



An
Bord
Pleanála

Inspector's Report PL10.248151.

Development	Discount foodstore within the curtilage of a protected structure.
Location	Graiguenamanagh, County Kilkenny
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	16/369.
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	RGDATA Michael Doran.
Observer(s)	None.
Date of Site Inspection	14 th June 2017.
Inspector	Philip Davis

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1.0 Introduction

This appeal is by RGDATA and a local businessman against the decision to grant permission for an Aldi discount foodstore on a derelict industrial site on the north side of the town of Graiguenamanagh, in County Kilkenny. The site is within the curtilage of a protected structure, a former creamery building. The grounds of appeal mainly relate to retail planning policy and impact on the existing town centre.

2.0 Site Location and Description

Graiguenamanagh is an historic town on the River Barrow which dates back to at least the foundation of the Cistercian monastery in the 13th Century. It has historically been an important trading and manufacturing port on the Barrow and now functions as a local market town. It is located at an historic crossing point on the river where it forms the boundary with County Carlow – the smaller Tinnahinch village is on the opposite side of the river – they are connected by a particularly fine 18th Century 7-arch bridge, the only crossing point of the Barrow for a significant distance. The river is lined with quays, originally developed for cargo traffic, now used for leisure and houseboats. The town formed where the smaller River Duiske (frequently spelt ‘Douske’) flows down from Brandon Hill to join the Barrow – the fast flowing Duiske historically providing the power for the towns many watermills, used for processing grain and wool. The town has a population of just over 1,000, a number which has been in gradual decline over the past 30 years at least. The centre of the town is on Main Street, where there is a small public square in front of the former courthouse.

The appeal site (site area given as 1.612 hectares) is located north-north-west of the town centre, about 400 metres distant in a direct line, about 500 metres by foot. It is an elongated are of land running north to south from the modern R705 (Graiguenamanagh bypass) to the north, on a slightly east facing slope, mostly on the western side of the Duiske River – it includes a bridge over the river and a small section on the east bank. It consists of a derelict steel fabrication building surrounded by hardstanding, with overgrown undeveloped lands to the south. A mill race diversion from the Duiske runs on higher ground on the western side of the site. The lands include a small bridge over the Duiske, providing access to Main

Street just south of a roundabout junction with the R705, and a small area of land which includes a former creamery building (also part of the site), now boarded up and vacant. There is a small garden or allotment site between the creamery and the river. The south of the site borders a pedestrian lane (known Well Lane), a historic link between High Street and Main Street, connected via a bridge over the Duiske. This bridge connects to Back Lane, which has two entrances on to Main Street. The site is bounded to the north by the bridge and elevated embankment of the modern R705 bypass – to the east by a grazing field, the river, and residential areas, to the west by the mill race with residential areas beyond this, and to the south by the lane with some grazing fields south of this.

3.0 Proposed Development

3.1. The proposed development is described on the site notice as follows:

The demolition of the existing buildings on site with a floor area of 1,367 sq. metres and the construction of a single storey discount foodstore, to include off-licence use, with a gross floor area of 1,608 sq. metres (net retail area of 1,140 sq. metres)' associated signage including the erection of one free standing double sided internally illuminated sign, an electricity sub-station, associated landscaping, boundary treatments, upgrade works to existing bridge and all ancillary site development works. The development will be served by 95 no. surface level car parking spaces with vehicular access from Upper Main Street (R703). The subject site has an area of 1.612 hectares and the proposed access from Upper Main Street (R703) is within the curtilage of a protected structure (protected structure ref: D150).

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 29 largely standard conditions. Condition 5 altered the proposed location of the sign at the entrance. Condition 22 relates to off-site works including lighting on Well Lane/Back Lane to the south, and for railings on the Duiske River.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planning authority note that the site is zoned: 'Mixed Use' in the Graiguenamanagh LAP. The LAP sets out a number of guiding principles for the development of the site. Graiguenamanagh is considered a Level 2 'District' centre in the retail hierarchy. The existing town centre is considered to be suffering decline. The design is generally considered acceptable. It is noted that the situation with the protected structure (the Creamery Building) is considered uncertain. The NIS was considered acceptable. A number of items for further information are set out (letter dated 2nd August 2016). A response was submitted on the 20th January 2017.

Following the submission of additional information, the final planners report states that the information provided is broadly acceptable and permission is recommended subject to 29 no. conditions.

4.2.2. Other Technical Reports

Road Design: Additional information required on road and footpath details.

Following the submission of further information, a number of detailed conditions are recommended.

Environment Section: Further information requested on pollution control, the flow of water to the Cushenale Woollen Mill, and the remediation of on-site contamination and asbestos disposal. Following the submission of further information, 12 conditions are recommended.

Architectural Conservation Officer – recommends a number of conditions relating weatherproofing the protected structure to the siting of the sign and archaeological monitoring.

Parks Department. Welcomes the proposed development and recommends a number of conditions.

4.3. Prescribed Bodies

Irish Water did not object.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (three letters): A number of deficiencies in the NIS are set out and mitigation measures are recommended. It is noted that the site contains a bat roost. It is noted that the site is within a protected structure and the southern part of the site is within the architectural conservation area of the town. Additional information is requested including an architectural heritage impact assessment report and revised details. An archaeological potential report is requested.

Following the submission of additional details, the Department responded noted the proposed emergency external repair works to the protected structure and the proposal to find a third party to occupy the building. Conditions are recommended.

5.0 **Planning History**

None on file, but the planning report notes a refusal for permission for a billboard at the new bypass (refused – **11/69**), and older permissions for the retention of a shop, offices and extension to a warehouse and for a weighbridge. It is also noted that the Supervalu on Main Street has an application for permission for a carpark pending (**P16/33**).

6.0 **Policy Context**

6.1. **Development Plan**

The site is zoned 'Mixed Use' in the Graiguenamanagh Local Area Plan 2009-2020. The zoning objective is to provide for the development of appropriate mixed uses that allow for the development of Graiguenamanagh as a focus for local services, sustaining and strengthening the function of the town centre. The site is within the curtilage of a protected structure (an early 20th Century creamery, not the derelict metal fabrication building). Retail policy is set out in the Kilkenny County Development Plan, Retail Strategy Section. Relevant extracts of these plans are attached in the appendix to this report.

