



An
Bord
Pleanála

Inspector's Report ABP-304025-19.

Development	Demolition of foodstore and construction of new supermarket with off-licence.
Location	Enniscorthy, County Wexford
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20181329.
Applicants	Lidl Ireland Gmbh.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	RGDATA.
Observer	None.
Date of Site Inspection	16 th September 2019
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by RGDATA against the decision of the planning authority to grant permission for the demolition of a small existing Lidl outlet and its replacement with a larger foodstore on the western suburban fringe of Enniscorthy in County Wexford. A previous similar application for a larger development on the site was refused permission on appeal in 2016. The main grounds for appeal relate to retail.

2.0 Site Location and Description

2.1. Enniscorthy

Enniscorthy is a town with a population (including environs) of just over 11,000 (the inner town has a population of around 4,000) situated on a crossing point of the River Slaney in central Wexford. Most of the urban area has grown around the historic town core around Enniscorthy Castle on the western side of the river, with former warehouses and mills clustering by the river. The former N11 runs parallel to the river through the town, crossing at the main bridge, with the N30 running west through the town centre to New Ross – this road has recently been bypassed by a new route for the M11.

The historic town is at a local highpoint, just opposite Vinegar Hill on the eastern side. The town has grown mostly along the river and along flatter higher ground to the north-west, with the southern boundary of the town constrained by the valley of the eastwards-flowing Urrin River, a tributary of the Slaney. The town is considered a secondary retail destination in the county after Wexford Town. There are a number of commercial mixed use streets in the town centre with two modern shopping centres – an older one (Abbey Square Shopping Centre) to the south along the Slaney, anchored by a SuperValu, with a more recent Dunnes Stores in a modern development on former warehouses next to Main Street (The Mill Centre). The appeal site is located on the western suburban fringe of the town, approximately 1 km west of Main Street. The Bellefield Road (R702) runs approximately north-west directly from Main Street and is characterised by suburban style developments on each side, gradually becoming less dense further away from the town centre. The appeal site, a Lidl foodstore, is on the north side of this road at a junction just opposite an Aldi foodstore.

2.2. Appeal site

The appeal site, with a site area given as 0.967 hectares, is a Lidl discount food market at a neighbourhood centre west of the town, located on the north-eastern quadrant of a roundabout junction on the Bellefield Road (R702). The road north next to the site runs to a development site which includes part of the landholding. The site is roughly L-shaped. Part of the north of the site is unused and has regenerating woodland and scrub. The Lidl is mostly surrounded by surface level parking. There are commercial developments to the north-west and south-east of the site, with Enniscorthy Hockey Club to the north-east. An Aldi outlet is directly north-west of the site, across an access road – this site is significantly above the levels of the appeal site.

3.0 Proposed Development

The proposed development is as described on the site notice, the key points I'd summarise as follows:

- Demolition of existing foodstore (1,673 gross sqm, net retail 1,180 sqm)
- New supermarket with off-license 2,268 sqm gross floor space and 1,421 sqm net sales area – 1,297 sqm of which is convenience sales, with ancillary comparison sales.
- Carparking, signage, electricity substation, etc.

In addition to plans and particulars, the application was submitted with a supporting letter, Retail Impact Assessment, Engineering Services Report, Outline Construction Management Plan, and Lighting Impact Assessment Report.

Following a submission of further information, additional plans and particulars were submitted.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant planning permission subject to 7 no. generally standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, the second followed an FI request.

First report:

- Noted the original planning permission granted in 2010, with a later refusal by the Board in 2016 of a larger retail development.
- Notes objection by RGDATA but states that *'the fact that there is an existing supermarket on this site is a significant consideration'*. Also noted a second objection from a nearby football club (Moyne Rangers AFC)
- Concludes that EIA and AA not required (AA Screening Report attached).
- Notes relevant national and local policy.
- Notes the site is split between two zonings – majority zoned N 'Neighbourhood Centre' with the remainder zoned CE 'Community and Education'.
- The overall design is considered acceptable.
- States that local road network is considered adequate, and parking provision is sufficient.
- Additional information required regarding bicycle parking and other design issues.

Second report

Following the submission of additional information, the proposed development was considered appropriate for the site and in accordance with policy, and planning permission was recommended.

