



An
Bord
Pleanála

Inspector's Report ABP-301542-18

Development

Permission to construct a single storey discount foodstore (to include off license use) with a gross floor area of 1,814 sq.m. (net retail area 1,254 sq.m.). The development includes the erection of 1 no. internally illuminated sign and opening hours sign at vehicular entrance, 3 no. internally illuminated gable signs, 1 no. poster sign and entrance glass signage. The proposed development will be served by 91 no. car parking spaces. Vehicular access to the site will be provided from Macartan Road. The proposed development includes all engineering works, landscaping works, boundary treatments and site development works on the 0.69 hectare site. Significant further information/revised plans provides for a revised culvert configuration, revised southern boundary treatment to the site and a response to the further information request items.

Location	The junction of Macartan Road (N54) and the R162 (Glen Road), Monaghan Town, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	17/453
Applicant(s)	Aldi Stores (Ireland) Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party V Grant
Appellant(s)	<ol style="list-style-type: none"> 1. Gordon Fleming 2. RGDATA 3. Wendal Armstrong 4. Tesco Ireland Limited
Observer(s)	None
Date of Site Inspection	12 th February 2019
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.2. Natural Heritage Designations	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	10
6.3. Planning Authority Response	13
6.4. Observations.....	14
6.5. Further Responses.....	14
7.0 Assessment.....	14
8.0 Recommendation.....	23
9.0 Reasons and Considerations.....	23
10.0 Conditions	24

1.0 Site Location and Description

1.1. The appeal site is located on the southern side of Monaghan Town Centre and has a stated area of 0.69ha. The site is currently in use as a pay and display car park. The N54 (Macartan Road) forms the northern boundary of the site and the R162 (Glen Road) forms the site's western boundary. To the immediate south is a crane hire yard. To the south-east and east is the Ulster Canal. The site currently has access onto the Macartan Road, to the eastern end of the site. There is also an access onto the R162.

2.0 Proposed Development

2.1. Permission to construct a single storey discount foodstore (to include off license use) with a gross floor area of 1,814 sq.m. (net retail area 1,254 sq.m.). The development includes the erection of 1 no. internally illuminated sign and opening hours sign at vehicular entrance, 3 no. internally illuminated gable signs, 1 no. poster sign and entrance glass signage. The proposed development will be served by 91 no. car parking spaces. Vehicular access to the site will be provided from Macartan Road. The proposed development includes all engineering works, landscaping works, boundary treatments and site development works on the 0.69 hectare site. Significant further information/revised plans provides for a revised culvert configuration, revised southern boundary treatment to the site and a response to the further information request items.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Grant permission. Conditions of note include:

- Condition 4 – rerouting of culvert.
- Condition 8b – details of signalised junction system.
- Condition 9 – visibility splays.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Proposed use accords with the zoning provisions and zoning matrix contained in the development plan.
- Contents of the Retail Impact Assessment have been noted and are considered acceptable.
- Satisfied the proposed development complies with the provisions of the Retail Planning Guidelines for Planning Authorities (2012), the County Monaghan Retail Strategy 2016-2022 and the Monaghan County Development Plan 2013-2019.
- Shortfall in car parking can be dealt with through payment of a development contribution.
- Further information requested in relation to (i) Flooding (ii) Landscaping (iii) site levels (iv) culvert details (v) response to third party objections.

Further information submitted on 12th March 2018 was generally acceptable to the planning authority, subject to relevant conditions.

The recommendation was to grant planning permission, subject to conditions.

3.2.2. Other Technical Reports

Environment Section – Recommend conditions.

Water Services – Recommend conditions.

Monaghan Municipal – No objections.

Roads – Further Information/Recommend conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – Recommend conditions.

Department of Culture, Heritage and the Gaeltacht – Recommend conditions.

3.4. **Third Party Observations**

- 3.4.1. 5 submissions were received at application stage. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

16/89 – Refuse – Single storey discount food store for reasons relating to (i) flood risk (ii) impact on the Ulster Canal and environs (iii) design.

06/30801 – Grant - Temporary car park.

94/30024 – Refuse – Truck wash and refuse compaction plant.

91/30042 – Grant – Upgrading existing entrance.