6.2. Natural Heritage Designations

The site bounds the River Duiske, which is designated as part of SAC site code 002162, River Barrow and Nore SAC. This is an extensive riverine SAC with a number of qualifying interests, mostly related to freshwater habitats, flora, vertebrates and invertebrates.

7.0 The Appeal

7.1. Grounds of Appeal

Michael Doran, Supervalu, Graiquenamanagh

- Provides an overview of the town, the current retail situation, and relevant planning history.
- It is argued that the proposed development does not have full regard to the Retail Planning Guidelines due to its failure to apply correctly the sequential approach – it is submitted that while the site is the largest one for a large Aldi with car parking, there are other approaches to strengthening the town centre which should have been addressed.
- It is argued that it is contrary to the zoning designation in the LAP for mixed use and the potential of the site for integrated development with the old Creamery. It is submitted that a mono-use development on this site is inappropriate, represents an unsustainable use of urban land, and is contrary to the stated objectives of the LAP.
- It is argued that the location of the carparking presents a barrier to movement between the retail use and the traditional town centre (refers to Board decision in **PL17.246830**).
- It is argued that the proposals for the old Creamery Building are unacceptable and contrary to LAP policy and that there is insufficient design consideration given to the public realm.
- It is argued that there is a shortage of carparking spaces in the town centre and that the surplus proposed would draw car borne shoppers away from the

existing retail core, and the oversupply of parking spaces would attract excessive car borne traffic to the site.

- It is argued that the proposed development is contrary to Objective 3F and sections 4.6.3, 4.7.2 and 4.9 of the County Development Plan in that it does not delivery the type of more mixed use and appropriately scaled development that could enhance the town centre.
- It is argued that the improvements to Back Lane are not within the applicants control.
- Concerns are expressed at the potential for pollution of the River Duisk (it is noted that the Inland Fisheries Board was not consulted), and the lack of a strategy for the old Creamery Building.
- It is argued that insufficient consideration was given to down-stream flooding impacts of the works.
- It is argued that it is out of scale for the town and will generate excessive traffic due to the excess carparking provision. It is also submitted that the pedestrian access provision to the site is inadequate and unsafe.
- It is submitted that there are insufficient details on contamination and remediation measures for the land.

RGDATA

- It is submitted that it is contrary to the LAP zoning designation as it does not have a sufficient range and mix of uses and will have an unacceptable impact on the existing retail core of the town centre.
- It is submitted that a Town Centre Health Check (in line with Annex 2 of the 2015 Retail Planning Guidelines) is required.
- It is submitted that the parking provision levels are excessive and contrary to national transport policy.

7.2. Applicant Response

- It is emphasised that retail is 'open for consideration' on lands zoned for Mixed Use purposes.

- It is noted that the LAP identifies the site as having redevelopment potential for 'large retail use'.
- It is argued in some detail that the design conforms to the specific development objectives of the LAP for the site, in particular with regard to improving linkages between the site and the town by way of making connections with the laneway to the south.
- It is noted that Graiguenamanagh is identified as a Level 3 District Town within the Kilkenny Retail Strategy 2014-2020 – it is argued that there is a shortfall of retail space for the town due to a paucity of existing retail provision.
- It is submitted that although the proposed store represents an increase of 83% of floorspace over the existing Supervalu, this is justified on the basis of a lack of provision within the town.
- It is stated that a Town Centre Health Check was submitted with the Retail Impact Study with the application – this concludes that the town's future is dependent on reducing leakage and increasing the attractiveness of the town as a shopping destination for its catchment area. It is argued that the proposed development will create a synergy with existing retail providers.
- It is noted that the Council planning report stated that it was considered that the proposal '*may assist in the rejuvenation and consolidation of the town centre*'.
- It is stated that a Household Shopper Survey in December 2015 indicated that 62% of respondents travel outside of the catchment of Graiguenamanagh for main food and grocery shopping – primarily to New Ross and Bagnalstown.
- It is submitted that there are similarities to the situation in a recent appeal for an Aldi in Ennistymon (**PL03.245262**).
- With regard to the NIS, it is submitted that a detailed NIS was submitted, and Inland Fisheries Ireland was contacted as a matter of best practice. It is noted that the NPWS and Council were satisfied with the details of the proposal.

- With regards to parking, it is noted that the Council states that there is a shortfall of parking in the town, it is submitted that the quantum proposed is necessary.
- It is stated that the applicant is committed to creating a pedestrian link to Back Lane.
- It is stated that a full Flood Risk Assessment was carried out, and this had full regard to downstream impacts.
- It is stated that the applicant is committed to the waterproofing and protection of the Creamery Building, and it is intended that the building will be used for commercial purposes – a separate planning application will be made when an end user has been identified.
- It is stated that issues of contamination and toxicity has been addressed fully in the submitted documentation.
- It is argued that the overall design, site coverage, and use is appropriate for the site.
- A number of appendices are attached, including more detailed technical responses on the issues of traffic and ecology.

7.3. Planning Authority Response

- It is considered that the development of Back Lane and Well Lane will increase permeability and connectivity – the planning authority are satisfied that this will be carried out.
- It is considered that parking in the town is severely restricted and limited – It is considered that the parking provision would provide parking for shoppers within the town itself.
- It is noted that the applicant sought a declaration on works to the protected structure.
- The Council is satisfied that the development will not result in an increase in flood risk.

7.4. Further Responses

RGDATA

- It is restated that the main concern of RGDATA is the impact that comparison sales will have on the smaller shops in the town, and the loss of a key opportunity site.
- It is argued that to facilitate town centre revitalisation the Aldi proposal should be fully integrated into the retail core of Graiguenamanagh in line with LAP requirements – it is submitted that the proposed development does not achieve these aims.

An Taisce, in a submission to the Board dated 30th May 2017 stated that the application has been reviewed and that it is considered that the conditions set by the planning authority would protect the industrial historical building and that the main site is considered brownfield and as such there are no significant heritage or environmental issues involved.