4.2.2. Other Technical Reports

CFO recommended requirement for Fire Cert, **Disability Access Officer** requested further information.

4.3. Prescribed Bodies

None on file.

5.0 Planning History

20151220: Permission granted for an expansion and new foodstore on the site to 2,774 sqm gross floor area. Subsequently refused on appeal (**PL26.246524**) for two reasons: contrary to guidelines and inadequate design (impact on the streetscape).

20101132: Permission granted for the existing development on site.

20033863: Permission granted for a discount foodstore on the site (1661 sqm)

6.0 Policy Context

6.1. Development Plan

The appeal site is within an area zoned N for 'Neighbourhood' Uses, with the northern part zoned CE for Community and Education in the Enniscorthy Town Development Plan 2008 (as extended and amended). I will address the detailed policies applicable further below – relevant extracts are attached in the appendix to this report.

6.2. Natural Heritage Designations

The site is just under 1km to the west (and within the catchment) of The Slaney River Valley SAC site code 000781. The Wexford Harbour and Slobs SPA, site code 004076 is downriver from the town of Enniscorthy and is also within the catchment. Both are designated for a variety of habitats associated with riverine and estuarine water and bird species.

7.0 The Appeal

7.1. Grounds of Appeal

The decision has been appealed by RGDATA. The key points of their appeal are as follows:

- It is argued that there is no substantive change since the previous Board refusal of permission in 2016 with regard to policy or circumstances or the details of the proposed development, and as so submits that ABP should refuse for the previous 'reason 1' again.
- A series of comparisons are submitted to support an argument that there is no substantive decrease in scale from the previously refused application.
- It is argued that the planning authority gave too much weight to the presence of an existing store.
- It is argued that the site should be considered an 'out of centre' site with reference to it being outside the 'town centre' as designated in the Enniscorthy Development Plan 2008 (as extended).
- It is argued that it is contrary to the zoning designation of 'NC' by way of its overall scale.
- It is submitted that it is contrary to general objectives in the Enniscorthy Town Plan to protect the town centre.
- It is noted that some of the development is on land zoned for 'community and 'education'.

In additional points, it is submitted that the site notice is inaccurate in using the term 'discount' foodstore as this is a category with no definition in the Regulations.

It is also submitted that a proposed development of this scale should have required a TIA. It is also argued that the car parking provision is substandard with regard to requirements.

7.2. Applicant Response

- It is noted that the appellants are serial objectors to developments by Lidl and Aldi and argue that the appeal is motivated by competition concerns.
- It is argued that substantive alterations have been made to the proposal since the previous ABP refusal.
- It is argued that the proposed development would result in a cumulative increase in net convenience floorspace of 10.5% on the site and is significantly less than other Lidl outlets elsewhere and as such would not materially increase the scale or nature of the existing established use on the site. The RIA and Sequential Assessment submitted with the application is referred to. It is argued that it is a mid-sized unit, and that cumulatively with the existing nearby Aldi it will remain below the upper limit of a supermarket (2,500 sqm). The example of a similar redevelopment in Edenderry is quoted (**PL19.247229**) and one in Drogheda (**PL15.248148**).
- It is argued that the proposed use is consistent with the size zoning and it is argued that it is not a material change from the existing use and that it is a permitted use within the ED zoned area, and will make a positive contribution to community facilities through the delivery of an access road.
- It is argued with regard to the Sequential Assessment submitted that there are no reasonable alternative sites available within Enniscorthy town – a number of Board decisions are quoted with regard to the argument that this has been previously the basis of grants for similar developments.
- It is submitted that the design of the new store is bespoke to the subject site and is a significant improvement on the previously refused scheme.
- It is noted that the PA did not require a Traffic Impact Assessment and notes the Board Inspectors comment in the previous scheme that it was not necessary.
- It is argued that the site has adequate service infrastructure for the proposed development, and detailed issues can be agreed with Irish Water if permission is granted.

- With regard to the point made by the appellant about the site notice, it is submitted that 'discount foodstore' is a common description of the type of development proposed and as such would have been identifiable to the PA and the general public.

7.3. Observers

None.