5.0 **Policy Context**

Project Ireland 2040: National Planning Framework

- 5.1.1. From 16th February 2018, the National Planning Framework has replaced the National Spatial Strategy (NSS) and now represents the overarching national planning policy document. The National Planning Framework sets a new course for planning and development in Ireland, to achieve a shared set of goals for every community across the country, focused on ten National Strategic Outcomes. Chapters of particular relevance to this appeal include chapters 1, 2, 3, 4, 6, 9, 10 and 11.

Border Regional Planning Guidelines 2010-2022

- 5.1.2. The Border Regional Planning Guidelines provides planning policy context for the six counties of Cavan, Donegal, Leitrim, Louth, Monaghan and Sligo.

Monaghan County Development Plan 2013-2019

- 5.1.3. The relevant development plan is the Monaghan County Development Plan 2013-2019 which includes the Monaghan Town Development Plan 2013-2019.

The site is zoned objective A 'Town Centre'.

Relevant Policies and Objectives are as follows:

- SRO 2 – Encourage development that would maintain and consolidate the retail core.
- SRO 3 – Prohibit the location of retail development outside of town centres.
- SRO 4 – Encourage the provision of a wider range of convenience and comparison goods.
- SRO 5 – Extend the retail base of the towns.
- MNO 5 – Extend Monaghan Town’s retail base.
- MNO 15 – Reopening of the Ulster Canal and construction of a marina.
- SAP 1 – Limit development within Areas of Secondary Amenity Value to compatible amenity developments on unobtrusive sites – The Ulster Canal and Environs are designated an Area of Secondary Amenity Value.
- PKP 3 – Financial Contribution in lieu of parking in certain locations/circumstances.

County Monaghan Retail Strategy 2016-2022

The County Monaghan Retail Strategy 2016-2022 was adopted as a Variation to the Monaghan County Development Plan 2013-2019. Monaghan is designated as a Level 1 – Hub Town and County Centre within the Strategy.

Section 28 Guidelines

5.1.4. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development.

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009).
- Retail Planning Guidelines for Planning Authorities (2012).
- Urban Design Manual – Best Practice Guidelines.
- Design Manual for Urban Roads and Streets (2013).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009).

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 4 no. appeals have been received from (1) Gordon Fleming; (2) RGDATA; (3) Wendal Armstrong; (4) Tesco Ireland Ltd. The grounds of appeal are as follows:

General/Principle of Development/Need

- Application is largely the same as the previous application/same reasons for refusal should apply.
- Retail Impact Assessment lacks fundamental detail and cannot be relied upon.
- Significant amount of information required by condition some of which is of a material nature/no opportunity for third parties to comment/conditions indicative of the shortcomings of the application/contrary to Development Management Guidelines/no wayleave in place to accommodate the revised culvert proposal.
- Premature to approve any new retail development in Monaghan Town before the town centre health check is complete/ Growth in retail expenditure has been negligible.

Flooding

- Appeal site is entirely within Flood Zone A/ Site has previously flooded/clear evidence of this/ Photographs showing extent of flooding have been submitted.
- Is contrary to guidelines on flooding/contrary to development plan.
- Insufficient justification for the development/does not fall within any exceptional circumstances/ No strategic justification for the development.
- Conditions in relation to the culvert are inadequate.
- Sets a negative precedent allowing non-strategic development within flood zones.
- A previous application on this site refers to 'persistent flooding'.

- Development should be avoided in areas of highest flood risk.
- Development will displace flood waters onto surrounding properties.

Design/Layout/Location/Visual Impact/Impact on the Ulster Canal

- Design and layout fails to address the streetscape/ Lack of interaction with the surrounding streetscape and fails to provide an active street frontage/Proposal is elevated by 2m due to flooding issues.
- Previous application (16/89) was refused on design grounds/Proposal is similar to previous application.
- Does not effectively contribute to the character and quality of the Town Centre Location/ Site is visually prominent/Prime location at the entrance to the Town/Development should be of high quality and layout.
- Road acts as a physical barrier to integration with the town centre/Main entrance faces away from the town centre.
- Potential of the site to provide a multi-use building.
- Standard design which has been 'shoehorned' into the site/ Site is too small for the proposed development.
- Elevations facing town centre consist of concrete panelling and glazing/little articulation or visual interest.
- Impact on the St Louis Convent and the attendant grounds/some buildings are included in the RPS and NIAH.
- No contribution to the public realm.
- Proliferation of signage
- Contrary to Council Policies on urban design.
- Development would impede any future proposals to reinstate the canal at this location/development of a marina on the canal.
- Unacceptable visual impact on the canal and environs/Changes to the application since the previous refusal have not overcome this.