8.0 Assessment

8.1. Overall context

Graiguenamanagh is a small but very attractive town with a population of just over 1000 on the Barrow River (this figure does not include the village of Tinnahinch, on the opposite side of the river, but functionally connected to the town). The town is medieval in origin, with the monastery still at its core, its origin probably arising from it being at a crossing point of the river, with the fast flowing Duiske providing an ideal source of water power. The commercial high point of the town would have followed the canalisation of the Barrow with its connection to the Grand Canal in the mid-18th Century, leading to it developing as an important local trading, leather and food processing centre for half a century or more. During this period the medieval core around the Monastery and Main Street extended along the new river quays and along Mill Street and the mill race, which would have featured a number of manufacturing facilities using water power. It would seem that grain and leather processing were important industries for the town at the time in addition to a thriving river trade.

The towns decline relative to other urban areas in Kilkenny and Carlow seems to have started from the mid-19th Century. The town was never connected to the national railway network. Much of the towns urban fabric was built around this time, but this seems to have been more from replacing existing older structures than a sign of a thriving economy, although a range of manufacturing survived into the 20th Century. In the mid to later 20th Century there have been three significant suburban expansions – one to the west of Main Street, along and beyond High Street (this is not a medieval high street, it seems to have been built in the early 20th Century), with a further expansion north of Main Street along the more recent northern bypass of the town, in addition to suburban developments on the Carlow side of the river.

The census returns indicates that for several decades the town has had a fluctuating or slightly declining population (with the exception of a short sharp rise during the Celtic Tiger era), indicating a gradual relative decline in the towns regional importance. Traditional manufacturing has largely disappeared, replaced with just a few craft type employers, some using older mill buildings. It would still seem to have some role as a local market centre. The attractiveness of the town, especially on either side of the beautiful bridge spanning the Barrow would make it a significant tourist attraction, including those using cruise and narrow boats on the Barrow navigation, but the apparent absence of any tourism businesses apart from some small B&B establishments would indicate this is too small and seasonal to be a significant generator of employment. I note in this regard there is an active proposal for a greenway along the Barrow navigation, which would undoubtedly boost the local tourist industry. A boarded up 19th Century hotel and bar at a prominent location where Main Street meets the bridge over the Barrow is an obvious visual indicator of the current lack of demand for major tourism/leisure facilities.

Although there is relatively little outright dereliction in the town, there are many visual indicators of a long term shrinkage in business, with many former shop fronts now used for residential or office use, and almost no evidence of recent investment on any significant scale. Most retail uses are on Main Street, with a small number on Mill Street/High Street to the west. The main anchor for the town is a rather small Supervalu outlet right in the centre opposite the old courthouse, with a butchers, pharmacy, florist, gift shop, veterinary supplies outlet and a small hardware providing most services. In addition, there are two small factory outlets

(glass goods and woollen mill) seemingly mostly catering to passing trade and tourists, plus a scattering of pubs, car repair shops, beauty salons, hairdressers, cafes, bookmakers and law/insurance offices. There is a small grocer/petrol forecourt on the northern entrance to the town, and a small convenience shop on the Carlow side of the bridge.

The Retail Impact Report indicates that a very significant amount of shopping generated by the town's residents 'leaks' to other regional centres in Kilkenny and Carlow. New Ross (20 minute drive time south) and Bagenalstown (20 minute drive north) are both similar (if slightly larger) towns, but with a wider range of bigger supermarkets and other convenience and comparison outlets – including an Aldi in Bagenalstown. The nearest other towns, Inishtioge, and Borris, have no significant retail floorspace. It is also likely that regular shopping trips are done by car to Kilkenny (30 minute drive), Carlow town (40 minutes) and Waterford City (50 minutes). All three would have the full range of competitive comparison and convenience stores. There is minimal public transport serving the town – it has no train station or Bus Eireann service – a private operator runs 12 buses a day to Kilkenny. I noted site notices erected for a cycling greenway along the Barrow River navigation, and this, if developed, could be a significant boost to the town, although it is likely that cyclists using this would be mostly seasonal leisure users.

8.2. Principle of development

National policy is set out in the Retail Planning Guidelines for Local Authorities 2012, which sets out the context for both development plans and planning control. The Guidelines emphasise that '**Enhancing the vitality and viability of city and town centres in all their functions through sequential development is an overarching objective in retail planning**' (page 10). Within the context of the Guidelines, I would consider the site to be 'edge of centre' in that it is well within the urban boundaries of the town, but a significant walk from the core around Main Street. In terms of the Sequential Test (section 4.4 of the Guidelines) the planning authority should be satisfied that there are not '**no sites or potential sites including vacant units within a city or town centre or within a designated district centre that are (a) suitable (b) available and (c) viable...**'

The Kilkenny County Development Plan 2014-2020 sets out retail policy in accordance with the Guidelines in the Retail Strategy (Appendix A of the Plan). The

Retail Strategy does not refer specifically to Graiguenamanagh and it is clear from this Strategy that it is a relatively insignificant retail/market centre within the context of County Kilkenny. The Development Plan identifies Graiguenamanagh as a Level 3 District centre, i.e. a smaller district centre (it falls under the usual 1500 person level, but is considered a District Centre on the basis of its historic role and that it has a secondary school). District Centres are considered in the CDP as towns with a potential for future growth, subject to infrastructural capacity. The CDP identifies four District towns in Kilkenny - Kilkenny City and Ferrybank/Belview being the main centres.

The Graiguenamanagh LAP 2009 (with variations) identifies the site as part of 'opportunity site 5' - Duiske River Valley (the site is about half the overall area identified in the LAP, section 4.10.4). The 'Guiding Principles' are identified as following:

To facilitate the redevelopment of the steel yard site for appropriate town centre use, presenting built frontage to the Relief Road and incorporating land to the south boundary as required;

- **To promote the suitable redevelopment of the Creamery building as an integral part of the scheme.**

The development of this area must include for the following mandatory objectives:

- **To achieve improved pedestrian accessibility from Main Street to the river;**
- **To achieve public realm improvements to footpaths and passageways, including resurfacing, signage and lighting;**
- **To achieve boundary improvements to properties on the rear of Main Street.**
- **To encourage passive surveillance of pedestrian routes where opportunities arise through adjoining redevelopment sites;**
- **To achieve the planting of native tree and shrub species.**

With regard to the Cullen Steel site (i.e. the current appeal site), it states:

Cullen Steel yard has redevelopment potential for a large retail use, with vehicle access from Main Street. As an integral part of development, the old

Creamery would require a suitable compatible use and the river valley enhanced as a linear public park with footpath/cycle links to the town centre.