7.4. Planning Authority Response

No response on file.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the proposed development can be assessed under the following headings:

- Preliminary comments
- EIA
- AA
- Principle of Development
 - *Overview*
 - *National retail policy and development plan policy*
 - *Planning history*
 - *Discussion*
- Design and layout
- Traffic
- Flooding and drainage
- Infrastructure
- Archaeology
- Other issues

8.1. Preliminary comments

The appellant has argued that the site notice is inadequate as it is described as a 'discount foodstore' rather than a 'retail store'. While I concur that the description on a site notice should follow categories outlined either in the Regulations or in associated guidance, in this regard I note that the planning authority was satisfied that the description was accurate, and I do not consider that the notice actively misled any potentially interested parties. Similar wording has been frequently used in other applications around the country. I therefore do not recommend that the proposed development should be re-advertised.

The applicant has noted that the appellant is a serial objector and is motivated by competition concerns. While this may well be true, I consider that the issues raised in the appeal are legitimate planning matters and so I will assess the proposal *de novo*.

8.2. EIA

Having regard to the limited nature and scale of the proposed development, which is on an already developed site and is significantly under the criteria as set out in Schedule 5, parts 1 and 2 of the 2001 Regulations as amended, and the absence of any significant environmental sensitivity in the vicinity, 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.

8.3. Appropriate Assessment

The appeal site is located within the overall catchment of the Slaney River, under 1 km west of a designated Natura 2000 habitat – The Slaney River Valley SAC site code 000781; and just over 2 km from the Wexford Harbour and Slobbs SPA, site code 004076. Both are designated for a variety of habitats associated with riverine and estuarine water and bird species. The screening assessment carried out by the planning authority concluded that no NIS was required.

Slaney River Valley SAC features of interest:

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twaite Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Phoca vitulina (Harbour Seal) [1365]

The Wexford Harbour and Slobs SPA features of interest:

Little Grebe (*Tachybaptus ruficollis*) [A004]

Great Crested Grebe (*Podiceps cristatus*) [A005]

Cormorant (*Phalacrocorax carbo*) [A017]

Grey Heron (*Ardea cinerea*) [A028]

Bewick's Swan (*Cygnus columbianus bewickii*) [A037]

Whooper Swan (*Cygnus cygnus*) [A038]

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]

Shelduck (*Tadorna tadorna*) [A048]

Wigeon (*Anas penelope*) [A050]

Teal (*Anas crecca*) [A052]

Mallard (*Anas platyrhynchos*) [A053]

Pintail (*Anas acuta*) [A054]

Scaup (*Aythya marila*) [A062]

Goldeneye (*Bucephala clangula*) [A067]

Red-breasted Merganser (*Mergus serrator*) [A069]

Hen Harrier (*Circus cyaneus*) [A082]

Coot (*Fulica atra*) [A125]

Oystercatcher (*Haematopus ostralegus*) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]

Grey Plover (*Pluvialis squatarola*) [A141]

Lapwing (*Vanellus vanellus*) [A142]

Knot (*Calidris canutus*) [A143]

Sanderling (*Calidris alba*) [A144]

Dunlin (*Calidris alpina*) [A149]

Black-tailed Godwit (*Limosa limosa*) [A156]

Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]
Curlew (<i>Numenius arquata</i>) [A160]
Redshank (<i>Tringa totanus</i>) [A162]
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]
Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]
Little Tern (<i>Sterna albifrons</i>) [A195]
Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]
Wetland and Waterbirds [A999]

The conservation objectives each designated habitat is to protect and enhance the qualifying interest habitats.

The proposed development is on zoned and developed land within the water catchment of these designated habitats. The site is former demesne lands which has been developed for some time (Bellfield House, now demolished). Older OS plans indicate no watercourses on or close to the site – a spring is indicated about 300 metres to the north-east and a tributary of the Slaney (the Urrin) runs a similar distance to the south.

The proposed development includes an environmental and construction management plan, so I am satisfied that the proposed development as it is submitted would not cause pollution or other impacts that could impact on the conservation objectives of these or other habitats and would not result in the loss of any habitats directly or indirectly associated with the designated sites.

