery bays at the back of the site beside the hardware store, maintains a proper separation from residential and other sensitive properties. If properly managed, the proposed development would not be likely to have a serious negative impact on the amenities of property in the vicinity. The proposed development would therefore make a generally positive contribution to the character and amenities to the area.

The site was designated in the 2013 development plan as an opportunity for retail development. This designation implies that the site was capable of such development without significant changes to its physical relationship with adjoining land. The proposed development is in keeping with this designation, which itself supersedes the reference in the 2009 local area plan to a non-statutory urban framework plan. The alleged non-compliance with that framework plan would not, therefore, justify refusing permission or substantially modifying the proposed development.

9.5. Access and parking

The proposed shop would be in the centre of Dunshaughlin and would be accessible by sustainable transport modes from a considerable number of homes. Its central location would also facilitate multi-purpose trips to the centre of the town. The nature and location of the proposed development would therefore tend to reduce demand for travel by private car. This would also be in keeping with one of the objectives of national retail planning policy set out in the guidelines. It would be appropriate that part of the capacity of the public road network in the town centre would be used to service a shop that was located in accordance with the principles of sustainable

development as set out in duly adopted planning policy. The level of parking that would be provided on the site is adequate having regard to the parking standards set out in the development and to the central location of the site and the consequent potential for the car park to serve multi-purpose trips to Dunshaughlin. As stated above, the proposed development would improve the pedestrian environment of the town centre by providing a footpath along the Lagore Road, as well as a link to the car park to the south of the site and hence to Main Street. The revised frontage along the Lagore Road would reduce the congestion caused by the unregulated parking that current occurs there, and would thus improve the capacity of that road's junction with Main Street, and remove an obstacle that interferes with the operation of the bus stop opposite the site. The applicant has argued that the proposed service arrangements for the shop, with delivery vehicles moving through the car park, are similar to those for many other shops and that have been shown to be safe. This argument is accepted.

The access and parking arrangements for the proposed development are therefore acceptable. It would not lead to traffic hazard or obstruction of road users. The detailed criticisms and the engineer's report submitted in the appeal would not support a conclusion to the contrary. It is noted that the applicant has cited the correct standards for road design in this area – the *Design Manual for Urban Roads and Streets*. The appellant's engineer did not, and recommended a 7m width be provided for the carriageway along the Lagore Road would exceed the normal standard for arterial and link streets set out in section 4.4 of that manual.

10.0 Recommendation

- 10.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

11.0 Reasons and Considerations

The proposed retail development would be part of the town centre on lands zoned as such under the Dunshauglin Local Area Plan 2009 and on a site designated as an opportunity for retail development in the Meath County Development Plan 2013-2019. The proposed development would be in keeping with the provisions of those plans and with the *Guidelines for Planning Authorities on Retail Planning* issued by the minister in April 2012. Subject to compliance with the conditions set out below, the proposed development would achieve a reasonable standard of urban design. It would not detract from the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. It would therefore be in keeping with the proper planning and sustainable development of the area.

12.0 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 19th day of April 2016 and the 13th day of May 2016, and by the further plans and particulars received by An Bord Pleanála on the 28th day of July 2016, 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 A public footpath shall be constructed along the northern site boundary on the Lagore Road and a pedestrian access shall be provided to the car park to the south of the site and hence to Main Street. These works shall be completed to the satisfaction of the planning authority before occupation of the authorised development. The access from the south of the site and to Main Street shall be kept open to the public whenever the shop of the site is open for business. All works in and around the site shall comply with the specifications for such works set out in the *Design Manual for Urban Roads and Streets* issued by the minister.

Reason: For the safety and convenience of road users

- 3 Full details of all external materials, colours, finishes, shopfronts and signage shall be submitted and agreed in writing with the planning authority prior to the commencement of development. Only one pole sign may be erected on the site which shall be at the entrance to the car park in a position agreed with the planning authority. Other than those agreed under this condition, no signs, advertisements or similar things shall be erected or displayed anywhere on the outside or through the external windows of the building other than in accordance with the details agreed under this condition, and no projecting structures including banners, flags or canopies shall be erected, whether or not they would otherwise have constituted exempted development.

Reason: In the interests of visual amenity

- 4 The landscaping, surface and boundary treatment of the site shall be completed in accordance with the particulars submitted in connection with the application and appeal to the satisfaction of the planning authority prior to the occupation of the authorised development.

Reason: In the interests of visual amenity and orderly development

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

. **Reason:** To ensure adequate servicing of the development, and to prevent pollution

- 6 . 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. The plan shall ensure that no goods or waste associated with the operation of the proposed development may be stored outside the curtilage of the authorised building or in direct public view, and that the bye laws governing the collection, storage and presentation of waste can be complied with. Thereafter, the waste shall be managed in accordance with the agreed plan.

. **Reason:** To provide for the appropriate management of waste and protect visual amenity

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7 . Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Fridays, between 08.00 to 14.00 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

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8 . 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

. **Reason:** In the interests of sustainable waste management

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9 . 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

10 . The plant and machinery installed to serve the authorised development and the deliveries to the authorised shops shall not give rise to a noise level above 55 dB(A) rated sound level (i.e. corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive or 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 11 The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works to the Lagore Road including the provision of a public footpath. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

- 13 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. 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 the Board to determine the proper application of the terms of the Scheme.

. **Reason:** It is a requirement of the Planning and Development Act 2000 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 J. O'Sullivan

Planning Inspector

27th October 2016