In the zoning plan, the site is zoned for 'mixed use', which is described thus:

To provide for the development and improvement of appropriate mixed uses that allow for the development of Graiguenamanagh as a focus for local services, sustaining and strengthening the function of the town centre as the principal location for retail and commercial uses.

'Permissible uses' include:

A wide range of uses may be accommodated subject to other policies of this plan, that would complement as opposed to unduly compete with the vitality and viability of the town centre. In accordance with 'Retail Planning Guidelines for Planning Authorities', the Council will seek to encourage the economic and environmental development of the town by focusing new retail/commercial uses in the town centre within the Mixed Use zoning, and by restricting developments in out-of-town locations to those which would not affect the viability of the town centre.

In this context, and in the overall context set by the Development Plan and LAP, the proposed development would be generally consistent with policy, subject to the absence of alternative sites closer to the Main Street, and the precise definition of what constitutes 'mixed use'.

I would consider that the proposed use is acceptable in terms of national policy. There seems little doubt but that Graiguenamanagh is undershopped as a 'District Centre' and there is significant leakage of shopping to other larger centres in Kilkenny and Carlow counties. The existing Supervalu performs a valuable service for the town, but there is an almost total absence of competition for convenience shopping in the town and it seems clear from the Retail Strategy that other towns which are only slightly larger than Graiguenamanagh are benefiting from having larger outlets and so local residents are going (mostly by car) to those towns to shop. The scale of the proposed foodstore is not such that it is likely to be a draw from other centres (except perhaps the smaller villages in the vicinity, all of which seem to be very poorly served for basic food shopping). As such, I would consider a

foodstore of this scale to be appropriate for the town, and would aid in protecting its viability and vitality, in addition to providing a service to those locals who do not have access to cars.

With regard to the sequential test, there are certainly vacant or, more accurately, retail units which are no longer in retail use, that are closer to the core of the town, and there are some 'opportunity sites' along the quays which would qualify more under the sequential test. However, I am satisfied that these sites are very small and difficult to develop and while they would have potential for smaller town centre outlets, it does not seem likely that they could reasonably be developed for a c. 1000 m² foodstore of the type proposed – a scale which seems typical now for this type of small town retail unit. While ideally the Main Street could well host a range of smaller food based outlets, the lack of parking and the attraction of larger stores in nearby towns would seem to preclude the development of a fully thriving Main Street. As such, I would consider that the appeal site qualifies under the sequential test, with the caveat that this only applies if there is good pedestrian access maintained via Well Lane/Back Lane to the south – access here is vital to allow an easy cross-flow of shoppers from, for example, the pharmacy and pubs/cafes in and around Main Street and the proposed foodstore, in addition to providing easy foot access to residents in the suburban streets west of the town and in Tinnahinch. It is a little more difficult to justify the development under the overall 'mixed use' zoning designation. While the spirit of the LAP clearly favours a development which complements the town centre better than a single storey foodstore surrounded by carparking, it seems clear from the planners report and the overall context that a relatively single use retail/commercial development such as that proposed is 'permissible' in principle, if it fulfils the wider policy objective of the LAP. These wider objectives include the reuse of the creamery building, the improvements of the river and mill race, and the creation of better internal pedestrian links within the town. I will address these issues in more detail in the sections below.

8.3. Protected structure

The site includes an early 20th Creamery building on the north-eastern corner – this is on the opposite side of the river to the main site. This building is described in the NIAH as follows:

Detached three-bay single-storey over raised base double-pile creamery with attic, post-1903, with single-bay single-storey gabled central bay. Extended, pre-1945, comprising two-bay single-storey flat-roofed end bay to left. Now disused. Pitched double-pile (M-profile) slate roofs (gabled to central bay) with clay ridge tiles, iron vents to apex, rendered coping, profiled detailing to gable to central bay, and cast-iron rainwater goods on timber eaves. Flat felt roof to end bay with timber eaves. Painted roughcast walls on painted rendered base with rendered quoins to corners, rendered band to eaves, and rendered surround to gables. Square-headed window openings ('slit-style' to gables) with concrete sills, rendered quoined surround to central bay (possibly originally door opening), and timber casement windows having some three-over-three timber sash windows. Square-headed loading door openings on concrete platforms approached by flight of four concrete steps with tongue-and-groove timber panelled double doors and double sliding doors. Set back from road with concrete forecourt. (ii) Attached two-stage red brick chimney, post-1903, to south-west comprising tapered shaft on a square plan with brick laid in Running bond courses having dentilated course supporting profiled rendered cornice capping.

The 'appraisal' in the NIAH survey states the following:

A pleasant small-scale building representing an important element of the early twentieth-century architectural heritage of Graiguenamanagh having traditionally supported much of the local agricultural economy. Despite the utilitarian purpose of the site a range of fine details enhances the architectural design value of the composition. Although now disused the retention of the original form and massing together with the survival of much of the historic fabric maintains the positive contribution made to the character of the locality: meanwhile an elegantly-profiled chimney incorporating Classically-derived accents identifies the landmark status of the site in the townscape.

This building does not seem to be of the highest conservation value, but has local interest as representative of the town's past commercial history and is an interesting and attractive gateway building to the historic core. The applicant is proposing only to stabilise the building in its existing state to prevent further dereliction and decay, and is stated to be actively seeking an alternative commercial user.

Ideally, such buildings should be incorporated into any large scale development in such an important 'mixed use' site. However, the functional separation (with the river flowing between it), and the cramped nature of structure would, I consider, make this unfeasible. There would seem to be little prospect of it returning to anything similar to its original use, although I note that one of the main mill buildings in the town is used for a small scale craft use that complements its historic use. Realistically, the best use would be some type of small scale retail, café, or office use that could make productive account of its visual importance to the town. But I would accept that it is unreasonable to insist on the applicant putting it to direct use associated with the proposed foodstore. I would therefore consider that the most realistic option is that proposed – that the building be secured and protected from decay, while the applicant seeks a suitable tenant.