I therefore concur with the planning authority that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000781, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.4. Principle of development

8.4.1. Enniscorthy Overview

The appeal site is located on a main road running more or less west from Main Street and Market Square, the historic medieval core of Enniscorthy Town. The

town has a very distinctive historic core as it grew on high ground within a bend on the Slaney, providing both a defensive position and a natural crossing point of the river, and later became an important trading point along the Slaney. The town is focused on what would have been busy river quays running up to the cathedral and castle on high ground, with many visible remains of the town's former importance as a milling and trade centre. From the late 18th Century onwards, the town grew mostly on higher ground to the west and north-west, with some overspill on the opposite side of the Slaney. The Urrin River Valley has provided a barrier to development to the south. Most modern suburban developments have been to the north-west, although growth has historically been slow for decades. The current population of the town and environs is around 11,000, with some growth projected as a new sewerage treatment plant has allowed for further residential expansion and the M11/N11 bypass, opened in summer 2019, is anticipated to significantly improve the attractiveness of the town.

The town has a relatively modest retail core, with one Dunnes Stores in a former commercial area, now a shopping centre (The Mill Centre) as the main retail anchor, along with a Supervalu in the Abbey Square Shopping Centre just south of the town centre. There is another smaller Supervalu store just west of the town centre, on the way to the appeal site. Apart from Dunnes and Supervalus there are no major supermarkets in the town centre, but there is a generally good mix of smaller retail outlets scattered through the older streets of the town including the pedestrianised Slaney Street and Rafter Street, and nearby Waefer Street, Castle Hill, Market Street and Main Street. It appears that a smaller Dunnes outlet on Rafter Street that predated the construction of The Mill Centre recently closed down. There are significant numbers of vacant retail units through the town indicating long term lack of growth and probably leakage to other retail centres including Wexford town and possibly Waterford. There are other secondary areas of retail such as around Fair Green just west of the town (where there is a small Supervalu is located along with a smaller Gala outlet) and on Templeshannon, on the opposite side of the Slaney. As a result of its historic development on a restricted location, the town has few obvious large plots for development apart from former mill/warehouse sites along the River. I am not aware of any obvious large sites available within the town core for a major

retail development although there is a mid sized if awkwardly shaped vacant site between the Mill Centre and Main Street.

In terms of scale and attractiveness, the Dunnes and Abbey Square Supervalu outlets are significantly the largest retail units in the town – the former the newest and most modern development. It is within a modern shopping centre, with two basement levels of parking, with the Dunnes foodstore on the ground floor, and a Dunnes homeware/clothes shop on the first floor – there are some independent shops with street accesses on the Irish Street side of The Mill Centre. There is a mid-sized Dealz outlet (some groceries) close by and a handful of independent butchers/grocers within the centre. The Supervalu outlet on the western edge of town is within a very constrained site with little parking, but has a full range of food along with an off-license. The Abbey Square Shopping Centre is an older style mall at the southern edge of the town centre and has a good range of smaller shops with the Supervalu anchoring, but seems located primarily to take shoppers driving through what was the main Wexford Road as it crosses the Slaney. Apart from the small convenience stores and petrol station forecourt outlets, the existing Aldi/Lidl outlets on the R702 are the main alternative food shops for the town.

The appeal site is located on the R702, one of the main roads leading directly from the town centre generally north-west towards Kilkenny and Carlow. It is not a particularly busy main road, but it has become a key axis for suburban expansion for the town with a straggle of development continuing for up to a km beyond the appeal site. There are a number of commercial and retail developments along this road, although the Lidl and Aldi are the only significant food outlets west of the Supervalu/Gala.

There do not appear to be substantial sites available for re-development within the town. A smaller Dunnes outlet was recently closed and appears to have been re-let. Significant numbers of commercial properties around the town are closed or are actively for let or for sale. The largest site that appears to be available within the site is a derelict site on the corner of Irish Street and Barrack Street opposite The Mill Centre – this site has a ‘sold’ sign, but appears too small for a mid sized supermarket.

In broader policy terms, Enniscorthy is considered by the County Council (as set out in the Enniscorthy Retail Strategy, part of the Town Development Plan) to be an

‘Urban Strengthening Opportunity’ as defined in the NSS. Wexford is identified as the primary hub settlement in the County, with Enniscorthy able to meet daily convenience and comparison requirements of its residents (it is considered a ‘Large Town’, along with New Ross and Gorey). It is stated (2.2.25 of the Retail Strategy) that Enniscorthy is unlikely to have a purpose built district centre due to its size. The Retail Strategy states that the main issue for Enniscorthy has been competition from Wexford due to the centralisation of shops there, particularly major chains (there is a notably absence of non-food big name chain stores in Enniscorthy). It also notes that the Abbey Quays area offers potential for further retail expansion.