Car Parking/Transport Issues

- Under supply of car parking/requirement of 121 spaces only 91 provided/ applicant's parking survey should not take precedent over Development Plan.
- TIA based on 57 spaces underestimates the likely impact on the road network/ Car parking requirements should be based on gross floor area, as per Development Plan policy.
- Car park is a dominant feature when viewed from Macartan Road/location of car parking is contrary to the Retail Design Manual.
- No opportunity for dual-usage trips/synergies with complementary developments.
- Loss of parking within the Town Centre/Loss of 250 spaces/Not feasible to suggest that Aldi car park will be available for the general public.
- Time of the car parking survey is questioned – does not take into account the morning peak/not representative of any traffic pattern/is not clear what dates the surveys were carried out on – may be some time ago/traffic levels have increased/does not take into account schools and new Combilift factory.
- At weekends this car park has an 80% occupancy rate.
- Shoppers already have access to a Lidl store.
- Proposal will result in an increase in traffic levels on the N54 as a result of the proposed use and as a result of the closure of the Glen Road access.
- Would lead to increased traffic congestion/endanger public safety by reason of a traffic hazard and interfering with the free flow of traffic.

Other

- Energy - Little detail of how the proposal will reduce energy consumption/no detail on how sustainable construction technologies will be employed.

6.2. Applicant Response

- 6.2.1. A response to the 4 no. Third Party Appeal has been received from John Spain Associates, on behalf of the applicants. This is summarised as follows:

General/Principal of Development/Need

- The principle of the proposed development was accepted under the previous application 16/89.
- The site is a town centre site/Sequential approach not required/Will enhance the vitality and viability of Monaghan Town Centre.
- From the health check assessment within the RIS there are no preferable sites within the defined town centre/no other sites have been suggested by a third party.
- Would deliver on the objectives of the Retail Strategy/Is in line with Retail Policies in the Development Plan/Is compliant with the Retail Planning Guidelines.

Flooding

- Culvert will be under land controlled by Monaghan County Council - envisaged that these works would be carried out on or behalf of Monaghan County Council as exempted development – funding mechanism has been agreed/development will not be development prior to the culvert works.
- Previous scheme passed the justification test – concern related to the engineering solution.
- County Council, and its specialist flood risk engineer, RPS, now consider the proposal to comply with the Development Management Justification Test of the Flood Risk Guidelines.
- Culvert upgrades represent a significant benefit to the wider area in terms of reducing flood risk.
- Development is designed not to impede floodwater movement should it occur/in the event of blockages of the louvres only areas below the finished floor level would be impacted.
- Flood guidelines do not preclude development in Flood Risk A areas.
- Assessment under the Plan-Making Justification Test has demonstrated that the proposed retail development of the subject lands is appropriate/compliance with the Justification Test for Development Management has been addressed in the FRA.

- Achieves compact growth as required by the NPF.
- Previous refusal was largely based on flood risk concerns/a revised SFRA was submitted/Subject to a peer review by JBA consulting.
- Culvert upgrades as advised by the Local Authority have been designed into the proposal – this has been outlined in the further information submission
- No condition requiring land to be ceded or a right of way created/ a wayleave is to be created/applicant is happy to accept a condition in relation to same.

Design/Layout/Location/Visual Impact/Impact on the Ulster Canal

- Landscaping Plan submitted with the application.
- Design of the store was amended to address reason for refusal/in particular the north east corner of the store elevation/additional pedestrian access point enhances the streetscape/planting provides visual amenity.
- Existing site, a car park, does not contribute to the townscape.
- Non-standard design addresses the specific characteristics of the subject site.
- Simple palette of high quality materials.
- Would not prejudice the delivery of a marina on the canal/proposal provides for future access/likely a linear marina would be developed and there is sufficient lands south of the site to facilitate this/there are no current proposals for a marina.

Traffic/Car Parking

- Existing car park was only designed to be a temporary car park while the council offices were constructed.
- Proposal would result in improved capacity at the junction to the north-west/will reduce waiting times.

Other

- Energy – A report has been submitted relating to energy efficiency and sustainability measures.