The main structure on the site, the former steel fabrication unit, is a typical industrial building of the later 20th Century with no apparent historic, architectural or aesthetic merit. It is something of an eyesore which can only be of benefit to the town to have it removed. There are no other visible historic structures on the site, although the southern edge bounds on the seemingly medieval Well Lane, and the Mill Race to the west of the site is of very significant historic importance to the town, although it is unclear to me as to how much of the physical fabric of the Race is of an early date. There are no indications of archaeology on the site, but having regard to its very close proximity to the historic town centre, some sub-surface remains associated with the medieval town and monastery or milling activities cannot be ruled out.

An archaeological assessment was submitted with the application – this includes a desk study and a field walk. It concluded that there is no evidence of archaeology on the site and the historic disturbance of the site would likely have destroyed most remains.

I would conclude that the proposals are acceptable, subject to conditions relating to archaeological monitoring, the protection of the Creamery structure, and there being no interference with the Mill Race.

8.4. Permeability and pedestrian links

I would consider a crucial aspect of overall impact of the proposed foodstore on the town as a whole to be its accessibility from both the town centre and from the main residential parts of the town. The main highway access is to the north, next to the

roundabout junction of the town bypass and Main Street. I would estimate that from the door of the proposed foodstore to the square on Main Street to be almost 500 metres by foot. The route would be reasonably direct, and there is a narrow if not altogether high quality footpath on the way. The road is quite heavily trafficked so it wouldn't be a particularly attractive walk.

If the site is made accessible via the lane to the south (Well Lane and Back Lane), the distance would be about 100 metres less. But it would be a significantly more attractive walk/cycle as it would run through back lanes (albeit past quite a bit of derelict backland), and mostly on traffic free or access only routes.

Crucially however, this southerly pedestrian link to the site would make the foodstore significantly more accessible to what seem to be the two main residential areas of the town – the suburban areas to the west, via High Street, and the area across the river in Carlow. I estimate that the foodstore would be 800 metres walk from most houses on the southern side (via the bridge, which lacks a footpath), and Main Street), and about 600 metres from the area to the west – these would most likely walk via Back Lane, not passing the shops on Main Street. I would consider these very reasonable walking distances and most likely it would be an attractive option for most residents compared to the longer drive out of the town to New Ross or Bagenalstown. For the dwellings on Upper Main Street, around the monastery, and in the smaller suburban extension to the north, it would be a relatively easy walk via the Creamery entrance.

I would conclude from this that if a permanent pedestrian/cyclist entrance was provided to the south it fundamentally alters the relationship of the foodstore to the town in a positive way. If there was only an access at the Creamery end it would, notwithstanding its geographical position, be functionally an 'edge of town' rather than 'edge of town centre' location. I also note that a riverside walk is an objective of the LAP, so I consider this an essential element of the proposal.

The proposal as submitted in the revised plans to the planning authority indicate a 1.5 metre wide footpath with 1 metre cycle lane. This path runs along the eastern side of the site, between the proposed shop and parking area and the landscape/wildlife area along the river and the field between the site and the river on the southern side of the site. For most of its length, this path will be alongside the

access road and carparking, so won't be a particularly attractive linear feature, but it will at least be practical for walkers.

I note however that the 1 metre wide cyclepath seems functionally useless, if not actually dangerous. There are no indications that the guidance within DMURS or the National Cycling Manual (NTA) have been used in its design or assessment. Somewhat bizarrely, it commences some distance inside the site on both ends, with no obvious indicator as to how cyclists are supposed to access it. The lane also goes in just one direction only, the plans seem to indicate from north to south, it is not indicated how cyclists are supposed to go if they wish to ride in the opposite direction. The majority of cyclist parking spaces are very badly located, some distance from the entrance to the foodstore and across the main access road (four bike spaces are indicated beside the building). If they are to have any functional use, they should have been located close to the front where they could be viewed from inside and protected from wind and rain. I note in this regard that there is some inconsistency between the submitted plans and the visualisations – the latter seem to indicate more bike parking spaces than on the floor plans.

The details as provided for the pedestrian access are therefore somewhat uninspiring and far removed from the linear park described in the LAP. The cyclists provision is pointless, non-functional, contrary to all design guidance that I am aware of, and quite possibly dangerous – it is certainly contrary to the recommendations set out in DMURS for providing for cyclists on minor roads. I would recommend that the cycle lane be deleted by condition. If the internal road network is adequately laid out and managed, then it should be perfectly safe for cyclists to use it. If the footpath is widened by 1 metre, then at the southern access combined bike/pedestrian use would be safe, on the basis that the laneway is mixed use (albeit with steps on the western side of Well Lane). I would note that I observed no cyclists during my site visit and the available information indicates that there are few journeys done in the town by bike – this is unsurprising given how the compactness and walkability of the town.

The site also includes a buffer zone along the mill race on the eastern side. I would consider this something of a lost opportunity for access as there is potentially a very attractive walk along the race, as this side is more elevated than the river. A loop walk along this watercourse in addition to the proposed walk would be a very

attractive addition. However, the LAP does not provide for this, so I don't consider it reasonable to set a condition such that there is a path provided on this side in addition to the eastern side.

Notwithstanding my reservations about some aspects of the design of the access, I would consider that the provision of a public access to the south at Well Lane is acceptable (I note that a financial contribution is proposed for improvements to the lane, including the bridge over the Duiske) and will significantly improve the linkages of the proposed foodstore to the town. I would recommend that the cycle lane be deleted by condition, with the path widened to 2.5 metre and be made mixed use. I also recommend that the cycle parking spaces be deleted and replaced with a number within the direct curtilage of the foodstore. The 'National Cycle Manual' recommends that such developments have one bike space per car space. The County Development Plan doesn't have any cycle parking requirements. I would consider the NTA standards excessive given the nature of the site – I would consider 15 secured and sheltered spaces to be reasonable.

8.5. Traffic and parking

The main traffic access is via the existing junction near the roundabout where Upper Main Street meets the town bypass. This existing access is wide with good visibility, but is very close to the entry to the roundabout. The town itself is moderately congested as most traffic seems to funnel through Main Street to cross the Barrow, one of the few crossing points of the river for a significant distance in either direction.