8.4.2. *National and local policy*

National policy for such retail developments is set out in the ‘Retail Planning Guidelines for Local Authorities 2012’, which sets out the context for both development plans and planning control. These guidelines post-date the development plan and associated Retail Strategy. 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 within the urban boundaries of the town, but a significant walk (at least 700 metres) from Market Square and 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...’**

Local policy is set out in the Enniscorthy Town Development Plan 2008 (as extended and amended) which includes the Enniscorthy Retail Strategy. I note that while this Development Plan is quite out of date, it is still the statutory plan for the area, although as the 2012 Guidelines post-date it, I would consider that any policy recommendations within these Guidelines should have priority over the development plan in most regards.

The site has two zoning designations. The existing retail unit is on a ‘NC’ zoned area:

‘This zoning provides for the development of a new neighbourhood centre to serve the needs of residential areas. A mix of retail, community and

recreational development is sought in this zone. Only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered in this zone. This centre is intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established town centre. Medical clinics and professional offices, workshops, a creche, small convenience stores or a cafe are all envisaged in this zone. However, priority will be given to anchor stores of 1000-1500 sq. m. This threshold shall be monitored over the period of this development plan.'

In the Retail Planning Guidelines such neighbourhood centres are defined as :

'Small groups of shops, typically comprising a newsagents, small supermarket general store, sub-post office and other small shops of a local nature serving a small, localised catchment population'.

The 'N' zoned area currently comprises an Aldi and a Lidl and nothing else. There are no proposals for any of the other types of use listed within the use class and no potential within the site for providing them unless the carparking is re-developed.

Part of the site, identified for car parking, is zoned Objective E, 'Community & Educational'. *'To provide for and improve local neighbourhood, community, ecclesiastical, recreational and educational facilities'.*

This zoning relates to improving local neighbourhood, community, ecclesiastical, recreational and educational facilities. The purpose of this zoning is to provide for the broader community type uses which could also include for uses such as post office, chemist, convenience shop and civic uses. The overall aim is to cater for improvement in facilities in predominantly residential areas were (sic) there can be a lack of community facilities provided for. A community workshop type facility will be permissible within this zoning. Where existing facilities are so zoned, it is the intention of the Joint Councils to ensure the retention of the use.

The section of the site with this zoning is unused and covered in scrub. It is proposed to turn it into ancillary carparking for the overall development.

The planning authority considers that the proposed development is consistent with both zonings, but I find it very hard to agree. The nature and concept of a 'Neighbourhood Centre' is pretty clear. I find it hard to see how a pair of foodstores

in any way satisfies this definition, and allowing one to expand further seems to exacerbate the issue and precludes more appropriate development on the site. Little needs to be said about the C&E zoned use. Whatever is proposed, it is certainly not a 'convenience store' as defined elsewhere and is certainly not permitted development on such a site, even if it is claimed by the applicant that the community lands are in some way being facilitated by the proposed development for undefined community gain.

The planning authority appears to have given some considerable weight to the existing use on this site, but I do not consider that there is any basis within the Guidelines or in other related decisions by the Board to support such an approach. It is clear from the policy objectives set out under the zoning that any redevelopment of the site should include at least some of the other uses consistent with a 'neighbourhood centre' along with the retailing if it is to be considered consistent with that designation.