Submission includes:

- Letter from Punch Consulting Engineers addressing flood risk issues.
- Peer Review of Flood Risk Assessment by JBA Consulting
- Report from Traffic & Transportation Consultants.
- Letter from Arthur Gibney and Partners relating to energy efficiency
- Report from K2 Engineering relating to energy

6.3. Planning Authority Response

6.3.1. The planning authority response to the Third Party Appeals is set out below.

Flooding

- Council has worked with consultants to develop solutions and to alleviate flooding at this location, including the subject site.
- Part 8 proposals are being prepared and this includes a realigned and upgraded culvert to replace existing collapsed culvert.
- Intended that works outside the subject site boundaries will be carried out in tandem with the works required to be carried out by the applicant.

Impact on the Ulster Canal

- Revised proposal is sufficient to address the previous concerns regarding visual impact on the Ulster Canal.
- Proposed design is compatible with the surrounding large scale modern buildings at this location.

Parking

- Existing car park was originally provided on a temporary basis – since the car park to the north was reinstated occupancy rates are relatively low.
- Council has recently acquired land to provide additional town centre parking.

Need

- Retail Strategy has identified capacity for convenience retail floor space in the county/is appropriate that a proportion of this capacity should be located within

Monaghan Town Centre given its status as the tier one settlement within the strategy.

6.4. **Observations**

6.4.1. None.

6.5. **Further Responses**

6.5.1. Two further responses have been received from GVA Planning on behalf of Tesco, responding to the Third Party Appeals and to the First Party comments on the Third Party Appeals. This are summarised below:

- Welcomes principle of development.
- Proposal is inconsistent with the statutory plans/guidelines for the area.
- Design, impact on the Ulster Canal, flooding and parking provision are issues are of concern.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Flood Risk
- Design/Layout/Impact on the Canal/Impact on Protected Structures
- Car Parking/Transport Issues
- Retail Impact/Need
- Environmental Impact Assessment
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The appeal site is zoned 'Town Centre'. The zoning objective is 'To provide for the development and improvement of appropriate town centre uses including retail, commercial, residential, cultural and social use, with the overall aim of maintaining and strengthening the vitality and viability of the town centre'. Section 8.3.1 of the Monaghan County Development Plan 2013-2019 notes that the planning authority will encourage the development and redevelopment of lands for retail, residential, commercial, cultural and social activity in this area. Within the zoning matrix, convenience retail is acceptable in principle. The proposed development of a discount foodstore is, then, acceptable in principle, subject to the detailed considerations below.

7.3. Flood Risk

- 7.3.1. The issue of flood risk has been raised by the appellants and was also a reason for refusal for a previous application on this site (16/89) although the planning authority now consider that flood risk issues have been resolved, subject to conditions.
- 7.3.2. The previous reason for refusal did not rule out the principle of the development of a store on this site but rather raised concerns in relation to the impact on the floodplain within which the store is located, and the potential to lead to or exacerbate flooding in areas outside of the site.
- 7.3.3. The River Shambles flows through the site of the development, by way of an existing culvert. The culvert has been laid diagonally through the site to allow the river to flow from Convent Lake upstream of the proposed development to the open channel section at the Credit Union at Castle Street. The condition of the culvert is thought to be poor and there is evidence of considerable subsidence at surface level of the appeal site. It is proposed to upgrade this culvert between Glen Road and Castle Street to allow for increased capacity for the Shambles River.
- 7.3.4. CFRAM mapping indicates that the appeal site lies within Flood Zone A or at risk of flooding during a 1:100 year flood event. The site has previously flooded in 2009, 2011 and flooding was also reported in late 2015. Past flood events are recorded on floodinfo.ie¹. There is also evidence of previous flooding events within the appeal submissions. Fluvial flooding from the Shambles River is the primary source of flood

¹ Accessed 15th February 2019

risk. There is also a risk of Pluvial Flooding to the site and this has occurred at the site previously. The Planning System and Flood Risk Management Guidelines notes that development in Flood Zone A should only be considered in exceptional circumstances, such as in city and town centres, and where the justification test has been applied.