The Transport Impact Assessment submitted with the application indicates that it is considered that this part of Upper Main Street has the capacity for the traffic and there will be no significant increase in overall traffic generated by the proposed development. The access is considered acceptable for delivery vehicles in addition to the overall loads – the predicted peak MP hour traffic flow predicts 32 vehicles per hour making the right turn from the north into the site, with 47 making the left turn as they go north, with a roughly equal split between cars turning right and left exiting. I consider the assumptions made by the TIA to be reasonable – if anything, I would consider it likely that the proposed foodstore would somewhat reduce traffic in the town as it would displace much of the shoppers now driving to New Ross or

Bagenalstown. I would conclude therefore that in terms of car and heavy vehicle traffic generation, the proposed development is acceptable.

The proposed development includes a surfeit of carparking spaces over and above Development Plan standards. The applicant argues that this is provided in line with experience of other shops in similar locations, although it seems to me to be little more than a design approach of filling up all available space with parking. The applicants propose 95 spaces, whereby the development Plan standards are for 65 parking spaces (the Development Plan doesn't actually say if these are considered maximum or minimum requirements). The planning authority have accepted this on the basis that there is a shortfall of parking spaces within the town (most parking is on-street, or on a Council parking area at Fairgreen, which is on Upper Main Street not far from the entrance to the appeal site). The planning authority seem to consider that an excess of spaces here will encourage more shoppers to visit Main Street. I find this a very dubious assumption without any analysis to support it.

I would consider such a very large surplus of parking to be acceptable only under very specific circumstances having regard to national policy on sustainable transport. In particular, I would note the LAP objective for a linear park as part of a 'mixed use' development on the site and the very poor provision for such in the proposed development. I would therefore recommend that if the Board is minded to grant permission that the parking provision be reduced significantly in order to provide a better quality of pedestrian access through the site. I would recommend that a total of 16 spaces be deleted – spaces 1-4 and spaces 84 to 96, replaced with landscaping areas, with one further net space reduced to provide for more bike parking beside the shop entrance. This would result in 78 spaces, which would still be well in excess of Development Plan requirements.

8.6. Design, landscaping, visual issues

With the exception of the Creamery building, the site is relatively hidden from most views around the town. From the perspective of the bypass running north of the site, mature trees along both the river and mill race mostly block views towards the industrial structure. It is only clearly visible from a narrow gap close to the roundabout. It is also visible from directly opposite the site on Upper Main Street. From Well Lane, it is visible from the western side of the lane, which is elevated

significantly above the Duiske Valley. There are few other clear views towards the site.

The overall design focuses on minimising the visual impact what is a standard and somewhat uninspiring retail box through landscaping. There has been no attempt to create a more urban form of development or create an architectural statement which would enhance the town. The approach is very much to minimise the impact, except for external signage, which is obviously intended at bringing the attention of those on the road network to the entrance. The planning authority set a condition altering this signage to reduce its impact – I would concur that this is necessary, having regard to the high urban visual quality of most of the town.

Having regard to the nature of the site and its current somewhat unsightly appearance, I would consider that the overall approach – i.e. minimising the impact of a new retail shed through landscaping – while disappointing, is generally appropriate. In terms of urban design and visual impact, the important aspect is the approaches to the site – in this regard, ensuring the preservation of the Creamery is important, in addition to ensuring the Well Lane access maintains the existing attractive ambience of the lane. I would consider that with appropriate conditions to ensure a high quality of finish and landscaping that this is acceptable.

8.7. Flooding

The appeal site is directly between the free flowing Duiske River and its Mill Race (the river is frequently spelt 'Douske' in some sources). The River flows through a gully 2-3 metres below the main part of the site. While there have been historic severe floods in Graiguenamanagh (most recently in January 2016) they have mostly been related to the Barrow River and at its meeting with the Duiske – the Duiske at this point is several metres above the main level of the Barrow and the available online information indicates that floods have just been to a few metres on each side of the Duiske at this point, presumably because of the steep sided valley limiting the extent of the natural floodplain.

The applicants submitted a Flood Risk Assessment Document which indicates that the site is within Flood Zone C (low probability of flooding), except for a small region on the eastern part which is Flood Zone B (moderate probability of flooding). The report indicates that it did not assess the possibility of flooding from the Mill Race, but there is no historical record of any flooding associated with this artificial

structure. The study indicates that there are very low risks of flooding of the site and recommends a SUDS approach to minimise run-off, in addition to regular inspections of the Mill Race to ensure its structural integrity during flood events.

The appellants raised the issue of the development of the site increasing possible flood events downriver. Certainly, any increase in run-off from the site could have an impact on the lower levels of the Duiske, where it runs between building and has flooded houses before when levels in the Barrow have been high. I note that while a significant portion of the existing site is hardcover, the overgrown nature of the rest of the site would provide significant absorption of pluvial run-off.

I am satisfied that the site is at a very low risk of flooding, and the nature of the use is appropriate for lands of this low risk – the areas within Flood Risk ‘B’ are not within the envelope of the foodstore building. While any increase in development on such lands have the potential to increase run-off, a SUDS approach to drainage should ensure there is no significant increase in run-off from the site to the Duiske so there should be no downstream impacts – I would recommend a condition to this end.

I note that there seems some uncertainty as to potential hazard from the Mill Race – it is unclear from the information on file as to who is responsible for the maintenance of this artificial structure – a significant proportion is within the applicant’s ownership, but some sections further south are not. There is little information available from the OPW or other agencies regarding this Race and it is not indicated on OPW mapping as a watercourse. I can only assume that responsibility for its maintenance and flow is set out within the landowner’s deeds and likewise liability for any flooding due to the Race overflowing or a structural failure at some point would be a civil matter (a Mr. Philip Cushman made a submission on the original application expressing concerns about the millrace – I understand he is a downstream landowner). I would consider that the potential for a very serious flood arising from the Mill Race is significant enough that it should have been addressed in more detail in the Flood Risk Assessment, but I would not consider it a matter for refusal. I would recommend that the Board address this by way of a condition ensuring that a full report, including details on liability for maintaining the physical condition of this watercourse is submitted prior to the commencement of development. The option is

available to the Board to request this information from the applicant prior to a decision, but I would not consider this necessary.