8.4.3. *Planning history*

Reason 1 in the previous refusal was as follows:

Having regard to the substantial scale of existing retail development on this site and within this area designated with a neighbourhood centre zoning objective as set out in the Enniscorthy Town and Environs Development Plan 2008- 2019, at a location that is a significant distance to the town centre and its retail core, and in particular to the scale of the retail expansion proposed in this context, it is considered that, in the absence of a retail impact assessment and sequential test, the proposed development would constitute a significant intensification of retail provision in this area to a degree that would be contrary to the neighbourhood centre zoning objective for the area, would detract from the vitality and viability of Enniscorthy town centre, and would be contrary to the provisions of the "Guidelines for Planning Authorities – Retail Planning", issued by the Department of the Environment, Community and Local Government (2012). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

That proposed development (**PL26.246525**) was for a larger foodstore of 2,774 sq m gross floorspace. In making this decision, the Board commented on the Direction:

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the cumulative level of retail development on this site and in this area, and considered that, in this context, the scale of retail expansion proposed would not be appropriate in light of the neighbourhood centre zoning, at a considerable distance from the town centre, in the absence of a retail impact assessment and sequential test. Furthermore, the Board considered that, notwithstanding the existing development on this site, the proposed development fails to provide a good quality of active street frontage to Bellefield Road, and would be over-dominated by car parking and hard surfaces unrelieved by the poor level of landscaping proposed.

By way of comparison, the existing Lidl has a gross floor space of 1,673 gross sqm, net retail 1,180 sqm, this appeal is for an increase to 2,268 sqm gross floor space (1,421 sqm net sales area), while the refused permission (PL26.246524) was for a gross floor area of 2,774 sqm, with a net sales area of 1,676 sqm.

I note that the key issue in this regard is the zoning designation and its location some distance from the town centre and retail core. I do not consider that this, or related policy has changed significantly since that refusal in 2016, nor have other circumstances, save that the proposed development is somewhat more modest in scale, the increase in floorspace being a little over half of that previously refused.

8.4.4. Discussion

As always with retail developments of this nature, there are a number of policy considerations to balance out. Enniscorthy is a town with a reasonable level of retail provision, but has suffered from competition from Wexford town – it would seem likely that the new bypass will reduce travel time to Wexford and in the short term at least make this worse, although it also provides an opportunity for significant environmental improvements in the town and may well open up new sites for development as traffic should improve.

The proposed development is, however, for local use and would not significantly contribute to strengthening Enniscorthy as a retail destination. I consider it very much out of scale for a 'neighbourhood' use, and will most likely take additional business from existing shops in or around the town centre even if the submitted information indicates that there is a growth in retail demand within the town. As such there would be a general presumption with regard to the Retail Guidelines and

the development plan not to facilitate such an expansion in this location. While it seems most likely that there are no suitable sites for other developments of this type closer to the town (although there would appear to be scope for a significant redevelopment of the Abbey Fields Shopping Centre), I do not consider that this overcomes the issue with the zoning designation and the overall potential impact on the three main existing shops closer to the town. It would, in effect, create another retail core area significantly outside the town centre, on a site for which the zoning designation does not support such a use, nor does the policy objectives of the development plan and retail strategy.

I would conclude that permitting it would potentially impact on the vitality and viability of Enniscorthy Town centre, and as such it would be contrary to both national and local policy. I would therefore recommend that the previous reason for refusal be generally repeated.

8.5. Design and layout

The previous proposal on the site was refused permission by ABP for the following reason:

The proposed development is located at a prominent location along Bellefield Road, a regional road that is one of the principal approaches to Enniscorthy town. The proposed development would involve the construction of a 70 metre long largely blank façade to Bellefield Road, set back behind car parking and extensive hard paving areas, which is insufficiently provided with landscaping. It is considered that the proposed development would fail to provide an active, well-designed frontage to the street at this location, would not satisfactorily integrate into the streetscape or surroundings, and would, therefore, be contrary to the provisions of Section 18.17.1 of the Wexford County Development Plan 2013-2019 in relation to retail development, would fail to uphold the design principles set out in the "Retail Design Manual" issued by the Department of the Environment, Community and Local Government (2010) and would be contrary to the proper planning and sustainable development of the area.

The proposed development is significantly different from that previously refused, with a better articulated elevation with more glazed elements presented to the main road.

This part of Enniscorthy is an important gateway to the town, although most tourists and visitors will be arriving via the M11/N11. It is a typical scrappy outer suburban edge of a town, with a mix of haphazard developments that don't particularly relate to the street in any meaningful way – in sharp contrast to the historic town core. The houses in the vicinity are either typical detached houses with front gardens, or are only accessed via link roads, without addressing the main road. The route to the edge of the town centre is marked by a random mix of developments, none particularly distinguished. The Aldi outlet is significantly above the surrounding level and its effect is softened by mature landscaping.