- 7.3.5. The proposed development includes a void space underneath the car park and store building, to allow for floodwaters to pass underneath the development along the northern and western boundaries during extreme flooding events. The proposed finished floor level of the store is 55.705m AOD, with the car park levels a minimum of 55.590m AOD.
- 7.3.6. A Flood Risk Assessment (dated September 2017) was submitted with the application on 26th September 2017 and an updated Site Specific Flood Risk Assessment (dated February 2018) was submitted as Further Information on 12th March 2018. The updated SSFRA models an upgraded culvert which has the effect of increasing flow capacity through the site and subsequently reducing flood levels.
- 7.3.7. Climate change is taken into account within the modelling and the Site Specific Flood Risk Assessments assumes a conservative future scenario of a 20% increase in flow rates, which is at the upper boundaries of future projections.
- 7.3.8. The Site Specific Flood Risk Assessment (February 2018) modelled an 'as existing' peak water level in a 1 in 100 year flood event as 54.563m AOD. The predicted 1 in 100 'proposed' scenario is 54.467m AOD. The main reason for the reduction in flood water levels is the upgrading of the existing defective culvert.
- 7.3.9. In terms of the impact of the proposal on areas surrounding the site, the 'proposed' scenario with the upgraded culvert was modelled and the results are outlined in detail in Table 12 of the SFRA. With the development in place, this showed a reduction in 1 in 100 year flood levels in 15 of the 17 point locations chosen, with a slight increase in flood levels in two point locations. Where there are increases in flood levels, these increases are considerably smaller than the improvements observed elsewhere in the model. Overall, flood levels in the vicinity of the site decreased by 248mm during 1 in 100 year events, due to the upgrading of the culvert. The only area that experiences a rise in flood level (maximum flood level

increase of 20mm) is the area near Castle Road where overland flows return to the Shambles Channel.

- 7.3.10. The event of a blockage of the louvres was also modelled and this resulted in a slight increase of 24mm from the 'as existing' scenario. However this scenario was considered very unlikely and a regular programme of maintenance is proposed.
- 7.3.11. In relation to pluvial flood risk, a new stormwater network is proposed, discharging to the River Shambles, with a 'greenfield equivalent' rate of run-off. This is a reduction in the amount of runoff as compared to the 'as existing' situation where there is no attenuation of the runoff from the existing car park.
- 7.3.12. I note the proposed development is defined as a less vulnerable development with the Flood Risk Management Guidelines and therefore suitable for Flood Zones B and C. Such a development can only be permitted in Flood Zone A if the development complies with the requirements of the Development Management Justification Test as outlined in the Planning System and Flood Risk Management Guidelines for Planning Authorities.
- 7.3.13. In terms of the Development Management Justification Test, the site is a strategic site within Monaghan Town Centre and is zoned for Town Centre Uses. The site is under-utilised. No other suitable alternative sites for this development have been identified by either the local authority or the appellants. The Flood Risk assessment has modelled that the proposed development will not increase flood risk elsewhere, the finished floor level of the proposal is over a metre above the predicted 1 in 100 year flood level although an evacuation plan would be put in place in a flood event.
- 7.3.14. Overall I am of the view that the proposal development demonstrates compliance with the criteria set out in the justification test in the Flood Risk Management Guidelines.
- 7.3.15. Having regard to the above, and having regard to other relevant information on file, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

7.4. Design/Layout/Impact on the Canal/Impact on Protected Structures

- 7.4.1. The appellants' have raised the issue of design and it is contended that the design and layout of the store fails to address the streetscape, fails to provide an active

street frontage, does not contribute to the character of the streetscape and is located on a site that is physically removed from the town centre by virtue of the road. It is further noted that the proposal is artificially raised by some 2m due to the need to address the flooding issues on the site.

- 7.4.2. It is further contested that the design is very similar, if not the same, as that refused under application reference 16/89.
- 7.4.3. The applicants state that the design was amended to address reason for refusal, in particular the north east corner of the store elevation. It is further stated that the proposal is a non-standard design which addresses the specific characteristics of the site and incorporates a simple palette of high quality materials with an additional pedestrian access point to enhance the streetscape and planting which provides visual amenity.
- 7.4.4. A Retail Design Statement was submitted at application stage and I have had regard to same.
- 7.4.5. The proposal differs from the standard Aldi store design in that the building is set on an architectural stone platform with perimeter louvres to allow for flood waters to pass through the site, in the event of a flood event. There is also an acknowledgment of the higher built form to the north-west of the site, with the highest elements of the proposal located to the north-west, addressing the junction of the R162 and Macartan Road. The presence of the louvred elements on the perimeters is softened to a large degree by planting. The elevations and elevated car park are set in slightly from the footpath, with planting in between, reducing the dominance of the built form.
- 7.4.6. In terms of the impact on the canal, I do not consider that the location of the store and car park would prejudice any future development of the Ulster Canal.
- 7.4.7. Overall the scale and mass of the proposal is appropriate, with the contemporary design and use of high quality materials contributing to the character of the town centre, representing a significant improvement over and above the appearance of the existing surface level car park.
- 7.4.8. In terms of the impact on Protected Structures to the west of the site, within the grounds of St. Louis Convent, it is not considered that the setting of same would be adversely impacted upon as a result of this proposal.