8.8. Ground Contamination

The site is a former metal fabrication plant – there are no details available but it would seem to have been mostly for welding and some metal forming – there was no forging or uses of alloys or galvanising. Such sites can have contamination over a significant area if there was poor control of materials, and occasionally intense spots of contamination can occur around soakaways or areas where solvents or lubricants or other hydrocarbons have been stored. The factory appears to have been the first and only development use of the site – earlier OS plans indicate it was a field in the first half of the 20th Century.

The applicant submitted information on demolition and decontamination of the site if the works are to go ahead, all in line with normal good practice (a ‘Pollution Prevention Construction Environmental Management Plan’). I would have considered that far more information would normally be required for a former industrial site so close to a watercourse and freshwater SAC – at the very least, a full pattern of subsurface sampling would be ideal (the plan is based on a desk top study). If there was the potential for very severe contamination I would consider the application substandard in this regard. However, having regard to the relatively low intensity of the use of the site and the absence of any visible indicators of contamination, I would consider that its very unlikely that there are contaminants on site that would require special treatment or that could interfere with the sites development. As such, I would consider it acceptable to set a condition similar to that of the planning authority if the Board is minded to grant condition – i.e. that a full Construction Management Report be submitted and agreed, which would include for information on the disposal of asbestos or any contaminated soils in line with best practice.

8.9. Appropriate Assessment

The application was screened and having regard to the proximity to the River Duiske, part of the Barrow SAC, it was considered that an NIS was required. This was submitted with the application.

The site consists of the existing industrial building, the protected structure, an area of scrub and overgrown grassland, and the overgrown banks of the adjoining River Duiske, as well as the Mill Race. There is just one Natura 2000 site in the vicinity – this is the River Barrow & River Nore SAC (site code 2162), which includes the Barrow and its banks and the Duiske (but not the mill race) next to the site. The designated area includes the fields south-east of the site and the river channel. The qualifying interests for the SAC are as follows:

- 1016 Desmoulin's whorl snail *Vertigo moulinsiana*
- 1029 Freshwater pearl mussel *Margaritifera margaritifera*
- 1092 White-clawed crayfish *Austropotamobius pallipes*
- 1095 Sea lamprey *Petromyzon marinus*
- 1096 Brook lamprey *Lampetra planeri*
- 1099 River lamprey *Lampetra fluviatilis*
- 1103 Twaite shad *Alosa fallax*
- 1106 Atlantic salmon (*Salmo salar*) (only in fresh water)
- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1310 *Salicornia* and other annuals colonizing mud and sand
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- 1355 Otter *Lutra lutra*
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- 1421 Killarney fern *Trichomanes speciosum*
- 1990 Nore freshwater pearl mussel *Margaritifera durrovensis*
- 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
- 4030 European dry heaths
- 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
- 7220 * Petrifying springs with tufa formation (*Cratoneurion*)
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- 91E0 * Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

The Duiske next to the site is a fast flowing stream running through a steep sided valley – much of the channel along this stretch has been altered over the last 2 centuries or so, so it is difficult to be clear how much of the channel at this point is natural. The riversides are very lush and overgrown with a number of mature trees and thick herb growth, with many plants that appear to be garden escapees. A very large growth of Giant Rhubarb (not a relative of the more familiar garden rhubarb) grows next to the road bridge beside the bridge – this is considered an invasive species – there are also some growths of Japanese Knotweed within the site. Downstream, the river flows through the town centre in an engineered channel – the mill race joins about 100 metres downstream at a waterfall. The watercourse is

largely engineered as it enters the Barrow at a point where the river is held back by a large weir which maintains levels in the navigation canal.

The NIS submitted with the application includes survey details of the site. It concludes that none of the qualifying interests are present on the site, although it is unclear to me from the information provided as to why the fields just south of the site were included in the designated area if there are no qualifying interests (these fields are currently either in meadow or are grazed by horses). None of the bankside vegetation beside the site are included in the qualifying interests and the NIS indicates that the sea lamprey is not present. It is stated that species included in the qualifying interests which are known, or likely to be, present in the river next to the site are the white clawed Crayfish, the River/Brook Lamprey, the Atlantic Salmon and the otter. It is noted that bats are likely to be present – they are a protected species but are not part of the qualifying interest. From my observations during my site visit I would agree with this overall assessment – given the nature of the river and its habitats in this narrow section it would seem unlikely that it is prime habitat for any of the qualifying interest species.

The report states that there are no works proposed for the river banks (i.e. the designated area) and that the only works directly impacting upon the river are the upgrades to the existing bridge, and all of these are on existing hardstanding. It is stated that while there are no records of White-Clawed Crayfish along this section of the river, a licence has been secured from the NPWS for any disturbance (licence no.: C145/2016).

There is an acknowledged risk of run-off from the main construction works to the site, including the possible release of Japanese Knotweed from poor handling and control. The NIS (in addition to the construction management plan also submitted) addresses the required best practice control to ensure no impact on water quality, bankside vegetation, or any qualifying interests. I consider that the methods outlined are reasonable and if carried out, would ensure no direct or indirect impact on the water quality or any relevant vegetation.

The NIS addresses other possible impacts, including water use on the site and sewage disposal – the site is fully serviced and there is no evidence that the increased use on the site will have indirect impacts on the designated habitat, or any other designated habitats.

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No 2162, or any other European site, in view of the site's Conservation Objectives.

8.10. Other issues

I note that Irish Water did not object to the proposed development and there appears to be no issues with water supply or foul water sewage disposal.

The site is subject to a S.48 Development Contribution calculated at €40,200.00.

No other contribution is payable, but I note that the conditions set by the planning authority include a significant amount of works to Well Lane and Back Lane and the existing pedestrian bridge – I assume these have been agreed with the applicant as it was not raised as an issue. However, I would consider it *ultra vires* for the Board to apply such detailed conditions for works outside the applicant's control. The planning authority set a bond requirement for all works to be completed, referring specifically to drawing no. 16390-2-102 which shows these works. I would consider these works to be crucial to meeting the zoning objective of improving links between the site and Main Street. As these works are specified in the particulars, I would consider it reasonable to repeat the bond requirement and allow the planning authority and applicant to come to an agreement on how best to implement the necessary works.