In shifting the proposed unit closer to the main road (Bellefield Road), and removing the carpark to the rear, the proposed development is superior to the earlier proposal, and represents a significant visual improvement to the area, in particular as it will provide a proper urban edge and form a reasonably striking entry feature for the town.

I therefore do not recommend that the previous reason for refusal be repeated and do not recommend any major alterations to the proposed development if the Board is minded to grant permission.

8.6. Roads and Traffic

The proposed development is accessed off a roundabout junction on a moderately busy link road. The R702 Belleview Road does not connect to any specific town, generally running north-west from the town. At the time of my site visit – on a late Monday morning – the road was busy with a roughly equal number of cars visiting both the Aldi and Lidl. There was no obvious congestion and there is no evidence on file that the immediate area is subject to congestion, although this is very clearly the case for the town centre. The two shops are accessed via a link road which is intended to serve lands further north, so it seems likely that further traffic will be drawn to this area when that land is developed. There is a continuous footpath to the main town centre, although it is not particularly likely that the existing two shops attract much foot or cycle shoppers. There is no cycle path to the site from the town, but the road layout is generally not too bike unfriendly, although the roundabout junction would create difficulties for some cyclists. The proposed development includes bike parking within the curtilage of the main shop.

The appellant has argued that the proposed development should have been subject to a Transport Assessment. I note the County Engineers had no problem with the proposed development. I note that TII guidelines state that a Transport Assessment is automatically required when a retail and leisure development in excess of 1,000 sq m. is proposed. It is also required where traffic to and from the adjoining road will exceed 10% of the traffic flow (page 8 of the TTA Guidelines, May 2014, TII).

The proposed development would seem to come within the compulsory category as set out in the Guidelines, although it is not clear from the Guidelines if an increase would have to be a net 1,000 sqm, or this is just an absolute limit. In my view a TA should have been requested having regard to the potential impacts of future developments on adjoining zoned lands as the overall size and scale does seem to exceed the minimum categories set out in TII Guidelines.

If the Board is minded to grant permission I would therefore recommend that one be requested prior to any decision.

8.7. Flooding and drainage

There are no watercourses on or close to the appeal site and no indications that the site or anywhere in the near vicinity is prone to flooding – it is significantly elevated above the town to the south-east. The site is within the catchment of the Slaney and Urrin Rivers. The site is served by a sewer and public water supply – the Enniscorthy wastewater treatment plant has recently been expanded and upgraded. The proposed development would increase the quantum of hardstanding compared to the existing layout, but I would consider that if developed according to SUDS criteria, there would be no net increase in run-off to the Urrin or Slaney Rivers and so no impact on flooding. I would recommend a condition on SUDS if the Board is minded to grant permission.

8.8. Archaeology and heritage

The site is well outside the historic boundaries of the medieval town of Enniscorthy and there are no indications of any archaeological remains. The oldest OS maps reveal that it was part of demesne lands for a now demolished house and there do not appear to be any remains of this house visible in or around the appeal site. Any

archaeological remains would most likely have been destroyed in previous development works so I do not consider that an archaeological condition would be necessary.

8.9. Other issues

The proposed development would be subject to a standard S.48 Development Contribution. The planning authority did not consider that any supplementary or special development contributions were required.

I do not consider that there are any other substantive planning issues raised in this appeal.

9.0 Recommendation

I recommend that the proposed development be refused planning permission for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the substantial scale of existing retail development on this site and within this area designated with a neighbourhood centre zoning objective in addition to an education and community zoning objective as set out in the Enniscorthy Town and Environs Development Plan 2008 (as amended and extended), at a location that is a significant distance to the town centre and its retail core, and in particular to the scale of the retail expansion proposed in this context and the absence of other neighbourhood or community facilities, the proposed development would constitute a significant intensification of retail provision in this area to a degree that would be contrary to the neighbourhood centre zoning objective for the area, would detract from the vitality and viability of Enniscorthy town centre, and would be contrary to the provisions of the “Guidelines for Planning Authorities – Retail Planning”, issued by the Department of the Environment, Community and Local Government (2012) and to the Enniscorthy Town Development Plan 2008 (as amended and extended). The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

18th September 2019