7.5. Car Parking/Transport Issues

- 7.5.1. The appellants have raised the issue of car parking, namely insufficient parking has been provided to serve the store, and the loss of the existing 250 car parking spaces. It is further stated that the proposal would lead to traffic congestion.
- 7.5.2. The applicants state that the existing car park was only designed to be temporary. In terms of traffic congestion the applicants contend that the proposal would result in improved capacity at the junction to the north-west and would also reduce waiting times.
- 7.5.3. The planning authority, in their response to the appeal, also note that the existing car park was only designed to be temporary and state that since the car park to the north was reinstated occupancy rates at this car park are relatively low. It is further stated that the Council has recently acquired land to provide additional town centre parking, although no further details have been provided in relation to this.
- 7.5.4. In relation to the loss of parking on this site, a material consideration is the initial temporary nature of this car park, and it does not appear there has ever been an intention to make the arrangement permanent. The car parking was intended to be provided on a temporary basis while works to the council offices to the north were ongoing resulting in the main town car park to the north of the appeal site being unavailable. I note the works to the council offices were never completed and an application was made under application Reg Ref 12300003 for the provision of a car park on the intended site of the council building, and this has since been approved and implemented. As such the town centre car park has been reinstated and there is no justification in my view for the continued use of this site as a car park. Furthermore it is noted that the existing car park is not under control of the local authority and, in theory, could be discontinued at any time, with or without this proposal.
- 7.5.5. In terms of parking provision under the current proposal, a total of 91 car parking spaces are being provided. The Development Plan requirement, as per Table 15.2 is 1 space per 15 sq. m. of GFA. The GFA of the proposed store is 1,814 sq. m. resulting in a requirement of 121 car parking space.
- 7.5.6. The applicants have stated that Aldi Stores can operate with a provision of 1 space per 20 sq. m and cite survey results relating to other Aldi Stores to support this

assertion. The appellants stated that any parking surveys carried out by the applicant should not take precedent over Development Plan requirements.

- 7.5.7. I have had regard to Development Plan Policy PKP 3 which states that where an applicant cannot provide the sufficient number of spaces, a financial contribution can be put forward in mitigation, and this is likely to apply to town centre only to apply to town centre locations where the Council has provided, or intends to provide additional public car parking spaces. Both of these criteria have been met in this instance and as such I consider that a financial contribution in lieu of the shortfall is appropriate. I also note the large extent of car parking within the town centre to the north of the site. I am satisfied that the provision of 91 spaces is sufficient to serve the proposal, having regard to the town centre location and to the large extent of car parking within the town centre.
- 7.5.8. In terms of the impact on the surrounding road network, the appellants contend that the proposal will result in an increase in traffic levels on the N54 as a result of the proposed use and as a result of the closure of the Glen Road access and would lead to increased traffic congestion/endanger public safety by reason of a traffic hazard and interfering with the free flow of traffic.
- 7.5.9. The applicants contend that the proposal would result in improved capacity at the junction to the north-west/will reduce waiting times.
- 7.5.10. The applicants have submitted a Traffic Impact Assessment (TIA), dated March 2016, with the application. Further discussion of Traffic Issues are outlined in the further information response and the response to the appeal and I have had regard to same.
- 7.5.11. In terms of the impact on the surrounding road network, the Traffic Impact Assessment concludes that the traffic associated with the development can be accommodated with the existing road network. It is further concluded that there is sufficient capacity at the junction to the north-west of the site to accommodate traffic associated with the proposal.
- 7.5.12. Having regard to the above, and to the information on file, I am satisfied that the development will not have a material impact on the surrounding road network and will not lead to the creation of a traffic hazard.