I do not consider that there are other significant issues arising from this appeal.

8.11. Concluding remarks

I would conclude that with regard to national policy and development plan policy on retailing, the proposed development is consistent with the sequential test and would serve the needs of the town and would strengthen its District Town status within the local hierarchy. It will most likely divert trade arising in the town and the immediate environs from larger centres such as Bagenalstown (Mhuine Beg) and New Ross, in addition to the main County towns in the region. While its location is not ideal relative to Main Street, it is close enough that it should strengthen retailing there – I do not consider it likely that it will negatively impact on the remaining shops here due to the potential for good pedestrian linkages. I also do not consider that there

are suitable sites available within the immediate environs of Main Street for a foodstore of this nature.

It is less clear that it is consistent with the LAP zoning designation. It was clearly envisaged within the LAP that this site would be developed for mixed uses to strengthen the overall town. In the current economic climate, with the town suffering slow population loss, it does not seem likely that this type of development will occur. The use is, however, 'permissible', subject to other requirements, most notably pedestrian linkages and the creation of a viable linear park. This is where I would consider the application to be most disappointing. The proposed foodstore is a standard off-the-peg box structure surrounded with carparking. The pedestrian/cycling link is very poorly considered and designed. The opportunities to make a feature of the Mill Race were ignored. The proposed landscaping is just about acceptable, but is hardly inspiring.

I would consider that this issue can be improved through condition, although there are limits to how much can be done at this stage of the application. I would consider that a refusal for the reason that the design does not conform with LAP zoning requirements would be justified, allowing for a better quality resubmission.

Notwithstanding this, I do not recommend this option as I would consider that it can be made acceptable through a number of conditions.

The proposed development also includes a very large surfeit of carparking over Development Plan requirements. The planning authority seemingly accepted this on the basis that it can serve as an overflow for the Main Street, although I note that this is not consistent with the zoning in the LAP and seems a post hoc justification for covering half the site in tarmac. I would recommend a reduction in parking area in order to improve the overall landscaping and public access to the site.

In other respects, I would consider the proposed foodstore to be acceptable. It is disappointing that no positive use has been found for the Creamery building, but realistically it would be hard to find an appropriate use for this building and ensuring its structural integrity is probably the second best option. I would conclude that with conditions to ensure the works are carried out in accordance with best practice there would be no significant impact on protected habitats or the conservation status of the town of Graiguenamanagh.

9.0 Recommendation

I recommend that subject to the conditions set out below, the proposed foodstore should be granted permission for the reasons and considerations set out in the following schedule.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed foodstore and to the zoning of the site for Mixed Use in the Graiguenamanagh Local Area Plan 2009-2020 and to the good pedestrian links between the site and Main Street, Graiguenamanagh, and to the general poor quality of existing retail provision within the town, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with national guidance on retailing and on development plan retail strategy, would not seriously injure the amenity of the area, would be acceptable in terms of traffic safety and convenience to road users, and would accord with the provisions of the Graiguenamanagh Local Area Plan 2009-2020. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 20th day of January 2017, 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 proposed development shall be amended as follows:
 - (a) Parking spaces 1-4 and 84-95 shall be deleted and replaced with landscaped surfaces.
 - (b) Disabled parking space no. 5 shall be relocated to replace spaces 10 and 11. A covered cycle parking area shall be provided on space no. 5.
 - (c) The proposed 1 metre cycle lane shall be deleted. The footpath shall be widened to a minimum of 2.5 metres, incorporating the cycle lane in line with standards set out in the National Cycle Manual for mixed use paths.
 - (d) The pedestrian crossing at the access road adjacent to the Creamery building shall be replaced by a Zebra Crossing in line with TII Guidance on such designs.
 - (e) The illuminated sign adjacent to the Creamery shall be deleted. A replacement sign shall be erected on the southern side of the road or closer to the bridge at the bottom of the access entrance in accordance with the requirements of the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Prior to the commencement of development, the applicant shall submit to the planning authority a report on the structural integrity of the mill race and shall include details for addressing flooding arising from a breach or overflow of the mill race. This report shall clarify the existing responsibilities for ensuring the safe flow of water through this structure.

Reason: In the interest of clarity.

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

Reason: In the interest of the visual amenities of the area.

5. All works to Well Lane/Back Lane as set out in drawing no. 16390-2-102 and other works to the public highway shall be carried out in accordance with agreements with the planning authority before the opening of the foodstore.

Reason: In the interest of clarity and ensuring a proper standard of development.

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

9. A comprehensive boundary treatment and landscaping scheme shall be

submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within

the site.

11. An ecological management scheme for the proposed development, with an objective of maintaining habitats and controlling invasive species present within the site with particular regard to the boundary close to the Duiske River, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed scheme.

Reason: To ensure the preservation and protection of flora and fauna within the site.

12. All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise. The works to weather proof the protected structure shall be undertaken immediately following the final grant of permission.

Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

13. 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) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) 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) Provision of parking for existing adjoining residential properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste (including excavated soil with rhizomes of Japanese Knotweed) and details of how it is proposed to manage excavated soil (including contaminated soils);
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (n) All other methods required to ensure no impacts on adjoining lands and watercourses;
- (o) All hours of work;
- (p) Provisions for the management of any protected species for which removal/protection requires a license from the National Parks and Wildlife Service and the protection of nesting birds;
- (q) Details of all works to the mill race to ensure no interference with downstream users;
- (r) All details to works to bridges and other structures over the river and

mill race;

(s) Details of any agreement with the planning authority for related works required to Well Lane/Back Lane and other public areas outside the site boundary;

(t) Protocols for the implementation of all works in accordance with the management plans and other particulars submitted with the planning application and appeal.

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.

14. Public access through the site on the pedestrian walkway shall always be maintained during foodstore opening hours.

Reason: In the interest of clarity.

15. 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.

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 Bord 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 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.

Philip Davis

Senior Planning Inspector

14th July 2017