7.6. **Retail Impact/Need**

- 7.6.1. National and local retail planning policy, as set out in the retail planning guidelines and the retail strategy in the CDP, seeks to protect and enhance the vitality and viability of the town centres within the established retail hierarchy.
- 7.6.2. The site is zoned town centre and therefore is an appropriate location for the proposal, in the line with the hierarchy. My observations on site, and of surrounding areas, were that the appeal site is a natural continuation of the town centre and is within walking distance of other services in the town.
- 7.6.3. The development of retail within town centres is supported by policies within the Development Plan. Monaghan Town is identified as a Tier 1 town in the retail hierarchy in the Monaghan County Development Plan 2013-2019 and in the Monaghan Retail Strategy 2016-2022.
- 7.6.4. The Monaghan Retail Strategy 2016-2022 designates town centres as the core retail areas and town centres are deemed to be the focus and preferred location for retail development under the Retail Strategy. The strategy identifies the need for additional convenience floorspace within the town.
- 7.6.5. The Retail impact Assessment submitted with the application stated that the proposed development of a store with a net floor area of 1,254 sq. m. represents just 23% of anticipated convenience floorspace requirements for Monaghan County to 2022.
- 7.6.6. It is argued by the applicant that the proposal would strengthen the role and enhance the attractiveness of the town centre and will provide high quality development on an underutilised site.
- 7.6.7. Having regard to the criteria as set out in Section 4.9 of the Retail Planning Guidelines, the proposed development would support the long term strategy for Monaghan Town Centre as set out in the CPD and Retail Strategy, in relation to retail provision.
- 7.6.8. It would also increase competition within the town centre, which would also be in keeping with national retail policy, and would also respond to consumer demand, given the under provision of convenience retail identified within the Retail Strategy.

7.6.9. The proposal therefore, complies with the criteria as set out in 4.9 of the Retail Planning Guidelines 2012, and with the retail policies and objectives of the CDP including the Retail Strategy.

7.7. Environmental Impact Assessment

7.7.1. The nearest sensitive location is the Wright's Wood pNHA, located c1.5km to the west of the appeal site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced urban location, and the proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8. Appropriate Assessment

7.8.1. Legal protection is provided for habitats and species of European importance under the Habitats Directive 92/43/EEC, which established a network of designated conservation areas known as Natura 2000 or European sites, which include Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive (Directive 2009/147/EC). Article 6(3) of the Habitats Directive requires Appropriate Assessment to be carried out for any plan or project not directly connected with or necessary to the management of a European site (or sites) concerned, but that it likely to have a significant effect thereon, on its own or in combination with other plans or projects, in view of its conservation objectives.

7.8.2. The proposed development is not directly connected with or necessary to the management of any European site.

Stage 1 Screening

7.8.3. Stage 1 is concerned with determining whether a described development, not being a development directly connected with or necessary to the management of a European site, in itself or in-combination with other described projects or plans, has the potential to have significant effects on any European site.

7.8.4. A Screening report for Appropriate Assessment was submitted as part of the planning application. This concludes that no effects are likely to arise, either alone or

in combination with other plans or projects that may be significant in light of the conservation objectives for features of interest of the SPA within the zone of influence of this project.

- 7.8.5. The site is neither in nor near to a Natura 2000 site. The closest site is the Slieve Beagh SPA (004167) which is 10.6km to the north-west of the site. The River Shambles, which runs under the site, feeds the River Blackwater, which in turns flows north to Lough Neagh, designated as an SPA in the UK. This river forms a potential pathway from the appeal site to Lough Neagh. However, Lough Neagh is located a 'straight-line' distance of approximately 40km from the appeal site. I consider that the distance to Lough Neagh from the appeal site, and the nature of the development rules out any significant effect on the Lough Neagh SPA. Any significant effect on the Slieve Beagh SPA can be ruled out due to the lack of pathway from the appeal site to the Slieve Beagh SPA, and having regard to the distance from the appeal site to the Slieve Beagh SPA. There are no other apparent pathways to the above named sites, nor to other Natura 2000 sites.
- 7.8.6. I note the urban location of the site, the lack of proximate, direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the reasons and considerations below:

9.0 Reasons and Considerations

Having regard to: -

(a) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012;

(b) The policies and objectives of the Monaghan County Development Plan 2013-2019 including the Monaghan Town Development Plan 2013-2019, and the County Monaghan Retail Strategy 2016-2022;

(c) the pattern of development in the area;

(d) the nature, scale and design of the proposed retail development;

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an increased flood risk on the site and surrounding areas, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 26th September 2017, as amended by the further plans and particulars submitted to the Planning Authority on 12th March 2018, 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. Within 6 months of date of grant of planning permission, developer shall submit to the Planning Authority for agreement in writing detailed proposals for the rerouting of the culvert in accordance with drawing number 101 and the Site Specific Flood Risk Assessment submitted to the Planning Authority on the 12th March 2018. The detailed proposals shall include, at a minimum, the following information:
 - A. (i) Specification of the proposed culvert which shall have a minimum cross sectional area of 3.0 metres by 1.5 metres.

(ii) a legally binding way leave agreement for the public storm water culvert which will traverse the South and East boundary of the development site. The wayleave shall be registered on the relevant property folio in the PRAI as a burden.

(iii) details for the removal and storage of the existing culvert installed within the site area.

(iv) a revised stormwater drainage layout showing the location of the proposed storm water outfall manhole discharging in to the newly proposed box culvert along the South or East boundary of the development.

(v) detailed proposals with respect to capping and decommissioning of the existing stormwater manhole which is located along the Northern boundary of the development.

B. No works shall commence until the culvert and associated connections have been agreed in writing with the Planning Authority.

No other development works on site shall commence until the culvert and associated works have been constructed to the satisfaction of the Monaghan County Council and written confirmation with respect to same has been provided to the developer.

Reason: To minimise flood risk.

3. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, detailed proposals for the disposal of foul and surface water shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

4. a. The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted to the Planning Authority on the 26th September 2017. Any additional works required as a result of the Transport Assessment and Road Safety Audit shall be agreed in writing with the Planning Authority.

b. Prior to commencement of development, developer shall submit to the Planning Authority for agreement in writing, detailed design proposals in respect of the adjacent signalised junction system between the N54 and the R162.

c. A Stage 3 Safety Audit shall be completed by the developer on the final scheme and submitted to the Planning Authority for agreement in writing.

Reason: In the interest of traffic safety.

5. Visibility splays, new access points, internal road surfaces and parking areas serving the proposed development shall comply with the detailed standards of the planning authority for such works. In this regard, detailed proposals for same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. a. The vehicle parking and turning areas indicated on the plans submitted to the Planning Authority on the 12th March 2018 shall be laid out, surfaced and drained prior to the use of the building hereby granted or as otherwise agreed with the Planning Authority.

b. The area indicated as car parking on the plans submitted to the Planning Authority on the 12th March 2018 shall be reserved exclusively for the parking of cars and shall not be used for the storage of goods or materials, including containers, or for the setting down of goods awaiting collection at any time unless otherwise agreed with the Planning Authority.

Reason: In the interest of orderly development.

7. Prior to commencement of development, developer shall contact Irish Water regarding the provision of water services necessary to enable the proposed development and to confirm acceptability of the proposed development with regard to source/network infrastructure.

Reason: In the interest of public health.

8. 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) details of site security fencing and hoardings,
- (b) 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,
- (c) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (d) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (e) 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,
- (f) details of on-site re-fuelling arrangements, including use of drip trays,
- (g) details of how it is proposed to manage excavated soil, and
- (h) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

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 environmental protection, amenities, public health and safety.

9. No additional advertising signs, flags, symbols, emblems, logos or other advertising devices other than signs indicated on plans submitted to the Planning Authority on the 26th September 2017 shall be erected externally on the building or anywhere on the site without a prior grant of permission from the Planning Authority.

Reason: In the interest of visual amenity.

10. Comprehensive details of the proposed external and internal lighting scheme to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business hours.

Reason: To protect residential amenities and in the interest of traffic safety.

11. The landscaping scheme as submitted to the planning authority on the 26th Day of September 2017 and 12th March 2018 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

12. a. All mitigation measures as set out in Site Specific Flood Risk Assessment submitted to the Planning Authority on the 12th March 2018 shall be implemented in full.

b. Prior to commencement of development, developer shall submit to the Planning Authority for agreement in writing the following:
 - i. A detailed design of the proposed boundary treatment along the southern boundary to include the arrangement and number of louvers required to ensure an effective flow route across site area. Details shall include back up verification hydraulic calculations.

Reason: To minimise flood risk.

13. 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.

14. 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 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 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.

Rónán O'Connor
Planning Inspector

22nd February 2019